



An  
Bord  
Pleanála

## **S. 6(7) of Planning and Development (Housing) and Residential Tenancies Act 2016**

### **Inspector's Report on Recommended Opinion ABP-311773-21**

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<b>Strategic Housing Development</b>	123 no. apartments, creche and associated site works.
<b>Location</b>	Old Fort Road, Ballincollig, Co. Cork.
<b>Planning Authority</b>	Cork City Council
<b>Prospective Applicant</b>	O'Flynn Construction Co. Unlimited Company.
<b>Date of Consultation Meeting</b>	02 <sup>nd</sup> of March 2022.
<b>Date of Site Inspection</b>	28 <sup>th</sup> of January 2022.
<b>Inspector</b>	Karen Hamilton

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## 1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

## 2.0 Site Location and Description

- 2.1. The subject site (c. 1.0653 ha) is located along the northern end of Ballincollig town, approximately 200m to the north of the main street and 8.2km from Cork City Centre. The site is bounded by Old Fort Road to the south, which road runs east-west roughly parallel to the Main Street / R608. The site was previously used as a construction compound associated with development to the south and formed part of the overall Ballincollig town centre redevelopment.
- 2.2. The site has a varying topography, falling approx. 7m between Old Fort Road and the northern site boundary. A steep landscaped embankment along the road frontage, gives way to more level lands at the centre of the site. There are a number of mature trees at a lower level along the northern boundary of the site.
- 2.3. The site is bounded to the west by open space serving two-storey housing in Waltham Abbey, part of the Old Quarter residential area. An apartment development to the south, The Crescent, comprises generally four-storey blocks, rising to an eight-storey element on the western corner. To the east of the site is the car park and access road serving an adjoining medical centre located in an old military building which is listed in the NIAH. Lands to the northeast are associated with a community nursing home. Recreational open space and the municipal wastewater treatment plant are located to the north of the site.

### 3.0 Proposed Strategic Housing Development

3.1. The proposed development would comprise of the construction of 123 units, crèche and associated works.

#### 3.2. Development Parameters

Parameter	Description
Area	1.13ha
Units	123 residential units (3 no. blocks 2-6 storeys)
Apartment sizes	39 no. 1 bed (31.8%) 4 no. 2 bed (68.3%)
Density	115 uph
Creche	268m <sup>2</sup>
Residential Amenity	461.3m <sup>2</sup> Gym, podium courtyard, multi- function area

### 4.0 Planning History

#### Reg Ref 03/122

Permission granted in September 2003 for a mixed-use town centre development including residential, retail/service, civic and office uses.

#### Reg Ref 06/13556

Permission granted in July 2007 for a two storey extension to the shopping centre; partial removal of existing surface car park and construction of 78 no. space surface car park; construction of a four storey retail / office building; drive through restaurant; 20 no. surface car parking spaces with access onto the Spine Road; 210 no. basement/surface car parking spaces with access via existing entrance from Main Street; 2 storey office building; 3 level multi storey car park to accommodate 444 spaces; all ancillary site development works.

### **Reg Ref 08/5508**

Permission granted in July 2008 for the provision of 46 no. additional car parking spaces, adjoining and with access from the multi-level car park permitted under application reference 06/13556.

### **Reg Ref 08/6613**

Permission granted in August 2008 to O'Flynn Construction Co. for 47 no. additional car parking spaces adjoining and with access from the multilevel car park permitted under application reference 06/13556. PA ref. 12/4775: Extension of duration of permission granted in June 2012 in respect of PA ref. 06/13556.

### Adjoining lands

### **Reg Ref 06/10659**

Permission granted for extension and change of use of protected structure to the east of the site from temporary childcare facility to medical centre and pharmacy, associated works. PA ref. 18/6762 Permission granted for a four-storey primary care centre on lands to the east of the subject site, on Old Fort Road. PA ref. 19/4699: Permission granted at the western end of Old Fort Road for the construction of an office development (20,842.6-sq.m.) in three buildings and a multistorey car park to provide 479 no. car parking spaces and 409 no. surface car parking spaces, and all associated ancillary development works including access, footpaths, a 2m wide cycle lane along Old Fort Road. The proposed development replaces 5 no. office buildings previously permitted under PA ref. 08/9670 and extended under Ref. 14/4310.

## **5.0 Relevant Planning Policy**

5.1. Following the extension of the administrative boundaries in 2019, Ballincollig now falls within the area of Cork City Council. Pending adoption of a new city development plan for the period 2022 – 2028, the Cork County Development Plan remains the operative development plan for the area

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

Ballincollig lies within the Metropolitan Cork Strategic Planning Area and is identified as a third tier, Metropolitan town, within the settlement strategy for which the strategic aim is critical population growth, service and employment centres within the

Cork “Gateway”, which provide high levels of community facilities and amenities with infrastructure capacity high quality and integrated public transport connections should be the location of choice for most people especially those with an urban employment focus.

### Density

Objective HOU 4-1: Housing Density on Zoned Land, the plan notes that high densities are appropriate in locations close to future quality public transport proposals.

## **5.3. Ballincollig Carrigaline Municipal District - Local Area Plan August 2017**

- Town Centre with the following respective specific objective:
- BG-T-03 – Completion of the Ballincollig Town Centre (former Murphy Barracks) site for town centre uses. the redevelopment of vacant properties for office-based activities including incubator units and start-ups will be considered in this area.
- This zoning objective includes the commercial town centre lands to the south as well as existing residential lands to the west and northwest.
- Ballincollig is identified as a Main Town within the county.
- The growth strategy identifies a requirement for over four thousand new dwelling units in Ballincollig, in line with the 2014 County Development Plan targets.

### **5.3.1. Ballincollig, Vision and Context**

- The vision is that Ballincollig will continue to grow as a major centre for population and employment within the Metropolitan Area.
- The Local Area Plan will identify suitable locations for both residential and employment growth in the town and coordinate this growth with the upgrading of infrastructure services and the delivery of the green route and the high-quality rapid transit link to Ballincollig.
- General Objective BG-GO-01: Population and Housing - Secure the development of 4,033 new dwellings between 2017 and 2022 to facilitate the

sustainable growth of the town's population from 17,368 in 2011 to 23,805 in 2022.

- Section 3.3.12 identifies a net housing land requirement of 161 ha to cater for this level of housing provision.

## 6.0 Section 247 Consultation(s) with Planning Authority

6.1. Both the PA and the prospective applicant have included the record of minutes from a S.247 meeting held on the 09<sup>th</sup> of October 2019. The prospective applicant also notes an informal meeting on the 15<sup>th</sup> of August 2019. The minutes of the meeting area summarised below:

- Changes since a previous meeting include new street front elements along the Old Fort Road.
- The proposal would need to demonstrate no overshadowing/ overlooking on the surrounding properties.
- Possible odour nuisance from the wastewater treatment beside the site.
- Additional arrangement for paring/ set down etc for the creche
- Pedestrian and cycle tie in to both the town centre and Waltham Abbey.

## 7.0 Prospective Applicant's Case

### 7.1. Statement of Consistency

The applicant's Statement of Consistency notes the national, regional and local planning polices relevant to the development of the site.

## 8.0 Planning Authority Submission

8.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Cork County Council submitted a note of the S.247 meeting, the planning authority opinion, along with interdepartmental reports and the relevant planning applications in the area. These

were received by An Bord Pleanála on the 23rd of November 2021, as summarised below:

## 8.2. Key Considerations

### 8.2.1. Land Use Zoning/ Principle of Development

- No issues in relation to zoning and the principle of residential use is generally acceptable.

### 8.2.2. Residential Density/ Mix

- Density at 115 uph is acceptable on the site and not inappropriate subject to all other assessment criteria.
- Housing mix is in compliance with the national guidelines.

### 8.2.3. Residential Amenity & Standards

- Sections have been included in relation to Waltham Abbey estate
- Shadow projection drawings have been included.
- Suitable planting for the outdoor amenity areas (no report from parks as yet).
- Housing Quality assessment docs should make reference to the most up to date

### 8.2.4. Urban Design/ Building Height

- It is important that the development is of a high standard by reference to design, open space, materials and quantitative standards for apartments.

### 8.2.5. Heritage

- The presence of a protected structure to the west is noted and the contextual elevations and site sections will aid the assessment of the same.

### 8.2.6. Part V



- It is note that 12 no units on the site are to be transferred, the applicant should liaise with the Housing Section.

#### 8.2.7. **Childcare Facilities**

- The proposed crèche should comply with the national standards.

#### 8.2.8. **Inter departmental Reports**

City Architect: No objection to the proposal

Environment: No objection subject to no clashing with existing and proposed foul storm drainage and other utility networks.

Infrastructure: No comments received

Traffic: No objection subject to conditions (issues raised previously in July 2020) such as parking compliance, safety audit, mobility management etc.

Policy: No comments received

Urban Roads: No objection subject to conditions such as, inter alia, compliance with DMURS, materials and Irish Water.

### 9.0 **Irish Water (IW)**

9.1. A submission from Irish Water was received on the 17<sup>th</sup> of November 2021 confirming that a Confirmation of Feasibility has been issued to the applicant advising that connections are feasible subject to the following contingencies:

9.2. In respect of **Wastewater**:

- Irish Water records indicate that there are existing Irish Water sewers running through the development site.
- It will be necessary to verify the location of these sewers before the layout of your development is finalised.
- It will not be permitted to build over these sewers.

- The applicant is required to engage with Irish Waters Diversions team to ensure adequate separation distances can be maintained in accordance with Irish Water's Codes of Practice.
- Any proposed diversion(s) by the applicant must be assessed and agreed with Irish Water prior to SHD application.
- A wayleave to the benefit of Irish Water will be required over this infrastructure.

## 10.0 The Consultation Meeting

10.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 02<sup>nd</sup> of March 2022, commencing at 10:00am, via Microsoft Teams.

Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting as detailed below:

1. Impact on Residential Amenity, inter alia, ground floor privacy, daylight & sunlight, open space
2. Drainage Issues and Irish Water Submission
3. Ecology Issues
4. Any Other Business

10.2. In relation to the **Impact on Residential Amenity**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The Daylight and Sunlight analysis submitted and the need to ensure a high standard of analysis is undertaken with all results made available.
- The design and layout of the ground floor units, the landscaping proposed and the design of the retaining wall along the east of the site.

10.3. In relation to the **Drainage Issues and Irish Water submission**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The Irish Water submission and the need to ensure that no diversions are required.

10.4. In relation to the **Ecology Issues**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The submission of information and surveys necessary to indicate any impact on the ecology and compliance with any national and local policy.

10.5. In relation to the **Any Other Business**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The timescales for the adoption of the Draft Cork City Development Plan, the timescales for the submission of any future application and the potential for changes in local level policy.

## 11.0 Assessment

Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I have examined all of the information and submissions before me including the documentation submitted by prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

### Conclusion

I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act: **constitutes a reasonable basis for an application** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

## 12.0 Recommended Opinion

12.1. The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **would constitute a reasonable basis** for an application for strategic housing development to An Bord Pleanála.

1. Notwithstanding that the proposal constitutes a reasonable basis for an application the prospective applicant is advised to address the following in the documents submitted:
  - a) Provide further justification in relation to the layout of the overall proposal in relation to the impact on the residential amenity of the existing occupants. In this regard an updated Sunlight/Daylight/Overshadowing analysis is required showing an acceptable level of residential amenity for existing residents, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.
2. In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with the relevant objectives of the development plan for the area. Such statement should have regard to the development plan or local area plan in place or, likely to be in place, at the date of the decision of the Board in respect of any application for permission under section 4 of the Act.

3. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

1. Irish Water
2. Cork City Childcare Committee

**PLEASE NOTE:**

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

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Karen Hamilton  
Senior Planning Inspector

08<sup>th</sup> of March 2022