



An  
Bord  
Pleanála

## Inspector's Report

### ABP-318975-24

#### Development

Change of plan reference 21/316 at the existing Lisavaird Co-Op. Revision to southern boundary to increase site area. Construction of lorry parking, relocation southward vehicular entrance, modification of carparking layout, erection of totem signage and all associated site works.

#### Location

Lisavaird Co-Op, Tullyneasky West, Lisavaird, Clonakilty, Co. Cork

#### Planning Authority

West Cork County Council

#### Planning Authority Reg. Ref.

23213

#### Applicant(s)

Lisavaird Co-Op Ltd

#### Type of Application

Permission

#### Planning Authority Decision

Grant

#### Type of Appeal

Third Party

#### Appellant(s)

Eileen Lynch

#### Observer(s)

None

**Date of Site Inspection**

28<sup>th</sup> May 2024

**Inspector**

Lorraine Dockery

## **1.0 Site Location and Description**

- 1.1. The subject site, which has a stated area of 3.5 hectares, is located within the rural area of Tullyneasky West, Clonakilty, Co. Cork. The site comprises the headquarters of the Lisavaired Co-Op facility and is located on either side of the L-4033-0. The complex comprises a number of buildings and associated yards including hardware store, small supermarket, transport depot, petrol station and other associated development. There are a number of entrances to the development site, which are stated by the planning authority to be largely in line with what has previously been permitted on the site.
- 1.2. The site of the proposed lorry parking area is currently under grass. There are a number of individual dwellings located opposite.

## **2.0 Proposed Development**

- 2.1. The proposed works include permission for change of plan reference 21/316 at the existing Lisavaired Co-Op to include (i) revision to southern boundary to increase site area (ii) construction of lorry parking for use ancillary to the co-op facility (iii) relocation southward of permitted vehicular entrance serving permitted office development (iv) modification of carparking layout serving the permitted office building (v) erection of totem signage to the permitted grocery shop and forecourt area and (vi) all associated site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission GRANTED, subject to 20 no. conditions.

Further Information was requested by the planning authority in relation to (i) possibility of relocating truck parking adjacent to truck maintenance yard (ii) detailed justification if relocation above is not undertaken (iii) parking surface materiality (iv) operating times (v) drainage (vi) Traffic Impact Assessment and Road Safety Audit (vii) provision of detailed landscape buffer zone.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- Area Planner- Reflects decision of planning authority; recommends grant of permission

#### 3.2.2. Other Technical Reports

Environment Section- No objections, subject to conditions (dated 19/05/2023)

Engineering Section- Recommends grant of permission, subject to conditions (dated 10/01/2024)

Estates Section- No objections, subject to conditions (dated 31/05/2023)

### 3.3. Prescribed Bodies

Inland Fisheries Ireland: Requests that if permission is granted, a condition be attached to the effect that there be no interference with bridging, draining or culverting of the adjoining river or any watercourse, its banks or bankside vegetation to facilitate this development without prior approval of IFI

### 3.4. Third Party Observations

The planning authority received a number of observations which raised issues similar to those contained in the third-party appeal.

## 4.0 Planning History

There are a number of applications relating to this overall site, however the applications of most relevance are as follows:

21/316

In summary, permission was GRANTED for the redevelopment of the central operations depot of Lisavaird Co Op, to include the demolition of an assortment of existing buildings including existing machinery workshop, various stores, office centre, grocery shop and petrol station and the construction of a new administration office block, a new grocery shop and petrol station, together with change of use of an

existing building on the northern side to use as the HGV maintenance garage and all associated works

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Permission GRANTED for the redevelopment of the Mill building (which is located on the eastern (opposite) side of the road) including for alterations to existing vehicular entrance and roadside area and all ancillary works

## **5.0 Policy Context**

### **5.1. Development Plan**

The Cork County Development Plan 2022-2028 applies.

Site is located within an area identified as 'Tourism and Rural Diversification Area'

### **5.2. Natural Heritage Designations**

The nearest designated site- Kilkeran Lake and Castlefreke Dunes SAC (Site Code 001061) is located approximately 3km from the proposed site.

### **5.3. EIA Screening**

6.0 See completed Form 1 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

- Owns residence immediately across the road from proposed development
- Depreciation of value of their property

- Residential amenity concerns- increased noise pollution from early morning through the day from HGVs, dust pollution
- Road safety concerns for children and elderly
- Impacts on health and wellbeing of family if permitted

## 7.2. **Applicant Response**

None

## 7.3. **Planning Authority Response**

No further comment

## 7.4. **Observations**

None

## 7.5. **Further Responses**

None

## 8.0 **Assessment**

- 8.1. I note from the previous history file (21/00316) that the site is part of the established headquarters of the local farmer's co- operative creamery, Lisavaired Co-Op, which serves farmers in the vicinity. The business comprises a complex of buildings that straddle the public road at this location and include a hardware store, small supermarket, transport depot, petrol station and associated development. In summary, permission was granted by the planning authority, under Reg. Ref. 21/316 for the demolition of a number of existing buildings on site and their replacement with new structures; the relocation of existing site entrances and creation of new site entrances to facilitate this redevelopment. In this current application (Reg. Ref. 23/213) the applicants are seeking amendments to the permitted layout to include increase in site area to the south to facilitate the provision of new lorry parking area

(for use ancillary to the co-op facility); relocation of permitted vehicular entrance and modification of carparking layout; new totem signage and all associated site works.

- 8.2. Having examined the application details and all other documentation on file, including the reports of the planning authority and prescribed bodies, all appeal documentation received, together with having inspected the site, I consider that the main issues in this appeal are (i) residential amenity concerns and (ii) traffic concerns, relating primarily to the proposed lorry parking area to the south of the site and its associated entrance. Concern is not raised in the appeal submission relating to the remainder of the proposed development. It is this proposed lorry parking area and associated entrance which is also of greatest concern to me. I also have some concerns regarding the proposed totem signage. I do not have issue with the remainder of the proposed development.
- 8.3. I note that the appellant's property is one of two dwellings located directly opposite the proposed lorry parking area. The planning authority raised concern in their request for Further Information regarding this element of the proposal and stated that the proposed new entrance and parking area will have an impact on the residential amenity of the existing dwellings due to noise, dust and increased traffic movements and requested that the applicants investigate the possibility of providing truck parking adjacent to the truck maintenance garage and extensive yard adjacent to that, on the opposite side of the road, which would have a smaller impact on existing dwellings with greater separation. In response to the Further Information request, the applicants state that they explored the option of relocating the lorry parking area to the east of the roadway but this existing yard area caters for fertiliser storage and there is no room for such lorry parking. They intend on top dressing the circulation area in a tar and chip finish (it is unclear to me if this finish extends to the actual parking area). They further state that lorries have always been located at this location- to the rear of the new office building- and there is no increase in vehicular movements proposed at this location. The selected location is fundamental to the daily operations of the co-op business and that this was relayed to the Area Engineer. The applicants further stated that the lorry parking area shall be used for Lisavaired trucks only and that milk lorries would depart the site from 4.00am onwards during the milk season on a staggered basis. This has been practiced for over 25 years from this location. They contend that drivers are mindful of 3<sup>rd</sup> party residents

and that the proposal is no different to a truck passing on the road. On foot of this response, the planning authority granted permission for the proposed development.

- 8.4. I am cognisant that this is an established rural enterprise, serving the needs of the local community in which it is located. I also acknowledge the need for the redevelopment/upgrading of such sites. There are numerous policies and objectives within the operative County Development Plan which support rural enterprises, subject to normal planning criteria. It appears that the current proposal (and the parent permission) is not an intensification of use but more of a redevelopment/reorganisation of the overall holding. Notwithstanding this, I have serious concerns regarding impacts of the proposal (primarily the lorry parking area and associated entrance) on the existing residential amenity of nearby properties. In terms of impacts on residential amenity, I am cognisant of the relationship of the proposed development to neighbouring properties. I strongly disagree with the applicants when they state that the disturbance generated by the proposal, is no different to a truck passing on the road. The proposed lorry parking area is a sizeable area (approximately 2800m<sup>2</sup> by my measurements). It is not stated how many trucks could be accommodated at any given time but given the site area, this number could be quite significant. It is stated that trucks start departing the site from 4.00am, but I am of the opinion there could be disturbance prior to this time with trucks idling, drivers talking, reversing sensors beeping, headlights on, all directly across the road from two dwelling houses. Just because the applicants have always operated a lorry parking area from this side of the roadway, doesn't necessarily mean it is the most appropriate location in terms of impacts on residential amenity. It is noted that the applicant's have quite a significant landholding at this location and I would concur with the opinion of the planning authority in their initial report that an alternative location on the opposite side of the road or further removed from residential properties within the landholding may be more appropriate locations, in terms of reducing such impacts. The applicant's have sought to minimise these impacts by proposing additional planting along the roadside boundary. I consider this measure to be insufficient to satisfactorily address the issue. The proposed relocation south of the site entrance now means that it would be located almost directly across from these two existing residential dwellings. The applicants state that they have always parked trucks at this location, behind the original office building. It

is unlikely that they have parked trucks on the proposed area, given that it is currently under grass and was not shown as being within their ownership in the previous application for the site. The area to the rear of the original office building is further removed from the existing dwellings opposite, was buffered by the office building and the vehicular entrance was not directly opposite the dwellings, but instead further north. All of these factors would have ensured a lesser impact on the residential amenity of nearby properties than that currently proposed. It is unclear if permission was granted for this parking area in the past.

- 8.5. I do not have concerns regarding traffic safety, given that there is no increase in traffic movements on the local road network over and above that previously permitted. A Traffic Impact Assessment and Road Safety Audit was submitted as part of the Further Information response to the planning authority. I have no information before me to believe the proposal would lead to the creation of a traffic hazard or obstruction of road users. The planning authority have not raised concerns in relation to traffic safety, subject to conditions.
- 8.6. The proposal also includes for the provision of 'totem' signage, of maximum height 6m and width 2.06m. It is substantial in size, bright blue in colour. Given the rural location of the site, I query the appropriateness of the scale of the subject signage and consider that it could add to the visual clutter of the area and detract from the visual amenity of this rural area. I highlight to the Board that this is a new issue and the Board may wish to seek the views of the parties. However, having regard to the other substantive reason for refusal set out below, it may not be considered necessary to pursue the matter.
- 8.7. Having regard to all of the information before me, I am not satisfied with the lorry parking element of the proposal and associated entrance and consider that permission should be refused due to reasons relating to negative impacts on residential amenity and the proposal being inconsistent with the proper planning and sustainable development of the area. In addition, the proposal, if permitted, has the potential to depreciate the value of property of residents opposite.

## 9.0 AA Screening

9.1 I have considered the proposal in light of the requirements S177U of the Planning and Development Act 2000 as amended.

9.2 The subject site is located approximately 3km from the Kilkeran Lake and Castlefreke Dunes SAC (Site Code 001061). The proposed development comprises the alterations to a previously permitted development and all associated site works.

9.3 No nature conservation concerns were raised in the planning appeal.

9.4 Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- Nature of works e.g. small scale nature of the development
- Location-distance from nearest European site and lack of connections
- Taking into account screening report by the PA

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

9.5 Likely significant effects are excluded and therefore Appropriate Assessment (Stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 Recommendation

I recommend that the decision of the planning authority be OVERTURNED and that permission be REFUSED for the proposed development.

## 11.0 Reasons and Considerations

It is considered that the proposed lorry parking area for use ancillary to the co-op facility and its associated entrance, is an inappropriate form of development at this location by virtue of its location immediately opposite two residential properties. Given its proximity, the proposal would seriously impact on the residential amenity of

nearby residents by way of disturbance; would depreciate their property value and would set an undesirable precedent for further similar developments. The proposal is therefore considered to be inconsistent with the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Lorraine Dockery  
Senior Planning Inspector

25<sup>th</sup> June 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	ABP-318975-24		
<b>Proposed Development Summary</b>	Alterations to previously approved development Reg Ref. 21/316		
<b>Development Address</b>	Lisavaird Co-Op, Tullyneasky West, Lisavaird, Clonakilty, Co. Cork		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	x
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>	x		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>	x	N/A	No EIAR or Preliminary Examination required
<b>Yes</b>		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: Lorraine Dockery      Date: 25<sup>th</sup> June 2024