



Planning and Development Acts 2000 to 2021

Planning Authority: Cork City Council

Planning Register Reference Number: 21/40052

APPEAL by Lyonshall Limited care of HW Planning of 5 Joyce House, Barrack Square, Ballincollig, Cork against the decision made on the 18th day of December, 2021 by Cork City Council to refuse permission.

Proposed Development: Demolition of an existing dwelling and associated shed and construction of a mixed-use convenience retail, residential and café development and all ancillary site development works. The proposed development will be provided in two number three-storey buildings and Block 1 will accommodate a discount foodstore which will include the sale of alcohol for consumption off the premises, with a gross floor area of 1,864 square metres (net retail area of 1,337 square metres), ancillary staff welfare, warehouse area and 151 square metres café at ground floor level, with 20 number residential apartments at first and second floor levels (six number one bedroom, 12 number two bedroom and two number three bedroom units). Block 2 consists of eight number apartments (five number one bedroom and three number two bedroom duplex). Ancillary site development works will include surface car parking, ESB substation, external plant, bicycle parking, bin stores, signage, trolley bay, rooftop solar PV panels, site landscaping and shared amenity space. Access to the proposed development will be via a new

vehicular entrance to Skehard Road, all at "Villa Maria" and adjacent lands, Skehard Road, Cork.

Decision

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

Reasons and Considerations

1. The proposed development would, by reason of the scale of the proposed retail expansion, be contrary to the policies and objectives of the Cork City Development Plan 2015-2021, including Objective 4.6 and Sections 4.19 and 15.10, with regard to Neighbourhood Centres, the expansion of same and their primary purpose to fulfil a local shopping function. It is considered that the proposed application does not comply with the requirements of the above objective. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development site is considered an out-of-centre site in accordance with the order of priority for the location of retail developments as set out in the Guidelines for Planning Authorities on Retail Planning issued by the Department of Environment, Community and Local Government in 2012 and Section 4.45 of the Cork City Development Plan 2015 - 2021. In this regard only in exceptional circumstances can such sites be considered, where it is demonstrated that no other sites or potential sites, including vacant units, are available and viable. It is considered that the retail impact assessment and sequential test submitted as part of the application fails to consider fully

the availability of alternative sites within established neighbourhood centres in the catchment. The proposed development would, therefore, be in conflict with the Ministerial guidelines and the provisions of the development plan and would be contrary to the proper planning and sustainable development of the area.



John Connolly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 25th day of MAY 2022.

