



An
Bord
Pleanála

Inspector's Report

ABP-312553-22

Development	Demolition of an existing dwelling and associated shed. Construction of a mixed use convenience retail, residential and café development. Construction of 20 residential apartments.
Location	Villa Maria, and adjacent lands, Skehard Road
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2140052
Applicant(s)	Lyonshall Limited
Type of Application	Planning Permission
Planning Authority Decision	Refused Permission
Type of Appeal	First Party Appeal
Appellant(s)	Lyonshall Limited
Observer(s)	Peter Horgan Kieran McCarthy Trudi McCann

Residents of Clover Hill Estate
Teddy and Noelle Irwin
Philip and Birgit Lyons

Date of Site Inspection

5th May 2022

Inspector

Susan Clarke

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1.0 Site Location and Description

1.1. The site measures 0.658ha and is located approximately 5km southeast of Cork City centre at Villa Maria and adjacent lands at Skehard Road, Cork. The relatively flat site, which fronts onto Skehard Road, comprises two parcels of lands with a two-storey detached dwelling on the west section and a greenfield on the eastern section. The site is currently in use as a construction compound. The site is bound by Skehard Road to the north with residential development beyond, Clover Hill residential estate to the east and south with Mahon Industrial Estate beyond, and a large retail unit (SuperValu) and a number of smaller units to the west. The area is suburban in nature comprising low density single and two-storey detached, semi-detached and terraced dwellings.

2.0 Proposed Development

2.1. The proposed development consists of the demolition of a detached dwelling and associated shed (collectively measuring 188 sq m) and the construction of two three storey buildings to provide for mixed use convenience retail, residential and café development (4,892 sq m).

Building 1 would comprise of a discount foodstore (which will include the sale of alcohol for consumption off the premises) (1,337 sq m net floor area) and café (151 sq m) at Ground Floor Level, and 20 No. apartments at First and Second Floor Levels (6 No. 1-bed, 12 No. 2-bed, and 2 No. 3-bed units) (Building 1/3).

Building 2 would comprise 8 No. apartments (5 no. 1-bed and 3 No. 2-bed duplex units).

The proposed development also includes the provision of an ESB substation, car and bicycle parking, bin stores, a roof garden, a new vehicular entrance onto Skehard Road, and ancillary works.

Subsequent to a **Request for Further Information**, the following key amendments were made to the scheme:

- The anchor store was reduced in size from 1,337 sq m to 1,272 sq m net retail area.

- Building 1 has been redesigned to provide a 4m separation distance between the anchor store and the southern boundary. In addition, the loading bay, freezer and chiller rooms are all enclosed.
- Building 2 was redesigned to accommodate a retail unit (92 sq m) and medical use (132 sq m) at Ground Floor Level and reduced to a single storey along the eastern boundary. Its overall height was reduced from 10.65m to 9.7m and fenestration alterations were proposed.
- The total number of proposed residential units reduced from 28 No. to 26 No. The 3-bed units represent 8% of the total number of units proposed (12 No. 1-beds, 12 No. 2-beds and 2 No. 3-beds).
- The proposed café has reduced in size to 138 sq m.
- The buildings' northern elevation was setback in a southerly direction into the site to provide space for improved public realm works along Skehard Road.
- An acoustic barrier 1.2m is proposed along the southern and eastern boundaries.
- ESB sub-station and bins associated with the anchor store have been relocated along the southern boundary.

2.2. Documentation Submitted with Planning Application

In addition to a Planning Application Form and Statutory Notices, the application included supporting documents (in association with architectural, engineering and landscaping drawings) as follows:

- Planning Statement (April 2021)
- Planning and Design Statement (25th March 2021)
- Retail Impact Assessment (April 2021)
- Part V Proposal (April 2021)
- Environmental Noise & Vibration Impact Assessment for a Proposed Retail Store (March 2021)
- Photomontages of the Proposed Mixed-Use Development (29th March 2021)
- Proposed Water Services Planning Report (March 2021)

- Traffic & Transport Assessment (1st April 2021).

Subsequent to a **Request for Further Information** the following documentation was submitted to the Local Authority by the Applicant:

- RFI Response (Planning) (29th October 2021)
- RFI Response (Architectural) (26th October 2021)
- Stage 1/2 Road Safety Audit (October 2021)
- Response to Request for Further Information (Engineering) (3rd September 2021)
- Effects on Daylight Reception Analysis (29th October 2021)
- Sunlight Reception Analysis (29th October 2021)
- Construction and Demolition Waste and Environmental Management Plan (8th June 2021)
- Photomontages of the Proposed Mixed Use Development (21st September 2021).

3.0 Planning Authority Decision

3.1. Decision

Cork City Council refused permission for the proposed development on 18th December 2021 for three reasons:

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 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 noted that there is a nearby, underutilised, Neighbourhood Centre at Avenue de Rennes where there is currently no retail provision available. It is considered that a decision to grant the proposed application would be contrary to the policies and objectives of the Cork City Development Plan 2015 – 2021.
3. The proposed development, by reason of its layout, massing, scale, height and proximity to the southern and eastern boundaries of the site, would be visually obtrusive, result in overshadowing of adjoining properties and, as such, would seriously injure the residential amenities of adjoining properties and be out of character with the area, and would, therefore, be contrary to the proper and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the planning history associated with the adjoining lands, the policy and plan context for the development, the third party submissions, and the reports received. The Officer raised concerns that the proposed development would be more akin to the creation of a new Neighbourhood Centre rather than an expansion of the existing one located to the west of the subject site. It was considered that a reduced scale retail unit along with a number of smaller local services units and improved public realm would be more suitable. Whilst the Planning Officer was satisfied with the residential amenity for the proposed units, he raised concerns in relation to the residential amenity currently enjoyed by existing residents in the surrounding area in terms of overlooking, overshadowing, noise, and negative visual impacts as a result of the proposed development.

The requests for further information from the reports received were noted. The Planning Officer stated that the reduction in the size of the anchor store by 65 sq m

(4.8%) was not a considerable reduction and therefore does not result in the proposed expanded Neighbourhood Centre being anchored by a singular retail unit, which is existing to the west. It was considered that the more appropriate location in the catchment area for an additional medium scale retail unit, such as that proposed, would be in the nearby, underutilised, Avenue De Rennes Neighbourhood Centre where there is no retail provision available. On these grounds, the Planning Officer recommended permission be refused for the proposed development. In addition, the Planning Officer recommended that the proposed development be refused permission by reason of its layout, massing and scale, height and proximity to neighbouring development. It was considered to result in overshadowing, be visually obtrusive, and as such would seriously injure the residential amenity of the area.

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

3.2.2. Other Technical Reports

- Urban Roads and Street Design: No objection, subject to condition.
- Transport and Mobility: No objection, subject to condition.
- Drainage: No objection, subject to condition.
- Planning Policy: No justification provided for Neighbourhood Centre expansion and the amount of convenience shopping is excessive for the nature and scale of the existing centre. Recommends permission is refused.
- Environment: No objection, subject to condition.
- Architects: Proposed architecture considered to be acceptable.
- Contributions: No objection, subject to condition.

3.3. Prescribed Bodies

- Irish Water: No objection, subject to condition
- Irish Aviation Authority: No observations to make on the application.
- Inland Fisheries Ireland: Request that Irish Water confirm if there is sufficient capacity to accommodate the proposal.

- Transport Infrastructure Ireland: No observations to make on the application.

3.4. Third Party Observations

A number of Third-Party Observations from local residents, local representatives and businesses were made in respect of the application both when originally lodged to the Local Authority and subsequent to the statutory notices been readvertised at RFI stage. The key points from the Observations can be summarised as follows:

- Excessive height, density and scale for the area.
- Architectural treatment is out of character with the area.
- There is sufficient retail and off-licence provision in the area already and as such there is no requirement for the proposed development.
- Overshadowing and loss of light to neighbouring developments.
- Overlooking and loss of privacy.
- Traffic disruption and safety concerns during the construction and operational phases.
- Infrastructural deficiencies in the area to cater for the proposed development.
- Noise, vibration, light, odour and air pollution.
- Concerns in relation to waste management and vermin control.
- Loss of open space, green area.
- Anti-social behaviour and security concerns.
- Devalue local property.
- Contravenes the Development Plan with policy relating to, land use zoning, retail policy and off-licences.
- Contravenes Mahon Local Area Plan.
- The site is “white land” and as such the proposal would constitute a material contravention.
- The traffic impact assessment and retail impact assessment are flawed.

- A greater number and mix of residential units should be provided on the site.
- Insufficient car parking spaces proposed.
- Adversely impact the area's residential amenity.
- No consultation undertaken with local residents or the planning authority prior to the lodgement of the application.
- Housing would be more appropriate than retail development on the site.

4.0 Planning History

No applications relating to the subject site identified.

Avenue De Rennes

CCC 21/39911; ABP 311788: Planning permission has been sought for the demolition of existing vacant public house and change of use from public house to retail on the ground floor and construction of 39 no. residential units on Formers Lakelands Tavern, Avenue De Rennes, Mahon, Cork City. Whilst the Local Authority granted permission for the development in September 2021, the decision was appealed to An Bord Pleanála. At the time of writing, a decision had not been issued by the Board.

Skehard Road Realignment & Renewal Project

Cork City Council commissioned a transportation assessment for the South East of the City in 2014. The assessment, titled: "Cork South East Strategic Transport Corridors" identified deficiencies along the current road network and suggested a package of infrastructural projects aimed at addressing these deficiencies. Phase 1 and 2 of the scheme are now complete. Phase 3 will provide for upgrades between Church Road and Clontart Estate including the frontage of the subject site. The works include for widening of the northern side of the Road to facilitate the construction of a bus lane, realignment of the footpath, new road markings and signage. The works aim to improve facilities for bus users, cyclists, pedestrians and motorists. It also forms part of the overall plans to address congestion for the surrounding area.

5.0 Policy Context

5.1. National Policy

5.1.1. Retail Planning Guidelines for Planning Authorities (2012)

The objective of the guidelines is to establish the optimum location for new retail development which is accessible to all sections of society and is of a scale which allows the continued prosperity of traditional town centres and existing retail centres. The guidelines states that local or neighbourhood centres comprise a small group of shops, typically comprising newsagent, small supermarket/general grocery store, sub post office and other small shops of a localised nature serving a small, localised catchment population.

A supermarket is defined as a single level, self-service store selling mainly food, with a net retail floorspace of less than 2,500 sq. metres.

5.1.2. Retail Design Manual (2012)

This document sets out a planning framework for future development of the retail sector in a way which meets the needs of modern shopping formats while contributing to protecting and promoting the attractiveness of town centres.

5.1.3. Guidelines

The following list of section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets.

5.2. Local Planning Policy

5.2.1. Cork City Development Plan 2015-2021

Zoning

The site is zoned Z04 Residential, Local Services and Institutional Uses where the objective is: *To protect and provide and /or residential uses, local services and institutional uses, having regard to employment policies outlined in Chapter 3.*

Section 15.10 states that the provision and protection of residential uses and residential amenity is a central objective of this zoning, which covers much of the land in the suburban area. However other uses, including small scale local services, institutional uses and civic uses and provision of public infrastructure and utilities are permitted, provided they do not detract from residential amenity and do not conflict with the employment use policies in Chapter 3 and related zoning objectives. Small scale 'corner shops' and other local services such as local medical services, will be open for consideration. Schools, third level education institutes, and major established health facilities are located within this zone and appropriate expansion of these facilities will be acceptable in principle. The employment policies in Chapter 3 designate particular locations for offices, office based industry, major retailing development and these uses are not generally permitted in this zone (Chapter 3: Enterprise and Employment). New local and neighbourhood centres or expansion of same are open for consideration in this zone provided they meet the criteria for such centres set out in Chapter 4.

Retail

Table 4.1 outlines the Retail Hierarchy, which identifies Skehard Road as a Level 4 'Neighbourhood Centres and Large Village'.

Objective 4.6 Neighbourhood Centres:

- a. To support, promote and protect Neighbourhood Centres which play an important role in the local shopping role for residents and provide a range of essential day to day services and facilities;
- b. To support and facilitate the designation of new and the expansion of existing Neighbourhood Centres where significant additional population growth is planned or where a demonstrable gap in existing provision is identified, subject

to the protection of residential amenities of the surrounding area and that they are adequately served by sustainable transport;

c. Proposals should demonstrate the appropriateness of the site by means of a Sequential Test Statement; demonstrate retail impact and provide for a mix of uses appropriate to the scale of the centre.

Sections 4.19 – 4.21 deal with Neighbourhood Centres and states:

4.19 Neighbourhood centres provide important top-up and day-to-day shopping and retail service requirements and play an important role in serving the needs of those without access to a car, particularly the elderly. They are typically characterised by small scale convenience offer and ancillary retail services (typically uses include a newsagent, supermarket, grocery store, sub-post office) and serve a small, localised catchment population. They normally serve a pedestrian catchment of approximately 800m. New centres will generally be anchored by a small/medium sized convenience store and should also include a number of smaller associated local service units to enhance the overall appeal of the centre in terms of service provision and design. Neighbourhood centre anchor stores should not exceed 1,500sq.m. net. Appropriate land uses within neighbourhood centres are outlined in the Land Use Zoning Objectives Chapter 15.

4.20 New Neighbourhood Centres should be mixed-use schemes, where possible, and a high quality of urban design appropriate to their scale and character. In addition to retail, neighbourhood centres may include residential and complementary local services, such as childcare, retail offices, pharmacies, medical consultancies, public houses, small shops, etc.

4.21 The Cork City Council will support and facilitate the designation of new and/ or the expansion of existing neighbourhood centres where significant additional population growth is planned or where a demonstrable gap in existing provision is identified.

Section 4.45 sets out the Sequential Approach to Location of Retail:

The order of priority is to locate retail development in the City Centre and designated District Centres and to only allow retail development in edge-of-centre or out-of-centre

locations where all other options have been exhausted. Where an edge of centre site is proposed, the applicant must demonstrate that no other sites or potential sites including vacant units are suitable, available and viable within the centre. Where an out-of-centre site is proposed, the applicant must demonstrate that no other sites or potential sites including vacant units are suitable, available and viable within the centre or on the edge of the centre. Only in exceptional circumstances can such sites be considered.

5.2.2. Draft Cork City Development Plan 2022-2028

The Planning Authority has commenced the preparation of the Draft Cork City Development Plan 2022-2028, which is due to take effect in Summer 2022. The site is zoned ZO 01 Sustainable Res Neighbourhoods and the neighbouring site to the west is zoned ZO 09 Neighbourhood and Local Centres.

5.2.3. Cork Metropolitan Area Transport Strategy 2040 (CMATS)

The CMATS sets out an integrated transport planning policy framework for Cork with supporting investment priorities. It is a critical objective of the Regional Spatial and Economic Strategy for the Southern Region and Cork Metropolitan Area Strategy Plan, which also came into effect in 2020. The CMATS proposes significant enhancements to the public transport facilities in the area, including the provision of a Light Rail Transit (LRT) and Bus Connects in the Mahon area, which will service the subject site.

5.2.4. Mahon Local Area Plan 2014

This LAP expired in March 2020. However, its objectives are included with the City Development Plan. Skehard Road (West) (Sub-Area 1) is identified as having “limited” potential to accommodate employment and potential to accommodate residential development. The subject site was identified as having “development opportunities”.

5.3. Natural Heritage Designations

The site is c. 2km to the closest point of the Cork Harbour SPA (site code 004030) and c. 5.5km from Great Island Channel cSAC (site code 001058).

5.4. EIA Screening

Having regard to the nature and scale of the proposed development on zoned and serviced lands, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A First-Party Appeal has been lodged by the Applicant opposing the Local Authority decision. The Appeal is accompanied by the Planning Statement, Retail Impact Assessment, RFI Response (planning cover letter), Effects on Daylight Reception Analysis, and Sunlight Reception Analysis that were originally submitted to the Local Authority. The grounds of appeal can be summarised as follows:

- There is no policy impediment or restriction contained in Objective 4.6 or Section 4.19 or 15.10 of the Development Plan on the location of 2 No. anchor stores or more within a Neighbourhood Centre or expanding an existing Neighbourhood Centre to meet an identified need.
- There is no other realistically deliverable site within the catchment than can be developed to address the current unmet demand and convenience retail leakage to outside the catchment.
- The proposed development is appropriate in an urban context. The design sets out to achieve the most efficient use of this sustainable urban land, while ensuring that adjoining dwellings will not be overlooked and the development is in compliance with the requisite daylight and sunlight standards.
- There is adequate capacity with the catchment to support the proposed retail food store. The demand for additional retail floorspace or the findings of the RIA have not been challenged by the Planning Authority and therefore there is demonstrable unmet demand for additional retail floor area in the catchment.

- The RIA indicates that there has been significant population growth in the Mahon catchment (a designated growth area) in the last 15 years and there is significant spare retail capacity in this catchment.
- Of the 16 No. Neighbourhood Centres reviewed, five have two or more convenience retail anchors.
- Most Neighbourhood Centres have a net retail area not exceeding 1,500 sq m except Dunnes Stores, Bishopstown Court and Lidl Mount Agnes Road, Churchfield (2,865 sq m and 1,764 sq m, respectively).
- Long history and complicated ownership issues dictates that the delivery of a medium/large scale retail anchor development at Avenue de Rennes is not viable. The Council's on-going insistence on prioritising this unrealistic development is acting as a constraint on the balanced retail development of this catchment and prolonging retail leakage from the catchment.
- Planning permission has been sought for a mixed-use scheme on the northern portion of the Avenue De Rennes site (21/39911/PL28.311788). The scheme includes three retail units (665 sq m) of convenience retail space. Whilst CCC granted permission for the proposal, the scheme is currently under appeal to the Board.
- The City Architect raised none of the issues cited in the third reason for refusal relating to the impact from the development on residential amenity.
- The daylight Reception Analysis and Sunlight and Shadow Analysis Reports conclude that while the proposed development will impact to some degree on the daylight reception of habitable rooms facing the proposed development, the resulting change factor is well within the Building Research Establishment guidelines and recommendations.
- The proposed boundary treatment will ensure the protection of the residential amenities of the dwellings to the south and east.
- The proposed development is within a sustainable urban area, with excellent public transport provision.

6.2. Planning Authority Response

The Planning Authority confirmed on 8th February 2022 that it had no further comments to make on the application.

6.3. Observations

6.3.1. Six Observations were received by local residents and local representatives in respect of the First-Party Appeal, requesting that the Local Authority's refusal be upheld. The key points raised in the Observations are summarised below.

Peter Horgan, Labour Area Representative for Cork City South East

- The retail saturation of the area has been met. Two Aldi stores already operate in the area (850m and 2.3km) from the site. Supervalu is 48m west of the site.
- There is already enough scope for off-licence operations in the area (three within 850m of the site).
- The proposal will bottleneck the road and cause further delays despite significant improvements on Skehard Road and will seriously negatively impact residents in McGrath Park and Clontarf Estate.
- A right turn in and out of the development would necessitate crossing 2 lanes of traffic, a proposed bus lane and cycle lane which bring very legitimate safety concerns.
- The proposal will overburden the existing storm sewer network.
- The proposal is out of keeping with the area.

Clover Hill Estate Residents

- The site is zoned for residential development in the current Development Plan and Draft Development Plan 2022-2028.
- The plan shows that Skehard Road Neighbourhood Centre should have only limited expansion with smaller retail units.
- The development is in a predominantly medium density housing and would be totally out of character with the surrounding area.

- The proposed anchor store is larger (1,272 sq m) than the Supervalu store (1,000 sq m).
- The separation distance between the loading bays and the southern boundary is insufficient to muffle noise.
- The Applicant has had little regard to the Council's request to increase the separation distance between the proposal and neighbouring dwellings or reduce the height of Block 3.
- Little consideration has been given to access and egress from the site, despite its 'highly accessible' location.
- The access/egress point will become a junction and will introduce the likelihood of accidents.

Trudi McCan, 44 Clover Hill Estate

- The site is zoned for residential development in the current Development Plan and Draft Development Plan 2022-2028.
- The plan shows that Skehard Road Neighbourhood Centre should have only limited expansion with smaller retail units.
- The development is in a predominantly medium density housing and would be totally out of character with the surrounding area.
- The separation distance between the loading bays and the southern boundary is insufficient. The Observers rear extension is not illustrated on the planning drawings. The noise from the loading bays would negatively impact residents' amenity. The loading bay should be positioned away from the southern and eastern boundaries of the site.
- Questions the availability of other sites in Mahon to accommodate large scale retail developments.
- There is no reduction in height of Block 3 and the distance from the perimeter appear to be a mere 2.6m additional separation distance.
- Little consideration has been given to access and egress from the site, despite its 'highly accessible' location.

Philip and Birgit Lyons, 54 Clover Hill Estate

- Block 2 will tower over the Observer's back garden blocking light, sky view and overshadow and would cause visual obstruction.
- The building would affect privacy with a proposed window overlooking the rear of the dwelling. Request that this window is removed.
- Concerns regarding the stability and integrity of the ground to accommodate the proposal.
- The magnitude and scale of the buildings would be out-of-character with the surrounding properties.
- The proposal will cause rodents and cause foul odours.
- The proposed bicycle parking will invite constant activity, loitering and noise at all hours.
- A solid timber acoustic barrier fence, would not be sufficient or practical. A block extension to the height of the back wall would provide permanent security.

Cllr Kieran McCarthy, Richmond Villa, Douglas Road

- The proposal is not for a small/medium sized convenience store as set out in Section 4.19 of the Development Plan.
- The proposal creates a second neighbourhood centre.
- The architecture is cold and out of touch with the immediate area.
- The proposal does not address public safety and the car park does not add any sense of place to the area.
- There are two Aldi stores already in the area.

Teddy and Noelle Irwin, 45 Clover Hill Estate

- The site lies within the Mahon Local Area Plan (Mahon B DED and is included in the sub-set area – Skehard Road (west).
- The site is 'white lands' and forms part of the existing residential development and is identified as having development potential.

- The site is shown as “white lands” in zoning map 8 of the Development Plan and is not zoned for commercial or retail development. It is similarly zoned in the Draft Development Plan.
- Any significant retail development would materially contravene the Development Plan.
- The existing retailing development on the adjacent Neighbourhood Centre is sufficient in scale to meet the requirement of the Skehard Road.
- The Local Authority’s decision correlates with the objective to develop Avenue De Rennes for significant scale retailing and that Skehard Road Neighbourhood Centre should only have limited expansion to provide small units (Table 3.3).
- The RIA is flawed, and the methodology employed inappropriate for the site and is contrary to the Retail Planning Guidelines. The key objective requires that consideration of retail development at any level must be plan led.
- The acceptance of the adequacy of existing convenience retailing in the Mahon area is reflected in Table 3.3 of the MLAP. It restates the limited scope for additional convenience retailing in the district Centre and the Neighbourhood Centres.
- The extensive catchment identified in the RIA, extending to the outer reaches of the city centre and bounding Douglas Village, automatically disqualifies consideration of the proposal as a Neighbourhood Centre or as an extension of an existing Neighbourhood Centre because a Neighbourhood Centre is characterised by a single anchor and small scale associated local services serving a local retailing need up to 800m metres from the centre.
- The RIA ignores the retail pull of Level One Centre (Cork City) and a Level Two Centre (Douglas).
- The proposal would result in serious traffic congestion and constitutes a traffic hazard.
- The proposal requires 112 car parking spaces, but only 85 are proposed.
- No baseline sound survey was undertaken by the Applicant.

- The development would result in a material reduction in residential amenity or that would seriously depreciate the value of residential property.
- The proposal would be incongruous and overbearing and would result in significant overshadowing and overlooking of adjacent residential properties.

6.4. **Further Responses**

None received.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the Observations made to the Local Authority, the First Party Appeal, and Observations made to the Board, inspection of the site, and having regard to relevant local/regional/policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Retail Impact Assessment and Sequential Testing
- Urban Design
- Residential Amenity
- Traffic
- Infrastructure
- Appropriate Assessment.

Each of these items is discussed below.

7.2. **Principle of Development**

7.2.1. The proposed development comprises the development of a large retail store (1272 sq m) and a smaller retail unit (92 sq m), café, medical centre and 26 No. residential units. The Applicant argues that the proposal should be considered as an extension to the existing neighbourhood centre located immediately to the west of the subject site. Furthermore, the First Party Appeal argues that the demand for additional retail provision to serve the growing residential area has been long established and that the

site is well served by public transport. On the contrary, the Local Authority and Third Party Observers state that the proposal is contrary to policy relating to the development of Neighbourhood Centres and their expansion.

7.2.2. The site is zoned Z04 Residential, Local Services and Institutional Uses where the objective is: *“To protect and provide and /or residential uses, local services and institutional uses, having regard to employment policies outlined in Chapter 3”*. Section 15.10 states that the provision and protection of residential uses and residential amenity is a central objective of this zoning, which covers much of the land in the suburban area. However other uses, including small scale local services, institutional uses and civic uses and provision of public infrastructure and utilities are permitted, provided they do not detract from residential amenity and do not conflict with the employment use policies in Chapter 3 and related zoning objectives. New local and neighbourhood centres or expansion of same are open for consideration in this zone provided they meet the criteria for such centres set out in Chapter 4. The adjoining designated Neighbourhood Centre comprises one large anchor store (Supervalu) and a number of smaller retail units including a pharmacy, off-licence, and barbers. This site is zoned Z09 Neighbourhood Centres *“To protect, provide for and/or improve the retail function of neighbourhood centres and provide a focus for local services”*.

7.2.3. In relation to the argument relating whether or not a Neighbourhood Centre can have two or more anchor stores, Section 4.19 states that *“They normally serve a pedestrian catchment of approximately 800m. New centres will generally be anchored by a small/medium sized convenience store and should also include a number of smaller associated local service units to enhance the overall appeal of the centre in terms of service provision and design. Neighbourhood centre anchor stores should not exceed 1,500sq.m. net.”* (Bold and underlined: my emphasis). Whilst the Applicant argues that there is no explicit policy restricting the provision of more than one small/medium sized convenience store in a Neighbourhood Centre, Section 4.19 provides a clear definition of scale and nature of such centres. In addition to Supervalu on the adjoining site, the residential area is also served by a Mace, approximately 310m east of the site, and a supermarket (Aldi), c. 550m northeast of the site. As such, there is a significant convenience offering in the catchment, notwithstanding that RIA states that there is currently unmet demand. There is no physical connection (vehicular or pedestrian) between the subject site and the adjacent Neighbouring Centre. Furthermore, due to

the scale and mix of uses proposed, there is a high risk that the development could operate independently to the adjacent site and the possibility of linked trips between the sites is low. If the proposal was to be considered an extension to the adjacent Neighbourhood Centre, I do not consider that the resultant centre would perform in the manner of a Neighbourhood Centre as envisaged in the Development Plan, but would rather provide a much greater retail offering and serve a larger catchment and which would injure established residential amenity and would conflict with the site's land use objective and would therefore be contrary to the proper planning and sustainable development of the area.

- 7.2.4. The First Party Appeal highlights that five of the 16 No. Neighbourhood Centres reviewed have two or more convenience retail anchors. However, these are designated Neighbourhood Centres (Table 4.1 of the Development Plan) and in my view are not comparable to the subject site, which is zoned Z04. Due to the nature of the proposed development in terms of scale, mix of uses, quantum of retail provision and design, I do not consider it to be an extension of the adjacent Neighbourhood Centre, but rather a new Neighbourhood Centre. Section 4.45 of the Development Plan states that the order of priority is to locate retail development in the City Centre and designated District Centres and to only allow retail development in edge-of-centre or out-of-centre locations in exceptional circumstances. The subject site is an out-of-centre site. As outlined above, I consider that that the area already benefits from a significant convenience offering, notwithstanding the findings of the RIA. Having regard to the existing retail provision in the area, I do not consider that there are exceptional circumstances to facilitate an out-of-centre development at this location.

7.3. Retail Impact Assessment and Sequential Testing

- 7.3.1. The Applicant submitted a Retail Impact Assessment (April 2021) with the planning application. The Assessment concludes that current unmet demand results in overtrading of existing stores within the catchment, an unnecessary reliance on Mahon Point and convenience retail leakage to outside the catchment (e.g. Douglas). This encourages unsustainable travel patterns and is contrary to the principles of proper and sustainable development. The Applicant states that the provision of 1,337 sq m (reduced to 1,272 sq m at RFI stage) additional retail development in this catchment will improve competitiveness within the local retail sector and benefit the area's economy as a whole. Furthermore, the Applicant argues that if the proposal can be

comfortably accommodated with the estimated 2022 and 2032 spare retail capacity within the catchment and will not negatively affect the existing retail environment and will complement and enhance the attractiveness of the Skehard Road Neighbourhood Centre.

- 7.3.2. The impact assessment defines the catchment based on a 10 minutes walking time of the site represented by an 800m buffer and a 5 minute drivetime polygon. This area includes parts of Ballintemple, Blackrock, and Mahon. I note that the areas to the south of the N40 were excluded from the assessment, as this route was considered by the Applicant to act as a boundary to the catchment. The existing convenience floorspace within the identified catchment was estimated to be 5,538 sq m. Based on a population growth scenario of 1% by 2022, the Applicant stated that there would be spare capacity within the catchment to support 2,038 sq m additional convenience floorspace and 2,901 sq m based on a 2% population growth scenario.
- 7.3.3. The Planning Authority noted that the RIA did not include a sequential test and as such recommended same be provided by the Applicant at RFI stage. The Applicant stated that prior to selecting the subject site, a review of suitably zoned sites within the catchment were reviewed. This included four sites: Mahon Point (District Centre), Skehard Road (Neighbourhood Centre), Blackrock Hall (Neighbourhood Centre), and Avenue De Rennes (Neighbourhood Centre). Mahon Point was rejected on the grounds that there is limited vacancy or remaining development capacity. Skehard Road and Blackrock Hall were eliminated on the grounds of not having additional capacity to accommodate the proposal.
- 7.3.4. The Applicant states that the landownership pattern is complicated and inhibiting large scale future development in the Avenue De Rennes (ADR) site. The Applicant notes that planning permission has been sought for three retail units and 39 No. residential units on the site. Furthermore, the Applicant highlights in the First Party Appeal that the former Mahon LAP also identified the challenges of developing this site. The Applicant argues that despite significant efforts on behalf of the Council the assembly of a viable neighbourhood centre site at ADR has not been possible and recent grant of permission on a large portion of the site (21/39911) make the amalgamation of a viable site to accommodate a medium scale retail unit impossible. Firstly, I note that whilst the Local Authority granted permission for the mixed use development on the ADR site, this decision has been appealed to the Board. At the time of writing this

Report, the Board had not issued an Order. Secondly, the site subject of the application (21/39911) measures 0.216ha¹, however the Neighbourhood Centre designation in the Development Plan measures approximately 2ha. As such, notwithstanding the site's challenges, I do not consider the potential future development to accommodate a retail development on the lands, similar in size to that proposed in this application, to be impossible.

- 7.3.5. Sequential testing should be undertaken at the initial site finding stage not, as so often is the case, after a preferred site has been chosen. This information is a key component in any RIA in order to justify the site selection. In my view the sequential approach is weak as it fails to robustly assess potential sites, particularly in this suburban part of the City. Whilst I am satisfied with the methodology applied to calculating the quantity of existing and potential retail capacity, I do not consider that all potential sites within the retail catchment (outlined with a dashed red line in Appendix 1 of the RIA) were examined equally. Whilst the Applicant argues that the subject site (zoned Z04) is acceptable on the grounds of it being located next to a Neighbourhood Centre, the same principle does not appear to have been applied to other lands adjoining Neighbourhood Centres or District Centres (which may also have a similar land use zoning to the subject site). Sites are expeditiously discounted, and the approach demonstrates no intention to amalgamate sites or to vary the size and format of the proposed development to an established district or local neighbourhood centre location.
- 7.3.6. In conclusion in relation to the adequacy of the Retail Impact Assessment and the sequential test, I support the views expressed by the third party observers. I consider that the Retail Impact Assessment and sequential test is flawed, and the application has not shown sufficient intention to locate the proposal within an established local / neighbourhood centre location as required by the Development Plan and retail planning guidelines.

7.4. **Urban Design**

- 7.4.1. A number of the Third Party Observers raised concerns in relation to the architectural design of the proposed scheme and argued that it is not in keeping with the character of the area. The proposed development involves the demolition of the detached two

¹ Source: Cork City Council's online records in relation to 21/39911.

storey dwelling and the construction of two, part-one and part-three storey buildings. The development will facilitate a mixed-use proposal including 26 No. residential units (residential density of 39.5 units to the hectare) on a serviced suburban site in close proximity to public transport. Having regard to the fact that the dwelling is not a Protected Structure or forms part of an architectural conservation area, and acknowledging the development's compact nature on suburban lands, I consider that there is sufficient justification to demolish the dwelling in this instance.

7.4.2. Whilst the architectural design in terms of scale, massing materials, solid-to-void ratio, etc. differs to the surrounding area, which largely comprises building from 1980s, I do not consider that it adversely impacts the visual amenity of the area. In my view the proposal represents a contemporary, medium scaled density development appropriate for its suburban location on a zoned, serviced site in close proximity to public transport. The proposed buildings are located along the northern and western boundaries of the site in response to the existing low density residential units along the southern and eastern boundaries. The proposed height creates a juxtaposition next to the single storey retail units on the neighbouring site to the west. The proposal was redesigned at RFI reducing the eastern section of Block 2 from three storeys in height to one storey. The single storey element is setback approx. 12m from the rear elevation of No. 54, while the three storey element is setback approx. 16m from the subject dwelling and as such, I do not consider will have any overbearing impacts. Similarly, the rear elevation of No. 43 Clover Hill Estate is setback c. 20m from the southern elevation of the anchor store's loading bay as such, I do not consider the proposal will have any overbearing impacts on the dwellings to the south of the site. It is not a reasonable expectation in my view that there would be no material change in the overall height and scale of any development of the subject site having regard to its greenfield nature, national guidelines and the site's proximity to the city centre and existing and planning public transport serving the area. I consider the separation distances to be sufficient to ensure that they do not adversely impact on the residential amenity of the neighbouring properties.

7.4.3. I do agree with the Third Party Observer who argues that the public realm is poor. In my view, the scheme is acceptable along Skehard Road, however the car parking spaces dominate the majority of the site to the rear. However, this could be improved with the preparation and implementation of a more detail landscape plan. I consider

that the proposed acoustic screen to be acceptable, however the boundary treatments could be further improved with additional landscaping.

7.4.4. In conclusion, in my view the proposed development would make a contemporary visual contribution to the area, would not adversely impact the visual amenity or character of the area. I am satisfied with the proposed height, scale and massing of the proposal.

7.5. Residential Amenity

Standard of Accommodation

7.5.1. The Planning Authority have raised no significant concerns in relation to the proposed standards of accommodation. The revised scheme includes for 26 No. residential units comprising 12 1-beds, 12 2-beds (2 No. 3 person and 10 No. 4 person) and 2 3-beds units. SPPR 1 of and Section 3.7 the 2020 Apartment Guidelines require that no more than 10% of the total number of units in any private residential development may comprise of two-bedroom three-person apartment. Having regard to the low number of overall units proposed, I am satisfied that the 2 bed No. 3 person units are acceptable. Furthermore, as noted in the schedule of accommodation, the units are compliant with the Guideline's minimum overall floor areas, room sizes, storage areas and private amenity space. In terms of dual aspect, I note that 10 No. of the units are single aspect and as such the overall scheme is compliant with the Apartment Guidelines 2020 requirement that a minimum of 50% of apartment units shall be dual aspect. Limited details have been provided as to how the privacy will be provided to the residential units in Block 1/3 which overlook the rooftop garden. However, in my view, this issue could be addressed through condition with the Local Authority. Whilst the provision of open space on the rooftop of Block 1/3 is not ideal for residents in Block 2, I do not consider this issue constitutes a reason for refusal. In conclusion, I am satisfied that the proposed development provides an acceptable standard of accommodation.

Overlooking

7.5.2. A number of residents have raised concerns in relation to overlooking from the proposed development resulting in a loss of privacy for residents, particularly those residing next to the eastern and southern boundaries of the site. Apartment Units 14, 15, 24 and 25 are located adjacent to the southern boundary. However, their

associated balconies have privacy screens to prevent direct overlooking on the neighbouring properties. In terms of Block 2, provided the two windows on the eastern elevation to Apartments Units 2 and 5 are conditioned to have a high cill level to prevent direct overlooking of the neighbouring dwellings, I do not consider they will result in a significant loss of privacy. In addition, the windows in the circulation core could be constructed with obscure glazing. In general due to the orientation of the proposal in the context of the neighbouring dwellings and the separation distances between same, I do not consider that the proposed development will result in overlooking impacts or a significant loss of privacy.

Overshadowing, Sunlight and Daylight

- 7.5.3. In considering daylight and sunlight impacts, the Apartment Guidelines 2020 state that Planning Authorities should have regard to quantitative performance approaches outlined in guides like the BRE guide 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' (Section 6.6 refers).
- 7.5.4. The Building Height Guidelines also seek compliance with the requirements of the BRE standards and associated British Standard (note that BS 8206-2:2008 is withdrawn and superseded by BS EN 17037:2018), and that where compliance with requirements is not met, that this be clearly articulated and justified.
- 7.5.5. The BRE "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" describes recommended values (e.g. ADF, VSC, APSH, etc) to measure daylight, sunlight and overshadowing impacts. However, it should be noted that the standards described in the BRE Guidelines are discretionary and not mandatory policy/criteria (para. 1.6). The BRE Guidelines also state in paragraph 1.6 that, "although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design".
- 7.5.6. The BRE note that other factors that influence layout include considerations of privacy, security, access, enclosure, microclimate, etc. In addition, industry professionals would need to consider various factors in determining an acceptable layout, including orientation, efficient use of land and arrangement of open space, and these factors will vary from urban to more suburban locations. I refer the Board to Effects on Daylight Reception Analysis (dated 29th October 2021) and Sunlight Reception Analysis (dated

29th October 2021) that were submitted by the Applicant as part of the RFI Response to the Local Authority.

- 7.5.7. BRE guidelines recommend that for garden or amenity areas to appear adequately sunlight throughout the year, at least half of it should receive two hours of sunlight on March 21st and that any loss of sunlight should not be greater than 0.8% (20% reduction) times its former size. The submitted details show all the receptors analysed (Nos. 42-54 Clover Hill Estate) are in excess of the BRE minimum recommendations, except for No. 54 Clover Hill Estate which would experience a change factor within 2.5% of the guidelines. Where the guidelines have not been met in this regard, I am satisfied that the breaches are not so material as to warrant refusal of permission.
- 7.5.8. The impact on daylight is measured in terms of Vertical Sky Component². The submitted analysis states that all studied habitable receptors are effected to some degree with regards to daylight reception due to the introduction of the proposed development, however the change in daylight reception is a change factor ranging from 0.88 to 0.96. As such, the Applicant states that the scheme is compliant with the BR.
- 7.5.9. I am satisfied that the submitted analysis is robust and I consider that the proposed development is acceptable in terms of daylight/sunlight and overshadowing impacts and will not reduce the neighbouring dwellings' residential amenity.
- 7.5.10. I note that the Applicant has not submitted sunlight/daylight analysis in terms of the proposed residential units. However, due to the site's orientation, the scheme layout and design, the separation distance between the proposed development and neighbouring development and the low rise nature of the surrounding development, I consider that the proposed scheme is likely to receive adequate levels of light.

² The BRE guidelines set out a two-stage guide for the vertical sky component (VSC).

1. Where the Vertical Sky component at the centre of the existing window exceeds 27% with the new development in place then enough skylight should still be reached by the existing window.
2. Where the vertical sky component with the new development in place is both less than 27% and less than 0.8 times its former value, then the area lit by the window is likely to appear more gloomy, and electric light will be needed more of the time.

Noise and Vibration

- 7.5.11. Third Party Observers raise concerns in relation to noise impacts from the proposed development and its impact on the area's residential amenity. The Applicant submitted an Environmental Noise and Vibration Impact Assessment for a Proposed Retail Store as part of the RFI Response to the Local Authority. In summary, the Report concludes that the proposed development will not cause significant noise effects provided the mitigation measures proposed are implemented. The measures include low-noise external plant, the loading bay is set lower than the existing ground level and is screened. An acoustic screen is also proposed along the southern and eastern boundaries of the site. It states that main delivery truck may potentially adversely effect existing and proposed noise sensitive receptors if deliveries were to occur during parts of the night-time period. Due to Covid-19 restrictions at the time the assessment was undertaken, a baseline survey of existing noise levels was not carried out. The Report recommends that a full survey be completed. In terms of noise during the construction phase, the Report states that the duration will be short and will result in a temporary elevation of noise levels. However, these can be controlled with mitigation measures.
- 7.5.12. I agree with the Applicant that the noise impacts from the construction phase will be temporary and can be managed to ensure there are no adverse impacts on neighbouring developments during this period. I do not consider that the residential, medical or café elements of the proposed development will adversely impact the area's amenity. In my view, the noise impacts from the proposed retail store could be managed via mitigation measures, which could be agreed with the Local Authority prior to the commencement of the development.

Conclusion

- 7.5.13. I am satisfied that the proposed residential units would provide future residents with an adequate level of amenity. I consider that the proposed development would result in no undue overbearing impacts or overshadowing/loss of sunlight/daylight on the neighbouring properties or adversely impact the area's residential or visual amenities. Having regard to the nature of the proposed development (i.e. retail including off-licence, medical, residential and café), I do not consider that it will create antisocial behaviour issues in the area. Furthermore, any potential issues relating to vermin control during the construction phase can be addressed and managed in a

construction management plan. Having regard to the foregoing, I consider that the proposal will not reduce the property values of the neighbouring dwellings.

7.6. Traffic

- 7.6.1. Third Party Observers raised concerns regarding the impact that the proposed development would have on traffic volumes and safety in the area. The proposed development includes the provision of a new vehicular entrance from the site onto Skehard Road. At RFI Stage the proposed scheme was setback 4m from Skehard Road to allow for public realm enhancement works to be integrated into the enlarged pavement area. The Autotrack Analysis (Dwg. No. 20188/P/018) demonstrates that the access junction and internal arrangements can accommodate the maximum size delivery vehicle which would service the convenience unit. Such deliveries are generally once a day and scheduled outside of peak hours.
- 7.6.2. The Applicant submitted a Traffic and Transport Assessment (March 2021) with the planning application which provides an assessment of the impact of the proposal on the surrounding network. The Report states that the scope of the assessment has been agreed with the Local Authority. The key junctions assessed are as follows:
- Junction 1: Traffic Signal Controlled cross-roads junction serving R852 Skehard Road, Church Road, and Scally's Supervalu
 - Junction 2: Traffic Signal Controlled T-junction at which Bessboro Rd, joins R852 Skehard Road
 - Junction 3: Proposed Development Junction.
- 7.6.3. The Applicant confirmed at RFI stage that the TTA took account of the proposed upgrade works as part of the Skehard Road Upgrade Scheme at each of the modelled junctions including changes to the number of approach lanes and the configuration of lanes as well as observed stages within the traffic signal cycles. The TTA demonstrated that Junction 1 and Junction 2 are currently operating with capacity during morning and evening peaks, but will reach capacity in design year 2024 and will degrade both with and without the development up to the design year 2039. In terms of Junction 1 development traffic is shown to utilise an additional 0.89% at morning peak and 2.41% at evening peak of the junction's capacity in design year 2024. Junction 2 development traffic is shown to utilise an additional 1.66% at morning

peak and 3.10% at evening peak of the junction's capacity in design year 2024. Junction 3 will operate within capacity up to and including design year 2039.

- 7.6.4. The TTA concludes that *“the proposed development, in traffic and transportation terms is acceptable, and there are no traffic and transportation reasons that should prevent the Planning Authority from recommending approval of the application. The site is well served with public transport provision and lies adjacent to proposed upgrade works on Skehard Road which will include cycle provision. Recent public transport improvement works on Skehard Road and the R852 Mahon Road have significantly improved on journey times and frequency of service for the following services 202, 215A and 219 which pass the proposed development site.”* In terms of the construction phase, the Report states that it will be temporary in nature and less significant than the final development operational stage. The Report highlights that the proposed new access arrangements are safe and in accordance with the Design Manual for Roads and Bridges (DMRB) and the Design Manual for Urban Roads and Streets (DMURS).
- 7.6.5. In addition to the TTA, a Stage 1/2 Road Safety Audit (dated October 2021) was prepared by the Applicant at RFI stage. Six problems were identified by the auditors. Problem 2.3 relates to vehicles entering and exiting the site. In short, the RSA recommends that appropriate measures be put in place to enable motorists to safely enter and exit to/from the proposed access. The signed Feedback Form advises that a yellow box is proposed at this location to ensure appropriate forward visibility is provided in accordance with DMURS. This was accepted by the Planning Authority and Traffic Regulation and Safety Section within the Local Authority. The latter section recommended that all the findings of the RSA be incorporated into the development and that a Stage 3/4 RSA be undertaken at the appropriate stage should permission be granted for the scheme. In addition, the Section recommended that prior to the commencement of the development, the Applicant shall agree the details and the extent of all road markings and signage requirements on Skehard Road with the Planning Authority.
- 7.6.6. The proposed development includes for 85 No. car parking spaces to be shared among all the proposed uses. No specific spaces have been designated for the residential units. The Applicant highlights that the maximum permissible spaces would be 128 No. based on the Development Plan's car parking standards. In the RFI Response the Applicant argues that given the current public transport improvement

scheme for Skehard Road, an uplift in bus usage is expected in the area. The Applicant states that the site is highly accessible being in close proximity to bus stops served by the 202, 215, and 219 city bus service. Furthermore, the Applicant highlights that the site is in walking distance (400m) of a proposed Light Rail Transit station and as such argues that the reduced car parking provision is acceptable. This was accepted by the Planning Authority and Traffic Regulation and Safety Section within the Local Authority. The proposal also includes for 100 No. bicycle spaces, of which 55 No. are associated with the proposed residential units.

7.6.7. I am satisfied that the submitted traffic assessment is robust. Having regard to the findings of the TTA and RSA and the planned transport infrastructure works in the area, I consider that the proposal would be acceptable in terms of traffic generation. I am satisfied that the layout of the development in terms of pedestrian accessibility, parking layout and quantum and HGV access is satisfactory and that the development will not give rise to any significant adverse traffic impacts. Accordingly, I recommend that the development should not be refused on traffic grounds. In summary, I consider that the proposed development would not pose an unacceptable risk to traffic safety, nor would it cause excessive traffic congestion.

7.7. Infrastructure

The original proposal included storm and foul drainage discharging via a new combined connection to an existing 750mm combined sewer on Skehard Road. However, the Local Authority advised that the sewer is operating significantly over capacity and as such requested the scheme be serviced via an existing 150mm foul service connection and an existing 225mm storm service connection to the southeast of the site in Clover Hill Estate. The proposal was amended accordingly at RFI stage. Furthermore, provision was made within the development to facilitate a potential future storm water relief sewer. I note Irish Water had no objection to the proposed development (Confirmation of Feasibility Letter Ref. CDS21000577) and did not highlight any shortages/issues in its submission to the Local Authority (30th March 2021). Having regard to the foregoing, I consider the proposal acceptable in terms of storm and foul drainage.

7.8. Appropriate Assessment

The site is c. 2km to the closest point of the Cork Harbour SPA (site code 004030) and c. 5.5km from Great Island Channel cSAC (site code 001058). Having regard to the nature and scale of the proposed development in an established built-up suburban area on serviced land, and the separation distance to the European sites to the subject site, I do not consider that the proposal would be likely to significantly impact the qualifying interests of the European Sites during either the construction or operational phases of development. As such, I consider that no Appropriate Assessment issues arise. In conclusion, I do not consider 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

I recommend that planning permission be refused for the proposed development based on the reasons and considerations set out below.

9.0 Reasons and Considerations

1. The site is zoned Z04 Residential, Local Services and Institutional Uses where the objective is: 'To protect and provide and /or residential uses, local services and institutional uses, having regard to employment policies outlined in Chapter 3'. New local and neighbourhood centres or expansion of same are open for consideration in this zone provided they meet the criteria for such centres set out in Chapter 4. Due to the nature of the proposed development in terms of scale, mix of uses, quantum of retail provision and design the proposed development would 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. The Board is not satisfied that, if permitted, the development would result in a retail destination in its own right, beyond the retail needs of the local population. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. 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 proposal would conflict with the advice contained in the Retail Planning Guidelines for Planning Authorities 2012 and Section 4.45 of the Cork City Development Plan 2015 - 2021 and would be contrary to the proper planning and sustainable development of the area.

Susan Clarke
Planning Inspector

11th May 2022