



An
Bord
Pleanála

Inspector's Report

ABP-306893-20

Development	Demolition of existing structures and construction of forty dwelling units.
Location	Leo Murphy link road and Main Street, Poulavone, Carrigrohane, Ballincollig, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	1938494
Applicant(s)	Boar's Head Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party(s) V. Grant
Appellant(s)	Michael Dwyer James & Mary Kavanagh Jack Sampson Eileen Buckley Peter Kearney Tim and Charlotte Desmond Claire Roche

Philip & Margaret O'Sullivan

Kitty O'Callaghan

Observer(s)

None

Date of Site Inspection

12th day of June 2020

Inspector

Fergal Ó Bric

1.0 Site Location and Description

- 1.1. The appeal site is located at the junction of Leo Murphy Road/Link Road with the Main Street, the R608, in Ballincollig, approximately 7.5 kilometres south-west of Cork City centre. Ballincollig is characterised by a variety of building heights and styles. The appeal site comprises a number of commercial/industrial type buildings which are no longer in use. Formerly, they operated as an ESB office and depot. To the north and west are two -storey dwellings. To the east is the Leo Murphy link road. To the south is an oil products depot, a telecommunications compound and to the south-west is an industrial building, part of the commercial park located further south along the link road.
- 1.2. The site has a stated area of 0.8 hectares. The existing structures on site are single storey with a gross floor area of five hundred and ten square metres. There is an area of grassed open space located to the side (east) of the existing structures on site, fronting onto the link road and Main Street.
- 1.3. Site levels fall gradually from east to west on site, and rise from again towards the western boundaries as materials have been deposited on site.
- 1.4. There are bus shelters/stops located on either side of the Main Street, opposite the Leo Murphy terrace, which are within fifty metres of the appeal site.
- 1.5. There is an existing pedestrian gate on site which links the site directly to the Main Street.
- 1.6. Ballincollig is located within the Metropolitan Area of Cork City.

2.0 Proposed Development

- 2.1. It is proposed to demolish the existing buildings on site and construct four residential blocks (Blocks A-D), comprising of forty residential two and three storey units. The residential units would comprise of eighteen one- and two-bedroom apartments, eighteen by one, two- and three-bedroom duplex units and four three bedroom townhouses.

2.2. A Response to the further Information was submitted to Planning Authority on the 15th day of October 2019.

The Planning Authority requested twelve items of further information. These items related to the following issues:

- Clearly label the unit numbers on the floor plans and demonstrate how the proposals comply with the 2018 Design Standards for New Apartments and 2007 document Quality Housing for Sustainable Communities.
- Address the potential impact upon neighbouring residential properties in terms of overlooking and over-bearance and for the relocation and re-orientation of units to address these matters.
- The submission of sections through the site vis a vis neighbouring residential properties and contiguous contextual elevations.
- Clarify precise ownership of the applicants and the City Council along with maps to distinguish ownership.
- Submission of topographical survey and landscape plan and tree survey of site.
- Details of roads widths, lengths and gradients, details of sightlines, raised tables, details of pedestrian only and shared surface areas, swept-path analysis and that the details comply with Design Manual for Urban Roads and Streets standards.
- Details of parking, the submission of a construction management plan, details of roads, junction and footpaths, details of bicycle parking, the submission of a Mobility Management Plan.
- Details of a storm sewer that traverses the site and that no sewer be located within five metres of any structure.
- Confirmation of previous uses on site and whether there may be contamination issues arising.
- Revised location for proposed bin store relative to neighbouring residential properties.
- Submit correspondence from Irish Water regarding capacity availability within the foul water network.

- Submission of a detailed Appropriate Assessment Screening Report.

In response to concerns raised by the Planning Authority regarding the potential impact upon the amenity of the neighbouring residential properties, the applicants revised the design and layout of the residential blocks by lowering ridge heights by up to 2.2 metres, moving Block A in an easterly direction by approximately 2.5 metres and further away from the Leo Murphy dwellings, by re-orientating Block D, reducing the finished floor levels of Block D and also moving it in an easterly direction. A revised landscaping scheme was also submitted which included proposals to minimise impacts upon neighbouring residential properties.

A detailed schedule of floor areas for the apartments, details of the proposed boundary treatments and bin/bicycle storage were also submitted.

Reports submitted included a Road Safety Audit, an outline Construction Management Plan, a Mobility Management Plan and landscape plan.

The response to the further information did result in a number of amendments to the design and layout of the proposed scheme as outlined above.

2.3. Response to clarification of Further Information submitted on the 24th day of January 2020.

The Planning Authority requested nine items as part of the clarification of further information. These items related to the following issues:

- Clearly label the unit numbers on the floor plans and demonstrate how the proposals comply with the 2018 Design Standards for New Apartments, particularly sections three and six of this document and that all units comply with the 2007 document Quality Housing for Sustainable Communities; in terms of meeting the 48 square metre minimum private rear amenity space for the townhouse units within block A. .
- Potential impact upon neighbouring residential properties in terms of overlooking and over-bearance and for the relocation, re-orientation and re-design of units to address these matters.

- The submission of a legible topographical survey of the site and a landscape drawing to support the tree survey report previously submitted and where new existing and new boundary treatments are labelled.
- Details of road widths, lengths and gradients, details of sightlines, raised tables, details of pedestrian only and shared surface areas, swept path analysis and that the details comply with Design Manual for Urban Roads and Streets standards.
- Details of parking, the submission of a construction management plan, details of roads, junction and footpaths, details of bicycle parking, the submission of a swept path analysis be submitted so that access for a fire tender could be accommodated on site.
- All findings of stage 1/2 of the Road Safety Audit as submitted should be incorporated within the layout of the development.
- Details of the maintenance access arrangements required to access the telecommunications antennae to the south-west of the appeal site.
- Details of the junction of the appeal site with the Leo Murphy link road in terms of the raised table and the materials to be used within this raised table and details of pedestrian movements from pedestrian only areas to shared surface areas within the development.
- Submission of a Mobility Management Plan.
- Details of drawings and calculations of the storm sewer that traverse the eastern part of the site.
- Details of previous uses on site prior to the occupation of the site by the Electricity Supply Board in 1983. Confirmation of previous uses on the site and whether there may be contamination issues arising.
- Revised location for proposed bin store relative to neighbouring residential properties.

In response to concerns raised by the Planning Authority regarding the potential impact upon the amenity of the neighbouring residential properties, the applicants revised the design and layout of the residential blocks by lowering ridge heights by

up to 2.2 metres, moving Block A was moved further in an easterly direction so that a separation distance of nine metres would be achieved between the nearest part of Block A from Number 8 Leo Murphy terrace.. Block D has been re-orientated so as to align better with Block C and the balconies relocated from the northern to the southern elevation within Block C. The ridge heights of blocks B, C and D were reduced by up to 2.2 metres. The finished floor levels of Blocks C & D were lowered to reduce impacts upon neighbouring residential properties.

A schedule of accommodation and housing quality assessment was submitted which outlines how the scheme would comply with the 2018 Design Standards for New Apartments in terms of floor areas, storage areas, private open space provision and floor to ceiling heights.

A topographical survey and revised landscape plan were also submitted.

The response to the clarification of further information did result in a number of amendments to the design and layout of the proposed scheme as outlined above.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to thirty-two conditions. The relevant conditions are noted below: -

Condition 1: Clarified that permission was granted for the scheme as originally submitted to the Planning authority on the 28th day of June 2019 and as amended by way of further information submitted to the Planning Authority on the 15th day of October 2019 and clarification of further information submitted to the Planning Authority on the 24th day of January 2020.

Condition 2: required details of external finishes to be agreed with the planning authority.

Condition 3: Revised drawings illustrating the relocation of first floor balconies on Block D from the north (front) elevation to the south (rear) elevation and that all balconies be provided with solid or obscure glass screens to a minimum height of 1.8 metres.

Condition 4: required landscaping proposals to be agreed in writing with the Planning Authority.

Condition 7: Vehicular/pedestrian access proposals shall be as submitted to the Planning Authority on the 24th day of January 2020.

Condition 8: Vehicle, motorcycle, bicycle and electric vehicle parking.

Condition 12: A Construction Traffic Management Plan to be agreed with the planning authority.

Condition 24; Submission of a construction and demolition waste management plan for the agreement of the Local Authority.

Condition 25: A Construction Management Plan to be agreed with the planning authority.

Condition 27 & 28: Noise limits during demolition and construction and upon post completion of construction works on site.

Condition 29: Developer to enter agreement with Irish Water regarding connection to services.

Condition 32: related to development contributions.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

The initial planning report by the Senior Executive Planner raised concerns regarding the proposed development and recommended that further information and clarification of further information be sought as set out within sections 2.4 and 2.5 above.

Following receipt of further information, the Senior Executive Planner considered that all items of concern had been fully addressed and recommended that permission be granted subject to the conditions outlined in Section 3.1 above.

3.2.2. *Other Technical Reports*

Area Engineer, final report: No objection subject to conditions.

Road Design (Planning): No objection subject to conditions.

Transport and Mobility: final report: No objection subject to conditions.

Drainage final report: No further comments made.

Housing Department: No objection subject to conditions.

Environment Department: No objection subject to condition.

Parks Department: No further comments, originally no objections

3.3. **Prescribed Bodies**

Irish Water: Further information sought.

Inland Fisheries Ireland: No objections.

3.4. **Third Party Observations**

Seventeen third-party submissions were received by the Planning Authority. The submissions were received from neighbouring residents who reside to the north and west of the appeal site. The concerns raised are similar to those raised in the appeal submission.

4.0 **Planning History**

I am not aware of any planning history pertaining to the appeal site.

5.0 **Policy Context**

5.1. **Ballincollig Carrigaline Municipal District Local Area Plan, 2017**

The Plan notes that Ballincollig is at the heart of the South Environs and is an important suburban centre that has grown very rapidly in recent years. Section 3.3.1 of the Local Area Plan (LAP) sets out a vision for Ballincollig which is: That it will continue to grow as a major centre for population and employment within the Metropolitan Area. In terms of its Strategic Role within the County, Section 3.3.3 sets out the following: Under the Cork County Development Plan 2014, Ballincollig is defined as one of nine “Metropolitan Towns” within the Cork Gateway. The strategic aims of large metropolitan towns like Ballincollig are to accommodate critical

population growth and act as service and employment centres within the Cork Gateway.

The site is zoned as Existing Built-up Area as per the LAP zoning map. Section 3.2.4 of the LAP states: That zoned areas within the Local Area Plan that have been developed are shown as existing built-up areas. This approach has been taken in order to allow a more positive and flexible response to proposals for the reuse or re-development of under-used or derelict land or buildings particularly in the older parts of the main town.

A general objective for population and housing is included within the LAP as follows: BG---GO---01 Secure the development of 4,033 new dwellings in Ballincollig between 2017 and 2022 in order to facilitate the sustainable growth of the town's population from 17,368 in 2011 to 23,805 in 2022.

5.2. **Cork County Development Plan, 2014**

Relevant policies of the plan are noted below: -

- HOU 3-1: Sustainable Residential Communities
- HOU 3-2: Urban Design
- HOU 3-3: Housing Mix
- HOU 4-1: Housing Density on Zoned Land.
- HE 4-6: Design and Landscaping of New Buildings
- SC 1-1: Social and Community Infrastructure
- ZU 3-1: Existing Built up Areas

5.3. **National Guidance**

- National Planning Framework 2018-2040
- Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities (2018),
- Urban Development and Building Heights – Guidelines for Planning Authorities (DHPLG 2018).
- Design Manual for Urban Roads and Streets (DTTAS & DoECLG 2013),

- Sustainable Residential Development in Urban Areas-Urban Design Manual, A Best Practice (DOEHLG, 2009).
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (DoEHLG 2009).

5.4. **National Planning Framework**

The relevant policies of the National Planning Framework which relate to creating high quality urban places and increasing residential densities in appropriate locations are set out below.

- Policy Objective 4: Attractive, liveable well-designed high-quality urban places.
- Policy Objective 6: Regenerate and rejuvenate cities.
- Policy Objective 11: Encourage more people and generate more jobs and activity within cities.
- Policy Objective 33: Prioritise new homes at locations that can support sustainable development.
- Policy Objective 35: Increase residential density through a range of measures including reductions in vacancy and infill development schemes.
- Among the National Strategic Outcomes for Cork are the realisation of compact growth and a strong economy.
- A key growth enabler for Cork is: Identifying infill and regeneration opportunities to intensify housing development in inner city and inner suburban areas.
- Section 4.5 Achieving Urban Infill/Brownfield Development.

5.5. **Natural Heritage Designations**

The subject site is located approximately twelve kilometres west of Cork Harbour SPA (004030).

5.6. Environmental Impact Assessment-Preliminary Examination

Having regard to the nature and small scale of the proposed development and the location of the site, it is concluded that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal was received from six residents within the Leo Murphy terrace development, two residents of Eastgate, Ballincollig (to the west of the appeal site) and one resident from Fr. Sexton Park on the opposite (northern) side of the Main Street. The concerns raised in the appeal are summarised below: -

- The appellants have no objection in principle to the redevelopment of the site, however, they have concerns regarding the suitability of the proposed development at the density proposed,
- The adjacent Leo Murphy development are a row of four semi-detached two storey dwellings and the proposals would be at odds with the established pattern of development in the area,
- The proposed three-storey elements of the development would be more suited to larger sites with greater separation from existing low-density residential development, many such sites exist within Ballincollig,
- The appellants were not afforded an opportunity to view the final plans, permitted by the City Council, which contained design amendments,
- The proposed three storey elements would result in overbearing of the neighbouring two storey residential dwellings, in spite of the revised design whereby high-level windows are proposed at second floor level,
- The proposed development would result in both a loss of light and loss of views currently afforded to residents of Leo Murphy terrace,

- The residents of Leo Murphy terrace use their rear garden spaces as the front gardens are not afforded high quality amenity due to the significant traffic levels along the Main Street, The current proposals would impact upon the amenity afforded to their rear garden spaces,
- The appellants would prefer a three-metre boundary wall be constructed along the line of the existing boundary prior to the commencement of construction of the residential units. This boundary would provide security and privacy to the neighbouring residential properties and provide a clearly defined boundary. The existing fence and wall along the boundary are in a poor condition,
- That adequate landscaping be provided, including the planting of deciduous trees and the retention of existing mature trees on site,
- The proposed development would add to the existing traffic congestion that can be experienced in Ballincollig,
- Insufficient car parking spaces are proposed to serve the development which result in a spill-over of cars from the development onto the adjoining public roadways,
- Seeking that the hours of construction and noise levels be restricted in order to respect the amenity of the neighbouring residents,
- The current proposals are not appropriate having regard to the established pattern of development and that the Board should refuse planning permission or at very least attach stronger conditions to reflect the concerns of the neighbouring residents,
- No shadow analysis has been submitted by the applicants,

6.2. Applicant Response

The applicant's response is summarised below: -

- The Sustainable Residential Development guidance pertaining to Urban Areas 2009 recommends that Planning Authorities should promote increased residential densities in appropriate locations, including city and larger town centres (population of 5,000 people or more. The 2016 census illustrated that

Ballincollig is the largest settlement in Cork outside of the city with a population of 18,621 persons. Therefore, to refer to Ballincollig as a village is a statement that is flawed.

- The appeal site occupies a prominent corner location within Ballincollig and is currently underutilised. It benefits from road frontage onto both the Main Street and the Leo Murphy link road. The site is zoned as Existing Built-up area and is surrounded by existing residential and commercial development.
- The development is consistent with local and national policy to tackle dereliction and vacancy, intensifying uses and increasing population in existing built up areas.
- The applicants have made a number of design amendments during the planning process where ridge heights have been reduced, blocks re-orientated and moved further away from neighbouring residential properties, all to reduce any potential impacts upon the neighbouring residential properties.
- Balconies have also been relocated from the north elevation of Block C to the southern elevation, thus reducing the potential for overlooking.
- Landscaping proposals are set out based on the recommendations of a plan prepared by a landscape designer which will seek to retain some existing planting and augment with new planting along the site boundaries.
- Public open space has been increased to 15.4% of the appeal site area. Private open space exceeds minimum standards for thirty-five of the proposed forty units and meets minimum standards for the remainder of units.
- One car parking space per residential unit is proposed. Having regard to the frequency of the bus service between Ballincollig and Cork City centre, with two routes linking Ballincollig to the city and the fact that there are plans to construct a light rail link from Ballincollig to Mahon via the city centre as part of the Cork Metropolitan Area Transport Strategy 2040. The site is ideally located in terms of being served by sustainable transport modes. There are cycle lanes located further south of the site along the link road and further east and west along the Main Street.

- The site is accessible to local retail, educational, healthcare, local and community services within a ten-minute walk of the site and are accessible by the existing network of footpaths.
- The Roads Engineers within the City Council have expressed no objections to the proposed development and the applicants traffic consultants have recommended that a yellow box be included at the proposed entrance point onto the link road to facilitate ease of passage during peak travel times to and from the appeal site.
- The applicants are happy to accept any conditions that the Board may deem appropriate regarding construction activities on site.
- The proposals would comply with the National Planning Framework (NPF) 2018 where a target of 40% of all new residential development is to be delivered within existing built-up areas.
- Specifically, in relation to Cork, one of the key objectives of the NPF is to identify infill and regeneration opportunities to intensify housing development in inner city and inner suburban areas.

6.3. Planning Authority Response

The Planning Authority made no additional comments in relation to the appeal.

7.0 Assessment

7.1. The subject site is now sited within the jurisdiction of Cork City Council, having been subject to a boundary extension / transfer with Cork County Council. The relevant Development Plan and Local Area Plan for the purposes of the assessment of this application remains as the Cork County Development Plan 2014 and the Ballincollig Carrigaline Municipal District Local Area Plan 2017. These plans will continue to apply in the 'transfer area' until such time as they are superseded by new plans, prepared by Cork City Council.

7.1.1. The design of the scheme is of a contemporary style, with a mixture of two and three storeys incorporating taller end/corner features, particularly within Blocks A and B,

with dormer rooflights incorporated at second floor level, large windows with a vertical emphasis and corner type windows incorporating a dual aspect in all units and a triple aspect in a small number of units. The blocks have a maximum ridge height of 11.8 metres for the three storey blocks, reducing to 9.8 metres for the two storey elements. The external finish would comprise of white and grey render on the upper floors with elements of stone cladding.

7.2. As indicated the appeal refers to the proposed development submitted to the Planning Authority on the 28th day of August 2019, and by way of design and layout amendments submitted as further information and clarification of further information on the 15th day of October 2019 and the 24th day of January 2020. The following assessment focuses on the revised proposals with reference to the original scheme where appropriate. The main issues in this appeal relate to density of development, potential impact upon the neighbouring residential amenities, boundary treatment and landscaping and traffic and car parking. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Residential Density
- Residential Amenity
- Boundary treatment and landscaping
- Access and car parking Arrangements
- Construction Practices
- Appropriate Assessment

7.3. ***Residential Density***

7.3.1. It is an objective of the National Planning Framework to increase residential densities in appropriate locations (Policy objective 35) to avoid the trend towards predominantly low-density commuter-driven developments. The 2009 Sustainable Residential Development in Urban Areas guidance sets out the following in terms of residential density: The increase in population within city or town centres with their range of employment, recreation, educational, commercial and retail uses can help to curtail travel demand; therefore, these locations have the greatest potential for the creation of sustainable patterns of development. Increasing populations in these

locations can assist in regeneration, make more intense use of existing infrastructure, support local services and employment, encourage affordable housing provision and sustain alternative modes of travel such as walking, cycling and public transport. The infilling of gap sites will also contribute to the improvement of the architectural form. Density should be considered in the context of achieving acceptable and appropriate building height, the appeal site being a prominent one, incorporating a street corner on the eastern approach to the centre of Ballincollig.

7.3.2. Section 16.41 of the Development Plan notes that residential density in city centre areas should be in excess of 75 dwellings per hectare. However, subject to constraints imposed by the character of the surrounding area, densities along bus routes should be a minimum of 50 dwellings per hectare. However, higher density should not be considered in isolation, it must be delivered in tandem with high quality urban design and layout. A residential density of fifty units per hectare is proposed in this instance. This single quantitative tool must be considered in the context of other qualitative and quantitative criteria. The Development Plan does not set out standards for site coverage, however, in my opinion having regard to the location within a town centre context, that this level of site coverage is sustainable and acceptable

7.3.3. The appeal site is located within the existing built-up area just east of Ballincollig town centre; therefore, I am of the opinion that a higher-density development (than currently exists within the area is acceptable at this location. Within section 14.3.3.3 of the Development Plan, the following is set out in relation to existing built-up areas: Development proposals normally involve infill developments, redevelopment or refurbishment or changes of use. It is important to recognise that that this is part of the cycle of development or redevelopment in settlements that contribute to the character of towns. In many ways, this is more sustainable than continually encouraging growth to concentrate only towards undeveloped areas.

7.3.4. The Design Standards for New Apartments - Guidelines for Planning Authorities (March 2018) state that: Analysis of urban housing need points to the fact that into the future, a majority of households will comprise 1-2 persons (Section 2.8). The relevant Specific Planning Policy Requirement (SPPR) in this instance is SPPR 1 where it states: Apartment developments may include up to 50% one bedroom or studio type

units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirements for apartments with three or more bedrooms. Statutory Development Plans may specify a mix for apartments and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).

- 7.3.5. The proposed scheme provides for 14 (35%) one-bedroom apartments and 10 (25%) two-bedroom apartments and the remainder of 16 units (40%) are three-bedroom duplexes and townhouses. It is apparent that the mix proposed has had regard to the Design Standards Guidelines in terms of unit mix. Section 2.22 of the Guidelines refers to adapting greater flexibility in terms of dwelling mix in small-scale building refurbishment and urban infill development schemes. In accordance with the Ministerial Guidelines for Apartment Development 2018, infill development is encouraged and to make the most sustainable use of urban lands, the normal planning standards may be relaxed in the interest of developing vacant, derelict and under-utilised lands. It is noted that the floor areas of the studios/apartments reach and exceed the minimum requirements as set out in the guidelines.
- 7.3.6. In conclusion, having regard to the sites zoning objective being: Existing built-up area, the under-utilised nature of the brownfield site within the Metropolitan settlement of Ballincollig, served by a frequent bus service to and from Cork city centre and having regard to national and local policy objectives, I have no objection to the provision of a higher-density residential development on the site.

7.4. Residential Amenity

- 7.4.1. The 2009 guidance set out within the Sustainable Residential Development in Urban Areas-Urban Design Manual acknowledges that overlooking and overshadowing should be avoided. The proposed development is one storey taller than the neighbouring residential properties to the north and west and is bound by a roadway to the east and commercial/industrial premises to the south.
- 7.4.2. The buildings would have a contemporary design with large vertical windows, varying heights between two and three storeys, some with projecting corner features. The northern gable end of Block A picks up the building line of the Leo Murphy

terrace to its west, and Block C is parallel with the Leo Murphy terrace with block B being perpendicular to it. Block D picks up the building line of the detached residential, property to its west, Ridge heights range between 8.9 metres to 10.9 metres and would comprise a mix of flat roofed and traditional pitched roof structures. The external finishes would comprise a rendered finish with large elements of glazing and some elements of stone cladding with slate roofs.

- 7.4.3. Private open space is provided for each apartment in the form of garden/terrace areas at ground floor level and balcony areas at first floor level. The town houses would provide conventional rear garden spaces.
- 7.4.4. Concerns have been raised that the height of the development is out of character with the area and would have a negative impact on the amenity of existing neighbouring residential properties to the north and west of the appeal site. The Urban Development and Building Heights Guidelines outline the following in this regard: It is Government policy that building heights must be generally increased in appropriate urban locations. There is, therefore, a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility. The proposed development would comprise a mixture of two and three storeys in height. I have no objection to the proposed height, given the existing and proposed boundary treatment/landscaping and given the separation distances proposed between the existing and proposed residential development and given the location within the Cork Metropolitan area served by a frequent bus service to and from Cork City centre.
- 7.4.5. I am of the opinion that the balcony areas at first floor level within Block D should be relocated from the front (northern) elevation to the rear (southern) elevation in order to provide an improved aspect for future residents, to optimise privacy afforded to neighbouring residents and also to provide consistency with Block C to its east, the balconies on which were relocated at the request of the Planning Authority. This is a matter that can be addressed by means of an appropriate planning condition.
- 7.4.6. The neighbouring residents have raised concerns regarding the potential for overbearing and blocking of light into their properties. The residential properties to the north and west of the appeal site are two storeys tall. In my view, having regard

to the sun path, that there is sufficient separation distance (twelve metres separation to the nearest residential property, between Block D and the residential property to its west) to ensure that undue over-bearance would not occur.

7.4.7. Concerns were also raised regarding the potential noise disturbance generated by the construction of the proposed development. Having regard to the location of the development within an urban context and the nature of the proposed uses, I am satisfied that these matters can be addressed by a Construction Management Plan which can be conditioned.

7.4.8. In conclusion, having regard the location of the site within an urban area, it is considered that a quality contemporary design would enhance the vibrancy and character of this town centre street area and have a positive impact on the public realm.

7.5. *Boundary treatment and landscaping*

7.5.1. A number of appellants are seeking that a three-metre boundary wall be constructed on the eastern, northern and western site boundaries in order to respect the privacy of the neighbouring residential properties. Presently there is a two-metre wall and some fencing along these boundaries. The appellants are also seeking that the existing mature trees on the appeal site be retained. The tree survey report states that many of the existing trees on site are not in a healthy state and are in poor condition and should be removed.

7.5.2. Given that the existing boundary treatment is of poor quality in many places and would afford little or no privacy to neighbouring residential properties, the construction of a boundary treatment wall along the line of the existing boundary wall and fence would be important in terms of providing adequate amenity to the neighbouring residents and also to the future residents of the appeal site. The implementation of the landscaping proposals would also be important in terms of addressing concerns raised by the neighbouring residents. A condition regarding the implementation of the landscaping/boundary treatment proposals for the appeal site is something that would also benefit the future residents of the proposed development as well as existing neighbouring residential properties.

7.6. *Access and parking Arrangements*

- 7.6.1. There is an existing pedestrian gate located on the northern boundary of the appeal site which accommodates pedestrian access onto the Main Street, Ballincollig. There is an existing vehicular access to the appeal site off the Leo Murphy link road. This access is to be upgraded and a right-turning lane into the site will be provided as well as a yellow box to be provided outside the proposed vehicular access onto the link road.
- 7.6.2. Concerns have been raised that traffic congestion can be experienced at the proposed vehicular access at peak times which would obstruct access/egress from the appeal site. Further concerns have been raised that forty car parking spaces would be provided to serve the proposed residential units. This equates to one space per residential units and would accord with the Development Plan standards. Given the proximity to Cork City centre and that cycle lanes are in existence locally and that a regular bus service to and from the city exists, bus stops are located within fifty metres of the appeal site, I am satisfied that sufficient on-site car parking is proposed in addition to the sustainable transport options that are available in proximity to the site.
- 7.6.3. In conclusion, having regard to the location of the site within the settlement of Ballincollig, on a public transport corridor, it is my opinion that the redevelopment of an underutilised brownfield site on a prominent corner site in Ballincollig is acceptable from a traffic and parking perspective.

7.7. *Appropriate Assessment*

The subject site is located approximately fourteen kilometres south-west of Cork Harbour SPA (Site Code. 004030). Having regard to the nature and scale of the proposed development within a serviced urban area and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

8.0 Recommendation

I recommend that permission be granted.

9.0 Reasons and Considerations

- 9.1. Having regard to the Sustainable Residential Development in Urban Areas Guidelines, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines, the Design Heights Guidelines, the Design Manual for Urban Roads and Streets, and the policies and objectives of the Cork County Development Plan 2014 – 2020, it is considered that, subject to conditions, the proposal would fulfil the existing residential zoning objective for the site and it would be of an appropriate density and height to this site within its context.
- 9.2. The proposal would be designed and laid out in a manner consistent with safeguarding the amenity of neighbouring residential properties and it would be compatible with the visual and residential amenities of the area. The standard of amenity that would be afforded to future occupiers would be satisfactory and the level of car and cycle parking space provision would comply with the Sustainable Urban Housing: Design Standards for New Apartments Guidelines. Access and egress arrangements and water supply and drainage arrangements would be satisfactory, and no Appropriate Assessment issues would arise. The proposal would thus accord with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 28th August 2019 and, as amended, by the further plans and particulars submitted on the 15th day of October 2019 and the 24th day of January 2020 , except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

- 2 All existing boundary walls and fences along the site boundaries of the site shall be replaced. A 2.4 metre walled boundary, measured from the inside the appeal site boundary, shall be provided along the western and northern site boundaries. The southern boundary shall consist of a palladine type fencing and be landscaped. The proposed fence shall be backplanted with native hedging. The existing low wall boundary along the eastern and north-eastern boundary shall be retained and shall be made good where necessary. Precise details of boundary treatment details shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.

Reason: In the interest of visual and residential amenity.

- 3 The site shall be landscaped in accordance with the landscaping scheme as submitted to the Planning Authority on the 24th January 2020 unless otherwise conditioned.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

A boundary treatment wall with a minimum height of 2.4 metres shall be constructed along the southern, western and northern perimeter of the site. The height shall be measured from developers' side of the boundary

Boundary treatment walls shall be constructed along the side and rear boundary areas within all private amenity garden and terrace areas.

Reason: In the interest of residential and visual amenity.

- 4 (a) The formation of the vehicular access to the site and tie-in with the existing footpath and link road, all well as road markings and signage on the Leo Murphy link road shall be constructed at the expense of the developer and in accordance with the requirements of and with the written agreement of the planning authority. No cost shall accrue to the local authority in relation to these works.

(b) All vehicular and pedestrian points and internal routes shall be designed and constructed in accordance with the Design Manual for Urban Roads and Streets.

(c) A minimum of forty-five covered cycle spaces shall be provided on site. A minimum of four electric vehicle car parking spaces shall be provided on site

Reason: In the interest of orderly development and traffic safety.

- 5 The internal road network serving the proposed development, including the turning area, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

- 6 The proposed development shall be amended as follows:

(a) Balconies at first floor level within Block D shall be relocated from the north (front) elevation to the south (rear) elevation.

(b) All balconies shall be provided with surround screens of either solid material or obscured toughened glass. The screens shall have a minimum height of 1.8 metres.

(c) Details of materials, colours and textures of all the external finishes to the proposed apartments

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of protecting residential amenities and the proper planning and sustainable development of the area.

- 7 The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of traffic management, including timing and routing of construction traffic, measures to obviate queuing of construction traffic, details of materials and staff compounds, *details of hoardings and security fencing, intended construction practice for the development*, including noise, dust and

vibration mitigation measures and off-site disposal of construction / demolition waste. A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interests of public safety and residential amenity.

- 8 Proposals for naming and numbering of the proposed scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

- 9 Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

- 10 The applicant shall enter into water and waste-water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

- 11 Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

12 All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

13 Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of amenity and public safety.

14 The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

15 Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

16 The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

17 Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

Fergal Ó Bric

Planning Inspectorate

22nd June 2020