



An  
Bord  
Pleanála

## Inspector's Report ABP 300724-18

---

<b>Development</b>	Demolition of existing warehouse, construct 2 no. warehouses and all associated site works.
<b>Location</b>	Carrigtwohill Industrial Estate, Carrigtwohill, Co. Cork.
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	17/6387
<b>Applicant</b>	Uniake Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	3 <sup>rd</sup> Party v. Grant
<b>Appellant</b>	John Healy
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	25/04/18
<b>Inspector</b>	Pauline Fitzpatrick

## 1.0 Site Location and Description

The site, which has a stated area of 0.52 hectares, is within the Carrigtwohill Industrial Estate to the west of Carrigtwohill town centre. It is bounded by the N25 dual carriageway to the south and by industrial buildings to the east and north.

The industrial estate access road which bounds the site to the west terminates at the entrance to the wastewater pumping station to south-west of the site. The lands to the west of the access road are undeveloped.

There are two warehouse structures on the site. The first has a north-south axis fronting onto the estate road to the west with a fenced open yard area. The second to the east has an east-west orientation and is served by an open yard enclosed by a palisade fence. It is subdivided with part used as a car sales/auction outlet. A mesh fence delineates the subdivision of the yard area. Access to the building is from an unsurfaced access road.

## 2.0 Proposed Development

- 2.1. The application was lodged with the planning authority on the 15/09/17 with further details submitted 24/11/17 following a further information request dated 01/11/17.
- 2.2. The proposal is for the demolition of a warehouse unit and its replacement with two warehouse units with a floor area of 1545 sq.m. directly adjacent to the unit to be retained on the site.

The units will provide additional storage space for the business operating in the warehouse being retained – Hickey Commercial Parts. The premises will not be open to the public. No office or staff facilities are required. Staff facilities in the adjoining warehouse are adequate to serve the needs of the overall development.

The external finishes are to be a mix of block and grey cladding.

Stormwater attenuation aqua cells are to be installed to the rear of the buildings.

The application is accompanied by a Flood Risk Assessment. It concludes that the site is not at risk of flooding both prior to and post development.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Grant permission for the above described development subject to 15 conditions addressing standard planning and engineering requirements.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The 1<sup>st</sup> Planner's report considers that a site specific flood risk assessment is required. Further details are required on the end users of the buildings, what goods are to be stored, whether they are to be used for separate enterprises and need for ancillary office and staff facilities. Amendment to the parking layout in addition to provision of cycling facilities also required. A request for further information is recommended. The 2<sup>nd</sup> report following further information considers the matters arising to be satisfactorily addressed. Cycling provision outside the buildings is required. A grant of permission subject to 15 conditions is recommended.

#### **3.2.2. Other Technical Reports**

Area Engineer has no objection subject to conditions.

Environment Section has no objection subject to preparation of a waste plan.

### **3.3. Prescribed Bodies**

Irish Water has no objection subject to conditions.

### **3.4. Third Party Observations**

An objection to the proposal received by the planning authority is on file for the Board's information. The issues raised are comparable to those set out in the 3<sup>rd</sup> Party appeal summarised in section 6 below.

## **4.0 Planning History**

I am not aware of any recent planning applications on the site.

## 5.0 Policy Context

### 5.1. Development Plan

Cobh Municipal District Local Area Plan 2017 refers.

The site is within Zone B – Area Susceptible to Flooding

### 5.2. Natural Heritage Designations

Great Island SAC is c. 420 metres to the south on the opposite side of the N25.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The 3<sup>rd</sup> Party appellant is a tenant in the warehouse to be demolished.

- He has statutory rights as a tenant. He intends to remain and trade from the premises. Therefore, it is not feasible for the development to proceed.
- The site has been prone to flooding. The current use of the site allows for considerable natural drainage. Any intensification of use on site could add to the flooding difficulties encountered by the nearby residential development at Carrig Downs.

### 6.2. Applicant Response

The applicant's response can be summarised as follows:

- The applicant is the owner of the site. The appellant is not entitled to perpetual occupation of the portion of the site he occupies.
- The proposed development is required to allow the applicant to continue trading successfully.
- There is no evidence to support the claim that the site has been prone to flooding. No flooding has been experienced on the site since the applicant commenced operations on the site in the early 2000's.

- Cork County Council commissioned JBA Consulting to carry out a flood risk assessment for the greater Carrigtwohill area which was published in 2013. This assessment found that the site is not at risk of flooding. Copy of map attached.
- The design will ensure that post development runoff rate from the site will not exceed the existing runoff. Storm water attenuation has been specified to control storm water runoff. The proposed development will not result in flooding of 3<sup>rd</sup> party lands.

### 6.3. **Planning Authority Response**

None received.

### 6.4. **Observations**

None

## 7.0 **Assessment**

I consider that the issues arising can be assessed under the following headings.

1. Principle of development
2. Legal Interest
3. Flooding
4. Appropriate Assessment

### 7.1. **Principle of Development**

The proposal entails the demolition of an existing warehouse and its replacement with two warehouses which would provide additional storage facilities for the commercial parts business conducted in the building to be retained on the site.

Whilst the zoning provisions for the site are somewhat unclear from the relevant map for Carrigtwohill in the Cobh Municipal District Local Area Plan 2017, I submit that by reason of the location of the site within the Carrigtwohill Industrial Estate and the existing land uses both on site and in the vicinity, the proposed development would be permissible in principle.

## 7.2. Legal Interest

The appellant is the occupier of the warehouse to be demolished. The applicant is the owner of the site with supporting detail attesting to this fact accompanying the appeal response. I consider that sufficient detail has been provided to conclude that the applicant has sufficient legal interest to make the application.

I consider that the dispute arising is a civil matter, the resolution of which would be through the appropriate legal channels.

## 7.3. Flooding

As per the map for Carrigtwohill in the Cobh Electoral Area LAP the site is within Zone B – Area Susceptible to Flooding. Objective WS 6-2 of the Cork County Development Plan states that all development falling within zones A and B should be consistent with the Guidelines on Flood Risk Management and should be supported by a site specific flood risk assessment. Such an assessment was submitted in response to a request for further information. In same it is noted from the OPW Flood Hazard maps there are no records of flood events within 400 metres of the site which is corroborated by the applicant's experience who has not evidenced any flooding event in the 15 years he has operated from the site. The assessment also notes the results of a Flood Risk Assessment of the greater Carrigtwohill Area undertaken on behalf of Cork County Council in 2013 which indicates that the site is not within the area mapped for maximum fluvial flooding extents with the nearest associated with the Slatty Stream which is c. 120 metres to the east of the subject site in proximity to the Carrig Downs housing estate referred in the appellant's submission. In terms of groundwater flooding groundwater levels were not encountered on the site at a depth of 2 metres. No mottling was evidenced which suggests that ground water levels had not exceeded the depth of trial hole. Storm water runoff generated by the proposed car park and open spaces is to be dealt with by attenuation prior to discharge to drain.

I consider that sufficient evidence has been provided to support the conclusion that the proposed development is not at risk of flooding and will not increase flood risk elsewhere.

#### **7.4. Appropriate Assessment**

Taking into consideration the location of the site on developed serviced lands and the intervening distance and land uses to 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**

8.1. I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

#### **9.0 Reasons and Considerations**

Having regard to the location of the site within the Carrigtwohill Industrial Estate, the pattern of development in the vicinity and to the scale, nature and design of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not give rise to increased risk of flooding or be prejudicial to public health and would, therefore, be in accordance with the proper planning and 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 as amended by the further plans and particulars submitted on the 24<sup>th</sup> day of November, 2017, 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. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

3. 2 no. bicycle parking spaces shall be provided within the curtilage of the site.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

4. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

5. 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.

---

**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**April, 2018**