



An
Bord
Pleanála

Inspector's Report ABP-308072-20

Development	26 residential units and a childcare facility
Location	Market Green, Knockgriffen, Midleton, County Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	19/6873
Applicant(s)	Cork Co-Operative Marts Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Garry Fitzgerald & Others
Date of Site Inspection	10 th November, 2020
Inspector	Kevin Moore

1.0 Site Location and Description

- 1.1. The 0.79 hectare narrow, wedge-shaped site is located to the north-west of the town centre of Midleton in County Cork. It is located between a distributor road to the south and an industrial estate to the north (Owenacurra Business Park). There is an established hedgerow along the northern boundary. The site lies to the west of Market Green retail and commercial centre adjoining the town centre and to the north-east of Avoncore Cottages, a residential estate. The distributor spine road serves as a main access through the Market Green complex. A residential scheme is under construction to the south of the distributor road and is nearing completion.

2.0 Proposed Development

- 2.1. The proposed development would comprise the construction of 26 residential units and a childcare facility. The residential element would consist of 12 two bedroom ground floor apartments and 14 three bedroom duplex apartments. The scheme would be in four blocks which would be three storeys in height, with part of the proposed childcare facility being single-storey. The applicant submits that it would constitute a second phase of a development to the south of the site which was permitted under P.A. Ref. 17/5516. The proposal would include the incorporation of part of an existing commercial car park to the east which would be used as part of the private open space to the rear of proposed Block A. The development would also include the reconfiguration of the existing commercial car park to the east for improved access and to facilitate car parking for the childcare facility. The scheme would include ancillary development inclusive of parking, drainage, boundary treatment, a pedestrian crossing to the development permitted under P.A. Ref. 17/5516 to the south and bin storage.
- 2.2. Details submitted with the application included a planning report, a design statement, an outdoor lighting report, and a Part V costings.

3.0 Planning Authority Decision

3.1. Decision

On 7th August 2020, Cork County Council decided to grant permission for the proposed development subject to 19 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the planning history in the vicinity, development plan provisions, guidance documents, reports received, and third party submissions. It was noted that the site is on lands zoned 'Town Centre' and it was submitted that, in general, housing would normally be permissible within a town centre zoning. Noting the 40 house scheme being developed to the south, it was considered that the proposal would be compatible with surrounding land uses. The wording of the zoning objective for these lands was considered to be a complicating factor, where the objective did not expressly state "residential" in its terms. Reference was made to the understanding given to the development of the lands to the south. It was noted that there are significant lands still available to accommodate alternative uses. The proposal was deemed to be generally compatible with the planning policy for the lands. The density of development was seen to be compliant with its zoning provision. It was considered that the proposal had not adequately assessed the impact of the neighbouring industrial park on future residents and on the potential future expansion plans of businesses. Proposed parking provision was regarded as excessive and the layout and provision of open space was seen to require revision. A request for further information was recommended.

The Senior Executive Planner concurred with the Planner's recommendation.

3.2.2. Other Technical Reports

The Public Lighting Engineer sought clarity on responsibility for services within the scheme and a public lighting design if the development is to be taken in charge.

The Housing Officer was satisfied that the proposed units proposed under the part V obligation were suitable for social housing purposes.

The Water Services Section had no objection to the proposal subject to two conditions.

The Environment Section noted that Midleton sewerage treatment plant is currently overloaded. It was submitted that without supporting documentation from Irish Water it could not be seen how the planning authority could consider the proposed development. A deferral of the decision was recommended.

The Estates Section submitted that it had no input in the granting of the application, noting the development would be maintained by a legally formed management company. A condition was recommended if the proposal was to be granted.

3.3. Prescribed Bodies

Inland Fisheries Ireland had no objection to the proposal subject to Irish Water signifying that there is sufficient capacity in existence so that it does not overload existing treatment facilities.

3.4. Third Party Observations

An objection was received from Garry, Suzanne and Simon Fitzgerald of Fitzgerald Family Bakery Limited to the north of the site raising concerns about the implications for the existing and future operations of the bakery.

An objection was received from PGL Priority Geotechnical raising concerns relating to the proposed development impacting on the objector's business operations, excessive density of development, inadequate open space provision, and traffic impacts.

- 3.5. A request for further information was issued on 4th February 2020 and a response to this request was received on 20th March 2020. The response included a revised layout which increased open space provision, reduced car parking, and increased distances between residential units and areas to the north. Noise impact was also assessed for future residents, provisions were made for proposed public road provisions, and confirmation of feasibility from Irish water for 16 units was submitted.

3.6. A further third party submission from Garry, Suzanne and Simon Fitzgerald of Fitzgerald Family Bakery Limited was received reiterating the concerns previously raised.

3.7. The reports to the planning authority were then as follows:

The Estates Engineer again noted that the development would not be taken in charge.

The Environment Section considered the applicant's noise impact assessment to be satisfactory. The applicant's submission from Irish Water was noted and it was submitted that this confirmed that the applicant does not have confirmation of feasibility of connection from Irish Water for the proposed development. The drainage plan was requested to be revised, with details on the management and maintenance arrangements for any pumping station required for future connection to the Irish Water network.

The Public Lighting Engineer had no objection to the proposal and attached a schedule of conditions.

The Water Services Section noted Midleton Wastewater Treatment Plant is currently at capacity and upgrade and improvement works are planned by Irish Water. There was no objection to the proposal subject to the attachment of a condition.

The Engineering Report had no objection in principle to the proposal save that the developer is conditioned to undertake road safety improvement works at the junction of Kennel Road and the Market Green trunk road to marry in with junction improvements conditioned as part of the applicant's housing development to the south of the trunk road.

The Planner considered the applicant's mitigation measures and noise impact assessment were acceptable with respect to proposed Blocks B, C and D. Further noise assessment on proposed Block A was deemed necessary. Parking provision was seen to remain excessive and a further reduction was required. The response to road provisions was seen to be addressed. With regard to deficiencies in wastewater treatment facilities, it was submitted that attaching a condition limiting occupation of the units until such time as necessary infrastructure is in place would be consistent with the approach taken with other applications in the Midleton area. Clarification on

the need for a pumping station was regarded as necessary. A clarification request was recommended.

The Senior Executive Planner concurred with the Planner's recommendation.

3.8. A request for clarification was issued by the planning authority on 2nd June 2020 and a response was received from the applicant on 17th July 2020. It was clarified that a pumping station was not required for the proposed development, further noise assessment was provided, and revised plans showed a reduction in parking.

3.9. The reports to the planning authority were as follows:

The Water Services Section submitted that the applicant will have to liaise with Irish Water to agree the proposed phased connection to the public foul sewer. There was no objection to the proposal.

The Public Lighting Engineer had no objection to the proposal and attached a schedule of conditions.

The Environment Section had no objection subject to the attachment of a schedule of conditions.

The Planner noted the response to the clarification request. A grant of permission, subject to a schedule of conditions, was recommended.

The Senior Executive Planner concurred with the Planner's recommendation.

4.0 **Planning History**

I have no record of any planning application or appeal relating to the site.

P.A. Ref. 17/5516

Permission was granted for the demolition of an Educate Together School and the construction of 42 residential units and a community room on lands to the south of the site on the opposite side of the distributor road.

5.0 Policy Context

5.1. East Cork Municipal District Local Area Plan 2017

Midleton

Town Centre

Specific Development Objectives

The following objective applies to the site and lands in the immediate vicinity totalling an area of 7.7 hectares:

MD T-01

“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. This area is not suited to comparison shopping.”

The Plan notes that the area zoned MD T-01 was originally developed for retail warehousing and that it needs to retain this role into the future, providing for the sale of bulky goods only that will not undermine the role of the other established retail areas, especially the town centre. It is noted that the area includes the fire station and a temporary primary school facility and a number of undeveloped sites which would be suitable for the development of non-retail town centre type use such as office based employment, leisure, healthcare or other civic type uses.

Water & Wastewater

The Plan notes that the existing drinking water supply in the town is close to its limit and that there is limited spare capacity in Whitegate Regional Water Scheme. It is further noted that a new reservoir is required at Broomfield.

It is also stated that the Midleton Wastewater Treatment Plant has a current capacity of 15,000 p.e. and that further remedial works in relation to infiltration issues are required in order to increase the capacity. Acknowledging that there is some capacity to accommodate part flows arising from part of the proposed development proposed in the Plan, it is submitted that upgrading of capacity by Irish Water is required to accommodate the development proposed in the Plan.

5.2. Cork County Development Plan 2014

Economy and Employment

Objectives include:

EE 4-3: Business Development

Promote 'Business' Development' in appropriate locations in the main towns and key villages throughout the County through the Local Area Plans.

Unless provision is made in Local Area Plans, protect areas of 'Business Development' from other inappropriate development, such as large-scale industry and retailing, which could adversely affect the function of these areas.

EE 4-4: Industry

Promote the development of industry in appropriate locations through the Local Area Plans with:

- Good access for heavy goods vehicles to the National Road network without the need to travel for long distance through urban areas;
- Access to public transport and facilities for walking and cycling; and
- Generally low environmental sensitivity.

Prioritise the provision of infrastructure to support the development of those areas identified.

Protect existing industrial development from other inappropriate development in nearby locations where this would adversely affect the industrial operation or its sustainable future development.

Protect areas of industrial development from other inappropriate development, such as residential or 'enterprise' development and retailing.

Identify a sufficient supply of land which is suitable for distribution industry development and which allows for safe and efficient access to the local and National road network in compliance with NRA guidance.

5.3. **Appropriate Assessment**

Having regard to the nature, scale, and location of the proposed development, the nature of the receiving environment, and proximity to the nearest European sites (Great Island Channel SAC and Cork Harbour SPA), it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

5.4. **EIA Screening**

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment. No EIAR is required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The appellants are proprietors of a bakery to the north of the site within Owenacurra Business Park. The grounds of the appeal may be synthesised as follows:

- Proper consideration has not been given to the implications of the proposed development for the appellants' business. There is concern about the potential significant negative impact of the development on the existing and future operations of the bakery.
- The appellants are preparing a planning application to extend their premises in the yard area to the south, bringing their building to within 6-8m of the southern boundary.
- The bakery operates on a 24 hour 7 day per week basis and the warehouse is operational from 6am to 10pm, with HGV movements occurring from 6am to 10pm.
- There is an external vent and motion sensitive security lighting on the southern elevation of the bakery building and external plant is located in the

yard to the south of the site, including an external compactor, a bulk gas tank, and refrigeration and air compressor units.

- This area is one of 2-3 locations specifically zoned for industrial/enterprise uses in Midleton and the policy of Cork County Development Plan is to protect areas of industrial and business activity from inappropriate development where it would adversely affect the operation or the sustainable future of these activities (Objectives EE 4-3 and EE 4-4). Residential development at this location is inappropriate.
- Proposed Block D is located immediately south of the bakery and there is little change from the original layout. This layout does not show the bakery yard area where trucks load and unload and the other infrastructure along the southern boundary. This block is located only 12.51m from the appellants;' southern boundary. Future occupiers of Block D will be likely to experience noise/general disturbance from the operation of the bakery and this will be exacerbated with the planned expansion.
- While welcoming Condition 9 of the planning authority's decision relating to noise assessment and mitigation, there is concern about the enforceability of the condition. It does not address the potential noise issues for occupants of the block.
- The landscaping proposals along the northern boundary do not go far enough.
- There are health and safety concerns for future occupants being located so close to a light industrial use that operates on a 24/.7 basis and having to negotiate the uncontrolled pedestrian crossing of an access road which is the preferred route for HGVs travelling to Market Green and which is used by the town's fire service.
- The attachment of Condition 3(b) of the planning authority's decision is inappropriate given the existing deficiencies in the capacity of wastewater infrastructure serving Midleton and where there is no permission in place to upgrade same and no programme or timeframe for the implementation of these works. The proposal is therefore premature.

6.2. Applicant Response

The applicant's response to the appeal may be summarised as follows:

- The permitted development was devised with the contextual considerations of adjoining land uses in mind. The design took account of the Owenacurra Business Park, noise surveys were taken account of, and minor modifications to the scheme were made.
- Regarding Objective EE 4-3 of the County Development Plan, the existing light industrial use and the proposed residential development can co-exist without compromising one another. Large scale industry is reserved for other parts of the town.
- Regarding Objective EE 4-4, the local authority protected existing industry through its further information and clarification requests and through its zoning.
- The proposal includes detailed landscaping proposals for the northern site boundary in particular. The applicant would be happy with a condition requiring a landscaping plan to be agreed.
- There are no proposed drawings of the plans to expand the bakery with the appeal. Attempts were made to contact the appellants and discuss the expansion plans and these were refused. The design sought to take account of any future plans for expansion. Provided the expansion is carefully considered, there is nothing to prevent a modest expansion along the southern extent of the site.
- When the initial scheme was proposed at pre-planning stage the proposal was for 16 units. It was on that basis that the pre-connection enquiry to Irish Water was submitted. The Area Planner requested an increase in density. Given wastewater capacity in Midleton, it was no surprise that a condition restricting the full development of the scheme was imposed until the system has the capacity to cater for the total development. A phasing strategy was devised. Details of this phasing are attached with the response.

6.3. **Planning Authority Response**

I have no record of any response to the appeal from the planning authority.

6.4. **Further Responses**

In response to the applicant's response, the appellants disputed the nature of contact made with them by the applicant, queried the noise assessment undertaken and attached a noise report detailing the estimated impacts arising from the bakery operation and reinforcing their concerns about the incompatibility of the residential development with light industrial development. The concerns relating to wastewater capacity were reiterated.

7.0 **Assessment**

Introduction

I consider that the principal planning issues for consideration in this appeal relate to the compatibility of the proposed development with development plan provisions, the impact of the development on adjoining properties, and the adequacy of water services to accommodate the proposed development.

Compatibility with Development Plan Provisions

Zoning

The site of the proposed development is on lands which are designated 'Town Centre / Neighbourhood Centre' in the East Cork Municipal District Local Area Plan. This Plan does not detail the objectives associated with each zoning provision. It does, however, identify a number of 'Specific Development Objectives', one of which directly relates to the site and adjoining lands south and east of it, covering an area of 7.7 hectares. This objective is as follows:

MD T-01

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. This area is not suited to comparison shopping.

The Plan notes that the area zoned MD T-01 was originally developed for retail warehousing and that it needs to retain this role into the future, providing for the sale of bulky goods only that will not undermine the role of the other established retail areas, especially the town centre. It is noted that the area includes the fire station and a temporary primary school facility and a number of undeveloped sites which would be suitable for the development of non-retail town centre type use such as office-based employment, leisure, healthcare or other civic type uses.

In considering these provisions, I first note that it would appear that at the time of the making of the Plan the existing Educate Together School was in place to the south of the appeal site. It is also evident that the Specific Development Objective was very clear in what the intent was for the lands associated with the Objective, i.e. it was promoting non-retail town centre uses including office-based employment, leisure, civic or healthcare uses and retail warehouse uses selling bulky format goods. Comparison goods shopping is to be avoided at this location. The lack of clarity on allowing for other alternative uses within this zoned area with its Specific Development Objective is apparent. The application of a Specific Development Objective of this nature, clearly gearing the lands up for particular uses, must have been guided by some criteria and context, although there is no clarity provided by the planning authority on this matter. It would be reasonable to assume that the Objective was driven in some manner by the nature of the uses at this location and in the vicinity of this 7.7 hectare land area. I suggest to the Board that the Business Park to the north and the retail uses and town centre proper to the east may have been particularly influential in the devising of this Objective. Clearly, it was not an intention to promote residential development at this location over the specific land uses promoted within the Specific Development Objective. It could reasonably be determined, indeed, that residential development could be perceived to be a non-conforming use at such a location.

I consider that it is difficult to conclude that residential development is compatible with retail warehouse uses given the nature of the activities associated with such a use which would conflict with residential amenities. However, I note that the Objective refers to the provision of “*the development of non-retail town centre uses including office based employment, leisure, and civic or healthcare uses*”. It is accepted that residential development is a ‘non-retail’ use but that it is clearly not the favoured use for these lands. Excepting the recently permitted residential development to the south, this site is understood to be located between the large retail area of Market Green to the east and the Owenacurra Business Park to the north, with the town’s fire station located to the south-east. What makes the location of the proposed development somewhat less compatible than that of the new residential development to the south is its location to the north of the distributor road running through this area, which is a principal access road to the Market Green retail area, the proposed access onto this road, and because the site is immediately adjoining the business park with a range of established business uses, a number of which are clearly light industrial in character. It is important to note that the access into the residential scheme to the south is not from the busy distributor road but rather is off Avoncore Cottages to the east in the vicinity of other established residential development.

The activities within the business park can, and do, run 24/7, likely generate traffic day and night, likely emit noise and odours due to the nature of the activities day and night, require lighting and warning systems, have external plant continually operating, etc. Clearly, the closer a residential development is to such activities the more difficult it is to attain a reasonable degree of amenity for residents occupying residential units within a scheme beside such activities. It is, therefore, understandable that proprietors of neighbouring businesses, which are industrial in character, have concerns for their established operations and for future plans they may have for further developing their business if an incompatible use is developed, bringing with it potential conflict when nuisance and disturbance are perceived to arise from within the business park.

I, therefore, conclude that the development of residential units at this location brings with it a degree of conflict with the zoning provision within the Local Area Plan which

is evidently guided by the 'Special Development Objective' associated with this zoning.

I note for the Board that the Cork County Development Plan sets out more details on 'Zoning'. I have referenced the site of the proposed development being within an area designated Town Centre / Neighbourhood Centre. I further note that the business park to the north of the site is designated 'Existing Built-up Area'. The County Development Plan also refers to 'Appropriate Uses in Business Areas' when considering zoning provisions. The following objectives are set out in the Plan:

ZU 3-8: Appropriate Uses in Town Centres/ Neighbourhood Centre's

- a) *Promote the development of town centres and neighbourhood centres as the primary locations for retail and other uses that provide goods or services principally to visiting members of the public. The primary retail areas will form the main focus and preferred location for new retail development, appropriate to the scale and function of each centre. Residential development will also be encouraged particularly in mixed use developments.*
- b) *Recognise that where it is not possible to provide the form and scale of development that is required on a site within the core area, consideration can be given to sites on the edge of the core area.*

ZU 3-1: Existing Built Up Areas

Normally encourage through the Local Area Plan's development that supports in general the primary land use of the surrounding existing built up area. Development that does not support, or threatens the vitality or integrity of, the primary use of these existing built up areas will be resisted.

ZU 3-6: Appropriate Uses in Business Areas

Promote the development of New Business Areas as the primary locations for the development of employment uses such as light industry, wholesale and non-retail

trading uses, car showrooms and small/medium scale manufacturing / repairs / warehousing / distribution uses.

Other uses that could be included in certain specific circumstances could include retail warehousing and office development not suited to town centre or edge of centre locations. Uses specifically excluded from the business category would include waste management activities and general retail development. Retail warehousing could be accommodated where the specific zoning objective allows.

It is apparent that these objectives on zoning provisions provided in the County Development Plan do not necessarily aid in the understanding of what is non-conforming, permissible, open for consideration or not desirable within the appeal site. There is no zoning matrix or other guide to determine such matters. Being on 'Town Centre' designated lands, it appears on the one hand that residential development is encouraged. However, development of this nature clearly diminishes the landholding for the uses which the Specific Development Objective seeks to pursue. The Existing Built Up Area provisions provide little clarity as there are now a mix of uses in the vicinity, with the development of residential units recently permitted and being developed to the south within the area covered by the Specific Development Objective. That development has clearly eroded the land area associated with the Specific Development Objective. A further piecemeal land take for residential development on the appeal site would add to the erosion of the lands directly associated with the Specific Development Objective. I submit to the Board that the decline in the area to which the Specific Development Objective applies by residential development and the consequential undermining of the delivery of this Objective for other uses so identified are material and, indeed, significant in an adverse way for the attainment of the Objective. If the precedent is allowed to be reinforced by further residential development on the appeal site, I consider that it is likely that the overall land area will most likely continue to be eroded for purposes which may not be in the interest of attaining the Specific Development Objective.

Having regard to the above considerations, I cannot reasonably conclude that the proposed development is compatible with the Specific Development Objective for this land area, which is the key guiding principle for development of the 'Town Centre' zoned land at this location.

Economy and Employment

Cork County Development Plan seeks to promote business development in appropriate locations in its main towns and seeks to protect such development from other inappropriate development which could adversely affect the function of this development (Objective EE 4-3). It also seeks to promote the development of industry in appropriate locations, protect existing industrial development from other inappropriate development in nearby locations where this would adversely affect the industrial operation or its sustainable future development, and protect areas of industrial development from other inappropriate development, such as residential or 'enterprise' development and retailing (Objective EE 4-4)

The site of the proposed development lies immediate south of a business park in which there are a range of light industrial uses which generate a range of industrial activities that would clearly be incompatible with residential development. One would reasonably expect a degree of separation or a buffer between incompatible uses. This is one of the primary functions of providing for zoning within development plans. In my opinion, it again explains what the meaning is of the Specific Development Objective for this site and other lands so designated at this location. Residential development immediately alongside Owenacurra Business Park will have significant adverse impacts for the future operations of established business premises within the business park. These uses will not be compatible in such close proximity. The likelihood of conflict, as residents seek to attain some degree of amenity between the business park to the north, the busy distributor road to the south, and the commercial core to the east, is self-evident. The outcome of permitting residential development at this location is to invite conflict where the zoning objective for this area clearly seeks to avoid such conflict.

It is reasonable to determine that the proposed development would conflict with the development plan objectives which seek to promote business and light industrial uses in this area and to protect such development that has significant adverse effects on its functioning into the future.

Impact on Adjoining Properties

The proposed development is not a compatible use with the established business, light industrial and retail uses at this location and fronting onto a busy distributor road. The potential for conflict has already been alluded having regard to the understanding of how the business and light industrial uses operate in the immediate vicinity. Without an adequate buffer between the residential and light industrial units, the potential for residents to attain a reasonable degree of amenity without significant nuisance and disturbance is apparent. This outcome will impact on how businesses can continue to operate and it will most certainly impact on future proposals which would result in intensification of light industrial uses, increased traffic, continued long hours of operation, etc.

I again reference the distributor road onto which the residential development would access. The access arrangements are different for the residential development to the south where there is no direct vehicular access to the distributor road. The potential conflict between residential traffic from the scheme and the users of the distributor road as a principal access to the Market Green retail area and the town centre is apparent. I note there is no alternative options to provide access. The provision of access onto this road clearly conflicts with the function of this road.

Finally, the incompatibility of the development with the Market Green retail area is apparent also. Market Green is a retail park and shopping centre. The site for the proposed development lies on its western edge and lends itself to an expansion of uses so specified in the Special Development Objective set out in the development plan provisions. Tacking on residential development at this location alongside retail park units, wedged between light industrial units and a distributor road, compounds the likelihood of conflict with access, traffic, delivery, all-day uses, etc. of retail uses in such close proximity to residential development.

In conclusion, I consider that the proposal for residential development on this site would result in an incompatible use which would undermine the functioning of adjoining uses.

Adequacy of Water Services

It is apparent that there are significant constraints on development in Midleton due to the inadequacy of wastewater treatment facilities to accommodate new development. These constraints appear to have been in existence for some time as they have been referenced in the Local Area Plan which was adopted in 2017. The constraints and the lack of specific proposals within a definitive early timeframe to upgrade the wastewater facilities greatly impact on the potential to accommodate further new development in Midleton. This is reinforced by the correspondence received by the applicant and submitted as part of further information to the planning authority. Irish Water, in a letter to the planning authority dated 31st January 2020, state that it assessed and confirmed capacity for 16 units on the appeal site in 2019. It notes that the Midleton plant is operating at close to its maximum capacity and there is the possibility that existing capacity could be used up prior to the proposed development getting planning permission. While it refers to a revised delivery time for capital works of 2023, it is acknowledged that this is may be subject to change. From this correspondence it can be determined that the proposed development may not be accommodated in the short to medium term. Furthermore, Irish Water has inferred that 16 units may possibly be accommodated if the capacity is not already taken up, not 26 units and a childcare facility as is the subject of the current application before the Board. In these circumstances, this proposal is premature. One cannot reasonably rely on the delivery of proposed upgrade works when the timeframe for the carrying out of such works is at best tentative.

Further to the above, I note that the Local Area Plan refers to the existing drinking water supply in the town being close to its limit, that there is limited spare capacity in Whitegate Regional Water Scheme, and that a new reservoir is required at

Broomfield. Irish Water and the Water Services Section of the planning authority make no comment on any deficiencies in water supply.

8.0 Recommendation

8.1. I recommend that permission is refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. 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). Furthermore, the provisions of Cork County 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 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.

2. It is considered that the proposed development would be premature by reference to the existing deficiency in the provision of public piped sewerage facilities serving the area and the period within which the constraint involved may reasonably be expected to cease.

Kevin Moore
Senior Planning Inspector

18th November 2020