



Planning and Development Acts 2000 to 2020

Planning Authority: Cork County Council

Planning Register Reference Number: 19/06873

APPEAL by Gary, Suzanne and Simon Fitzgerald, Fitzgerald Family Bakery Limited of Site14b Owenacurra Business Park, Knockgriffin, Middleton, County Cork against the decision made on the 7th day of August, 2020 by Cork County Council to refuse permission to Cork Co-Operative Marts Limited care of Butler O'Neill Total Planning Solutions of 7 Old Thompson's Bakery, Thompson House, MacCurtin Street, Cork.

Proposed Development: Construction of 26 number residential units and one number childcare facility [218 square metres] across four number one to three storey blocks. The residential element comprises 12 number two bed ground floor apartments and 14 number three bed duplex apartments. The development constitutes a second phase of the development to the south permitted under planning register reference number 17/5516. The development also includes the incorporation of part of the existing commercial car park to the east to be used as part of the private open space for the residential development [to the rear of Block A]. The proposed development also includes the reconfiguration of the existing commercial car park to the east for improved access and to facilitate parking for the childcare facility [resulting in the reduction of eight number car parking spaces]. The proposed

development also includes associated car parking, drainage works, landscaping and boundary treatments, pedestrian crossing, bin storage, surface treatments and all ancillary site development works including two number vehicular access points to the south, all at Market Green, Knockgriffin, Midleton, County Cork. The proposed development was revised by further information received by the planning authority on the 20th day of March, 2020. The revised plans include a reduction in car parking, increase in open space and changes to the design of the junction of Market Green spine road and Kennel Road to the west of the site.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Matters Considered

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

Reasons and Considerations

The site of the proposed development is located immediately adjoining a business park to the north (Owenacurra Business Park) which includes a number of light industrial units in close proximity to the site, a retail park and shopping centre to the east (Market Green) with its associated large retail units and surface parking, and a distributor road to the south which is a principal vehicular access route into the retail park and shopping centre. The site forms part of lands zoned with a Specific Development Objective in the East Cork Municipal District Local Area Plan to provide for the development of non-retail town centre uses including office-based employment, leisure, civic or healthcare uses and retail warehouse uses selling bulky format goods (Objective MD T-01 of the current of Cork County Development Plan). Furthermore, the provisions of the development plan include objectives which seek to protect business development and industry from inappropriate development which could adversely affect the function of business and industrial development (Objectives EE 4-3 and EE 4-4).

It is considered that the proposed development of residential units as a second phase of residential development at this location, resulting in a further erosion of zone lands to which Specific Development Objective MD T-01 applies, would be contrary to the zoning objective for these lands. In addition, having regard to the established pattern of development in the area, it is considered that the siting of the proposed residential development, in close proximity to light industrial units and accessing the distributor road which serves the retail park, would conflict with established neighbouring uses and would be substandard in terms of residential amenity arising from the intensity, nature and proximity of the established land uses. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommended reason for refusal number 2, the Board was satisfied, given the scale and quantum of units in the proposed development, that the matter could be satisfactorily addressed by way of condition.

Paul Hyde

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

Dated this day of 2020.