



An
Coimisiún
Pleanála

Inspector's Report PL-501349-CK-26

Development	Permission for change of use of existing coal store which is a Protected Structure to a funeral home and associated site works.
Location	Blackwater Shopping Centre, Carrignagroghera, Dublin Road, Fermoy, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	256309
Applicant(s)	J. Hannon & Sons Funeral Directors Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Stacey Morrissey
Observer(s)	Annette Cahill Maurice Neligan Donnacha McCarthy

Dept. Housing Local Government and
Heritage

Date of Site Inspection

16th July 2026

Inspector

Irené McCormack

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1.0 Site Location and Description

- 1.1. The subject site, with a stated area of 0.015ha is located at the southern side of Blackwater Shopping centre on the Dublin Road, Fermoy. The subject site comprises a detached former coal shed, built c. 1860, which is currently vacant.
- 1.2. The structure is a protected structure, RPS ID: 2,217. The building is also included in the National Built Heritage Service; Registration Number 20821007 and described as *'formerly detached single-storey former coal shed, built c. 1860, now in use as garage. Barrel-shaped corrugated-iron roof with timber battens to gables. Coursed rubble limestone walls, with cut limestone buttresses. Square-headed vehicular entrances in south long wall with replacement concrete lintels, and cast-iron brackets and timber beams connecting to replacement timber battened doors.'*
- 1.3. The L-1514 runs along the southern boundary with one of the vehicular entrances to the shopping centre located immediately to the east of the structure. The public footpath and a number of roadside parking spaces are located between the southern side of the subject structure and the road edge. To the north of the structure is an internal access road and parking associated with the Blackwater Shopping centre. There is pedestrian access / footpaths on 3 sides of the building.

2.0 Proposed Development

- 2.1. Permission is sought to change of use of existing coal store which is a Protected Structure to a funeral home and associated site works.
- 2.2. The structure has a stated floor area of 150sqm. Car parking is proposed to be shared with the adjoining car parking serving Balckwater Shopping Centre.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 7th May 2026, Cork County Council issued notification of a decision to Grant permission for the proposed development subject to for one nine conditions

3.1.1. Conditions of note include:

Condition no. 2 relates to Mobility Management Plan

Condition no. 3 states:

The premises is not to be open for business until after 6:30pm to avoid peak traffic flows in the area. This remains the responsibility of the applicant to uphold this condition. Reason: In the interest of orderly development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The initial planner's report notes the site is located within the settlement boundary of Fermoy town, as set out in the Cork County Development Plan 2022 in an area zoned to provide for town centre uses. Objective ZU 18-17 (Town Centres/ Neighbourhood Centres) includes funeral homes in the list of appropriate uses in town centres.
- it is noted that the unit has been vacant for some time and the proposal would bring a PS back into use and overall, the proposed development is acceptable in principle subject to normal planning considerations being met
- RFI was requested with regards with regards to submission of a Traffic impacts and car parking including Traffic Impact Assessment and Mobility Management Plan, surface water disposal and sewer connection, clarification as regards level of intervention and signage.
- Subsequent to RFI response received on 9th April 2026 the area planner states that having regard to the policy context and the zoning objective, the proposed use is supported in land use terms in principle. Subject to conditions relating to appropriate times for reposing services and the specific measures detailed in Section 6 of the Mobility Management Plan, it is considered that the proposed development would not endanger public safety, create a traffic hazard, or cause undue congestion on the local road network. Overall, the proposed development would be consistent with Objective ZU 18-17 (Town Centres/ Neighbourhood Centres) of the Cork County Development Plan 2022-2028, would be an appropriate use class at this town centre/neighbourhood centre location, would not seriously injure the residential amenities of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.
 - Recommendation to grant planning permission.

3.2.2. Other Technical Reports

Area Engineer (1/5/2026) – The report notes the response to RFI; TIA, surface water details and sewer connection acceptable. No objection to permission being granted subject to conditions re. Resource Waste Management Plan (RWMP) and management of waste.

Conservation Officer (6/5/2026) -The reports notes the detail submitted in response to RFI request (letter confirming no interventions, detail of doors to match existing on site with minimal signage). The CO notes that the FI has addressed all concerns, there are no further conservation objections to planning permission being granted. Conclusion: No conservation objections to planning permission being granted.

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

The PA assessment notes that 5 no. public submission received. The issues/concerns expressed in the submissions can be summarised as follows:

- Concerns in relation to increased traffic and car parking demand. Assessment of impacts required.
- The R369 junction is already at capacity and there is no right-hand lane for turning.
- 72 car parking spaces within the shopping centre are shared with other units and cannot be relied upon.
- No AHIA or Conservation report submitted with the application relating to PS.
- Inappropriate use of the site.
- Potential conflicts with other nearby funeral home.

4.0 **Planning History**

Site

CCC 22/4141 - Permission granted for change of use of existing coal store, which is a Protected Structure, to retail use, fitting of doors and glazing to existing openings, replacement of roof structure, and associated site works.

CCC 17/5632 – permission granted for the Change of use from an amusement arcade

(Unit 1) granted under Planning Reg. No. 16/5092 to retail use as previously granted under Planning Reg. No: 06/51036, incorporating the amalgamation of units 1, 2 & 3 to form 1 no. retail unit, signage to front façade and one number signage pillar as previously granted under Planning Reg. No. 06/51036 together with all associated site works including plant equipment to service yard.

CCC 16/5779 – application for the Change of use from an existing retail/commercial unit to a ground floor café restaurant/take away together with all associated site works – withdrawn.

CCC 16/5092 - Permission granted to Perks Funfair for a change of use of retail shop to amusement arcade with associated elevational changes 15/5053 – permission granted to Tom Kelly, Barry McCourt for Construction of 2m high block wall, capped & plastered on the Northern boundary of Blackwater Shopping centre where it bounds the rear of housing and the estate road at Beechwood Estate. Permission for Retention of extension, to office Suite No.2 and Corridor No. 2 at first floor level on the Northern elevation of shopping Centre.

CCC 14/51001 – permission granted to Oyster Development Ltd for an extension of duration of permission for revised window layout to the north elevation and the west elevation of the railway shed (protected structure).

13/51007 – permission granted to Oyster Development Ltd for an extension of duration of permission for planning reference no. 08/51027 for development comprising the material change of use of part of the existing first floor storage area to an office, strong room, staff toilets and changing area, including the construction of two no. windows to the rear elevation at retail unit 1.

CCC 08/51040 – permission granted to Oyster Developments for revised window layout to the north elevation and the west elevation of the railway shed (Protected Structure).

CCC 08/51027 – permission granted to Neil McCarthy for material change of use of part of the existing first floor storage area to an office, strong room, staff toilets and changing area, including the construction of two no. windows to the rear elevation

CCC 06/51036 – permission granted to David Ryan for a neighbourhood centre consisting of 1083 sqm of retail, 640 sqm of offices, restaurant of 316 sqm, 2 signage

pylons, ESB substation and switch room, refuse areas together with associated site works and car parking. The existing railway shed, which is “A Protected Structure” is to be converted into office spaces.

5.0 Policy Context

5.1 Development Plan

Zoning

The site is located within the development boundary of Fermoy, on lands that form part of the ‘Town Centre/Neighbourhood Centres’ zoning to which objective FY-T-05 relates.

County Development Plan Objective

ZU 18-17: Town Centres/ Neighbourhood Centres

- 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 and in accordance with the Retail Strategy. Residential development will also be encouraged particularly in mixed use developments while the use of upper floors of retail and commercial premises in town centres for residential use will in particular be encouraged.
- 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 based on sequential approach.

Appropriate Uses in Town Centre/Neighbourhood Centres

Retail, cultural uses, recreation uses, hotel, bed and breakfast, public houses, financial services, professional services, medical and healthcare services, leisure facilities, places of worship, residential, mixed residential, childcare facilities, education facilities, community facilities, civic uses, offices, public transport facilities, car parks, funeral homes.

Other Designations

- The site is located outside of the Fermoy Architectural Conservation Area under the current Cork County Development Plan 2022.
- The building is a Protected Structure RPS ID: 2,217 - Former Coal Shed. Oliver Plunkett Hill and on the NBHS Registration Number 20821007, considered to be of regional importance for architectural, social, technical interests.

Relevant Policy

- Objective HE 16-14 which sets out to protect all Record of Protected Structures and ensure that all development proposals are appropriate in terms of architectural

treatment, character, scale and form.

- Objective HE 16-15: Protection of Structures on the NIAH
- Objective TCR 9-1: Town Centres -a) Maintain, strengthen and reinvent the role of town centres as dynamic, attractive, resilient, inclusive, cultural and creative environments and enhance their mixed-use character by encouraging the retention and development of general office, retail, housing, office-based industry, community, civic and entertainment uses.
- Objective TCR 9-2: Vacancy and Regeneration –
 - a) Develop a strategy to reduce vacancy in town centres during the lifetime of the Plan by utilising measures which seek to manage and ease overall vacancy. Aim to reduce the amount of vacant floorspace within core retail areas by 50% in the short term, half of which should be occupied by retail use and the remainder by non-retail uses or retail services.
 - e) In more peripheral or edge town centre locations which are experiencing significant vacancy issues the Council will encourage the redevelopment of vacant/underutilised commercial premises to facilitate residential use.
- Section 12.24 Parking Standards – No standard set for funeral homes.

Table 12.6 includes:

- Churches, theatres cinemas & auditoriums - 1 space per 4 seats
- Other cultural / recreational & leisure uses - Dependent on nature and location of use

Volume 3 of the CDP relates to North Cork

Chapter 1 relates to Fermoy

FY-T-05 -Existing Neighbourhood Centre

Section 1.4.39 - The Town Centre strategy in this plan aims to:

- Consolidate and strengthen the core area and prioritise retail and employment development in appropriate locations;
- Address vacancy and encourage the reuse of existing premises and upper floors for small scale office, service or residential uses as appropriate.

Section 1.4.40 - This plan promotes the consolidation and strengthening of the existing town centre and reinforces the principal retail area in Fermoy south of the river. Where possible the Council will support creative approaches to the rehabilitation/extension/merger of historic buildings within the town centre for retail and mixed-uses subject to applying best practice conservation methods and respecting the special character of the relevant Architectural Conservation Area. The retention of residential uses in the town centre is also desirable.

5.1.1. Other relevant Section 28 Guidelines

- Architectural Heritage Protection Guidelines for Planning Authorities
Department of Arts, Heritage, Gaeltacht 2011

5.2. Natural Heritage Designations

The proposed development is not located within or immediately adjacent to any European Site.

6.0 EIA Screening

The proposal is for the change of use of the existing coal store which is a Protected Structure to a funeral home and associated site works. The proposed development has been subject to preliminary examination for environmental impact assessment, please refer to Appendix 1: Form 1 of this report. Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

1 no. third party appeal was received. The grounds of appeal can be summered as follows:

Impact on Residential Amenity

- The development will generate significant additional traffic, noise and disturbance in a residential location and would be contrary to Objective ZU 18-17 of the CCDP

2022.

- The area (Beechfield Estate) is already used as a bypass by heavy goods vehicles and other vehicles.

Traffic and Parking

- The Mobility Management Plan inadequate. The Blackwater shopping centre already experiences high traffic volumes. The development will exacerbate congestion and unsafe parking and turning movements on the Dublin Road.
- Concerns about car parking overspill on residential estate and adequacy of parking arrangements.
- Concerns for children playing in the area and pedestrian safety.
- The wall beside the development and trees already create a blind spot.

Other Matters

- Referring to the planning condition stipulating that the business does not open until 6.30pm to avoid peak hour traffic (condition no. 3), it is set out the funeral removals generally start at 5pm and who is going to hold the applicant to account if he opens earlier.

7.2. Applicant Response

The first Party response to Grounds of Appeal can be summarised as follows:

- Concern is raised that the appeal was made in conjunction with a local competitor.
- It is also set out that the first party have reviewed the conditions and set out that condition no. 3 is unwarranted given the clarification made in relation to parking and traffic and the submission of an operational Mobility Management Plan. It is states that the Traffic and Transport Assessment concluded that: *overall the proposed development results in only a small increase in traffic at junction 1 and the cumulative impact in minimal. No mitigation s are required.*

The response to the grounds of appeal are as follows:

Residential Amenity

- It is set out that funeral homes are accepted in principle within the zoning.

- The use is modest in scale within an established urban environment characterised by a mix of residential, commercial and service uses.
- The proposed development brings back into use a vacant structure in a prominent town centre location and contributes to the conservation of a protected structure.
- The development complies with Objective ZU 18-17.
- The appellants contention that the development will generate additional traffic is unsupported by evidence, data or any technical analysis. The TTA submitted as part of RFI response found the results of their assessment to be to the contrary.

Traffic, Parking and Pedestrian Safety

- It is noted that this is a recurring traffic concerns are a recurring concern raised and have been addressed in the application documentation.
- The PA found the Mobility Management Plan submitted in response to RFI to be satisfactory.
- Regarding parking it is set out that unauthorised, unsafe or illegal parking in the area is an enforcement matter for the relevant authority and not a planning matter.
- With regards to car parking, it is submitted that the Balckwater Shopping Centre benefits from a private car park reserved for employees of business' located within the centre and for their customers. The car parking provides 72 private spaces. It is stated that all but two of the business' within the centre (a small gym and bookmaker) close between 5.30 and 6pm and the funeral home will generally not operate during normal working hours and will not compete with those business' for customer parking. It is further argued that during evening reposing's ,the funeral home will benefit from the almost exclusive use of these 72 spaces.
- Funeral visits are typically short as a result parking spaces are expected to turn over regularly (approx. every 20 mins).
- It is further set out that in addition to the private parking there is substantial

public parking located on the L-1514 and Dublin Road to meet additional requirements without disrupting traffic and where public footpaths are provided to access the site.

Operational Hours

- It is set out that the applicant is an experienced Funeral Directors who provide a quality services with care and professionalism and will adhere to the planning conditions imposed.
- However, it is argued that condition will undermine the operation of the funeral home given the standard time for removals is between 4.30pm and 7.30pm.
- It is further argued that funeral homes operate in a manner that differs from most other business'. It's activities are low in frequency and generally take place outside of peak hours. This is significant as it means that the proposed use will not contribute to traffic congestion or create pressure on parking facilities during the busiest period of the day.
- It is set out that based on the applicant's evidence (experience), the funeral home is likely to be open for reposing's on approx. 33 evenings of the year, many of which will occur at the weekends. The TTA and MMP demonstrate that the development will have minimal impact on traffic congestion during peak hours. In these circumstances it seems unnecessary to impose a condition restricting the time in which a reposing may take place. Reference is made to ACP case – ref. 323356-25 (CCC Ref. 25/3904) regarding the imposition of a condition relating to reposing hours between 4-6pm Monday to Sunday.

7.3. Planning Authority Response

None

7.4. Observations

- 7.4.1. 3 no. third party observations were received. In brief the following issues were raised:
- Inadequate site access – there is currently no defined access. The site is confined to the building footprint only.
 - Inappropriate Principle of Development – the development is not consistent with the zoning and a building of this nature on a restricted site is a poor urban design

strategy. The development will entail an intensive traffic profile which is both incongruous and inappropriate.

- Deficiencies in the application documentation – lack of traffic impact analysis, architectural heritage impact assessment. TIA submitted in response to RFI notes the peak traffic times coincides with typical funeral service times.
- Concerns as regards traffic management and pedestrian access and safety, car parking capacity and conflict with existing funeral home located opposite the development site.
- Capacity of existing junction and conflicts with the junction.

7.4.2. 1 no. observation was received from the Department of Housing, Local Government and Heritage (16/07/2026) – Submission states that the development will not alter the exterior of the building and there is no historic fabric on the interior of the building. The Department concurs with the Planning Authority's assessment.

8.0 **Assessment**

8.1.1. Having inspected the site and examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and having regard to relevant local/national policies and guidance, I consider that the main issues in this appeal can be addressed as follows:

- Principle of Development
- Traffic and Transportation
- Condition no. 3 – Hours of Operation

Note: While the applicant makes reference to ACP case ref. 323356-25 (CCC Ref. 25/3904) regarding the imposition of a condition relating to repose hours between 4-6pm Monday to Sunday, this application will be assessed on its own merits in the context of this appeal site.

8.2. **Principle of Development**

Proposed Development

8.2.1. The proposed development comprises the change of use of existing vacant coal store which is a Protected Structure to a funeral home and associated site works. As set out in section 4.0 *Planning History* above the site has been subject to a number of planning

applications for change of use which have not been implemented. Car parking will be shared with the adjoining Balckwater Shopping Centre (a letter from the owner submitted at RFI stage confirming that the facilities and area available to the lessee)

Zoning

8.2.2. Concern was raised by the observers as regards the principle of the development. The appellant maintains that the development is contrary to ZU 18-17. The site is located within the development boundary of Fermoy, on lands that form part of the 'Town Centre/Neighbourhood Centres' zoning to which objective FY-T-05 relates. Objective ZU 18-17 (Town Centres/ Neighbourhood Centres) the Cork County Development Plan 2022 includes funeral homes in the list of appropriate uses in town centres. Therefore, the proposed development is acceptable in principle subject to normal planning considerations.

8.2.3. Furthermore, as noted above the site is currently vacant and has been so for a number of years. Objective TCR 9-1: Town Centres of the CCDP seeks to -a) *Maintain, strengthen and reinvent the role of town centres as dynamic, attractive, resilient, inclusive, cultural and creative environments and enhance their mixed-use character by encouraging the retention and development of general office, retail, housing, office-based industry, community, civic and entertainment uses.* The proposed funeral home will activate the vacant structure which forms part of the wider Blackwater Shopping Centre and the proposed use is consistent with the zoning provision for the site and Objective TCR 9-1 to strengthen the role of the town centre inclusive of 'civic' uses. This is further supported by Volume 3 of the CDP as it relates to North Cork - Chapter 1 relates to Fermoy, Section 1.4.39 - *The Town Centre strategy*, which aims to:

- 'Consolidate and strengthen the core area and prioritise retail and employment development in appropriate locations;
- Address vacancy and encourage the reuse of existing premises and upper floors for small scale office, service or residential uses as appropriate.'

Architectural Heritage

8.2.4. The building is a Protected Structure RPS ID: 2,217 - Former Coal Shed. Oliver Plunkett Hill and on the NBHS Registration Number 20821007, considered to the of regional importance for architectural, social, technical interests. The site is located

outside of the Fermoy Architectural Conservation Area. Concern was raised by the observers with respect to analysis of the impact on architectural heritage.

- 8.2.5. As part of the response to the RFI request the applicant set out that there will be no interventions into the fabric of the structure in addition to details of proposed doors and signage. The CCC Conservation Officer was satisfied that the works were acceptable. Simailtly, the observation received from the Department of Housing, Local Government and Heritage on 16/07/2026 states that the development will 'not alter the exterior of the building and there is no historic fabric on the interior of the building. The Department concurs with the Planning Authority's assessment.'
- 8.2.6. Works will be limited to internal partition walls, insulation and minor services and signage. The development will result in minimal impact on the existing structure and the original purpose as a coal store will remain legible as part of the proposed development. I am satisfied that the development will not result in a detrimental impact to the character ter of the Protected Structure and the active use of the building will ensure its continued preservation.
- 8.2.7. Having regard to the above I am satisfied that the proposed development is acceptable and in accordance with Objective HE 16-14: Record of Protected Structures and Objective HE 16-15: Protection of Structures on the NIAH as they relate to the protection and preservation of architectural heritage.

Conclusion

- 8.2.8. Having regard to the policy context and the zoning objective, the proposed funeral home at this location. The proposed development will see a vacant protected structure brought back in the use and Objective TCR 9-1 to strengthen the role of the town centre inclusive of 'civic' uses. I am satisfied that the proposed development is acceptable in principle subject to detailed consideration below.

8.3. Traffic and Transportation

- 8.3.1. The primary concern raised by the appellant relates to the impact of the development in terms of traffic. It is argued that the development would generate significant additional traffic, noise and disturbance in a residential location and would be contrary to Objective ZU 18-17 of the CCDP 2022. Similar traffic impact concerns are raised by the observers and that the development is limited the structure only.

- 8.3.2. In this regard the Commission will note that it is proposed to utilise the car parking serving the Balckwater Shopping Centre to service the development. The site is located within the existing shopping centre on the northeast corner of the Beechfield Intersection. The shopping centre has existing entrances onto both the L1514-0 and the R639 and accommodates a stated 71 no. spaces including 4 no. disabled spaces (as per TTA).

Car Parking

- 8.3.3. It is the applicants contention that the nature of the business means that the operational hours differ from the 9am-5pm hours on most establishments. It is submitted that the Balckwater Shopping Centre benefits from a private car park reserved for employees of business' located within the centre and for their customers. The Outline Mobility Management Plan submitted in response to RFI states that the development has access to 4 on-site car parking spaces for operational uses, including staff and service vehicles (theses are located to the front of the site). In addition to 71 no. spaces within the Shopping Centre.
- 8.3.4. It is argued that all but two of the business' within the centre (a small gym and bookmaker) close between 5.30 and 6pm and the funeral home will generally not operate during normal working hours and will not compete with those business' for customer parking (site inspection also determined that the EuroGiant retail unit is now vacant). It is further argued that during evening reposings, the funeral home will benefit from the almost exclusive use of these spaces. This would seem a reasonable assumption in my opinion having regard to the nature of the use proposed.
- 8.3.5. The CCDP Table 12.6 *Car Parking Requirements for New Developments (Maximum per sq. m.)* does not establish any car parking standards for funeral homes and while *Churches, theatres cinemas & auditoriums require 1 space per 4 seats* and this equates to 13.5 spaces, I do not consider this reflects the nature of the use. In this context the applicant argues that Funeral visits are typically short as a result parking spaces are expected to turn over regularly (approx. every 20 mins) and over the course of an hour the car park could accommodate approx. 200-250 vehicles.
- 8.3.6. In addition to the private parking there is substantial public parking located on the L-1514 and Dublin Road to meet additional requirements without disrupting traffic and where public footpaths are provided to access the site. The MMP also set out that to

accommodate increased parking demand during busy events, marshals can help direct traffic, ensuring onsite and nearby parking is fully utilised without disrupting traffic or pedestrians.

- 8.3.7. I am satisfied that adequate parking is available to accommodate the development. Furthermore, the availability of this car parking immediate to the site within an already established car park and street parking scenario will significantly reduce potential hazards, in my opinion. In addition, the implementation of the mobility management initiatives as set out in section 6 of the MMP will further reduce car parking demand associated with the operational use of the funeral home.

Pedestrian Safety

- 8.3.8. Similarly, as regards concerns raised about pedestrian safety including children, the site is served by an established network of footpaths, signalised pedestrian crossings and is well-lit. I have no concerns in this regard.

Traffic Impact

- 8.3.9. In response to concerns raised by the PA with respect to traffic impacts, a Traffic and Transport Assessment was submitted as part of RFI response. The TTA assessment carried out indicates that Junction 1 (Dublin Hill , Oliver Plunkett Hill, St. Bernard Place and L1514 signalised junction) will continue to operate efficiently with the proposed development.

Table 1 below shows the various traffic models for Junction 1 for the traffic counts conducted as part of the TTA in September 2023.

Junction 1		Without Development		With Development	
		DOS %	Queue (pcu)	DOS %	Queue (pcu)
Base Year (2023)	PM	39.6%	3.9	-	-
2026	PM	41.8%	4.3	43.6%	4.7
2031	PM	45.5%	4.8	47.3%	5.2
2041	PM	49.6%	5.4	51.4%	5.9

Source: Fig 5-2 of TTA

- 8.3.10. The cumulative impact of the proposed development on the junction was assessed. The TTA identified the peak period at the junction as 18.00-19.00 on weekdays which coincides with typical funeral service times. It is set out that while this timing represents

the busiest period at the junction, the analysis demonstrates that the junction continues to operate efficiently and remains well below its capacity. With future traffic growth, DOS (Degree of saturated flow) values establish a modest increase in traffic of c. 2% and a corresponding minor increase in queues of 5.4 PCU and 5.9 PCU. Both will remain within operational thresholds. The TTA was undertaken on a worst case traffic scenario basis using volumes well above those likely to arise.

- 8.3.11. The applicant contends that the conservative methodology ensures that the maximum potential traffic demand has been fully tested. No road safety issues were identified. In this regard, I draw the Commissions attention to the report from the Area Engineer dated 1/05/2026 which states that 'adequate information has been provided' ... and 'there is no objection to permission being granted ..' I would agree.
- 8.3.12. Having regard to the above I am satisfied that the junction will continue to operate efficiently with short queues and the associated impact of the development is minor and therefore acceptable in terms of the traffic generated by the development. No conflicts were identified at the junction including conflicts with the existing funeral home located on St. Bernard Place located c. 270m to the west of the site.
- 8.3.13. With respect to the concerns raised about HGV's or other vehicles using Beechfield Estate, the wall and trees to the east of the site of Beechfield Estate restricting views, and unsafe parking and turning movements on the Dublin Road. The proposed development does not seek to alter the existing road layout in anyway and as such will not have any impact on turning movements and/or whether HGV'S or other vehicles use Beechfield Estate.

Impact on Residential Amenity

- 8.3.14. There is no doubt that when the funeral home is in use that there will be additional traffic in the area. However, I am satisfied that adequate car parking is available in and around the site to accommodate the proposed development and in this regard I am mindful of the turnaround of spaces associated with the use as a funeral home and the limited duration of any reposing. I am further satisfied that most of this car parking is confined to the Blackwater Shopping Centre, Dublin Road and Oliver Plunkett Hill which already provide public parking and any increase in traffic is unlikely to have any determinantal impact on residential amenity owing to the already established pattern of parking.

- 8.3.15. Having regard to the availability of parking in the vicinity immediate of the site, it is unlikely that overspill parking will occur in residential areas to the east of the site. The unauthorised parking of vehicles is not a matter for the Commission.

Conclusion

- 8.3.16. The site is located in Fermoy town and a degree of increased traffic; traffic delays is to be expected at times. However, I am satisfied having regard to the nature and extent of the development that adequate provisions are in place to accommodate the increase in traffic generated by the proposed development and that the development is acceptable in terms of traffic safety.

8.4. Condition no. 3 – Hours of Operation

- 8.4.1. Condition no. 3 of CCC recommendation to granted states – *‘The premises is not to be open for business until after 6:30pm to avoid peak traffic flows in the area. This remains the responsibility of the applicant to uphold this condition. Reason: In the interest of orderly development’.*
- 8.4.2. The appellant queries how this condition will be enforced as most funerals generally start at 5. In response to the appeal the applicant states that they are experienced Funeral Directors who provide a quality services with care and professionalism and will adhere to the planning conditions imposed. The Commission will note that the enforcement of planning conditions are a matter for the relevant Local Authority and not the Commission.
- 8.4.3. Notwithstanding the above, the applicant contends that condition no. 3 will undermine the operation of the funeral home given the standard time for removals is between 4.30pm and 7.30pm and request the Commission to review this condition.
- 8.4.4. It is argued that funeral homes operate in a manner that differs from most other business’. It’s activities are low in frequency and generally take place outside of peak hours and having regard to the traffic concerns as discussed above, the low frequency and operational hours means that the proposed use will not contribute to traffic congestion or create pressure on parking facilities during the busiest period of the day. The applicant states that the funeral home is likely to be open for removal’s on approx. 33 evenings of the year, many of which will occur at the weekends. The TTA and MMP demonstrate that the development will have minimal impact on traffic congestion

during peak hours. In these circumstances it seems unnecessary to impose a condition restricting the time in which a reposing may take place until 6.30pm, in my opinion.

- 8.4.5. I would accept that most funerals take place from 4.30pm onwards and this generally coincides with people returning home from work and attending removals on their way home. In any case, as I have stated above, it is of relevance that the site is located in an urban context and accessible to available carparking immediate to the site and where it has been demonstrated that the development will have minimal impact on traffic at the busiest time of the day. The application is further supported by a Mobility Management Plan. The imposition of this condition for reasons of orderly development to avoid peak traffic flows in the area have not been justified by the PA on this basis of the evidence on file.
- 8.4.6. Having regard to the above, I am of the opinion that the condition should be omitted from any grant of planning permission. I accept that this is likely to overlap with closing times of the premises within the Blackwater Shoppig Centre but combined with the on-street public parking, I am satisfied that there is ample parking in the vicinity to cater for the development having particular regard to the turnaround of those attending and the fact that Fermoy is an urban centre.

9.0 AA Screening

- 9.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.1.2. The subject site is located approximately 580m north of Special Area of Conservation: Blackwater River (Cork/Waterford) (site code 002170).
- 9.1.3. The proposed development comprises the change of use of existing coal store which is a Protected Structure to a funeral home and associated site works. It is proposed to connect the proposed development to the exiting public water and public sewer network.
- 9.1.4. No nature conservation concerns were raised in the planning appeal.
- 9.1.5. Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:

- Scale and nature of the development
- lack of connections to nearest European site
- Taking into account the Local Authority Screening Report.

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

10.0 Water Framework Directive

- 10.1.1. Please refer to Appendix 2 of this report. The Blackwater (Munster) IE_SW_18B022300 (not at risk) is located c680m south of the site and the groundwater body is Glenville IE_SW_G_037 (good water body status).
- 10.1.2. The site will be serviced by public water, sewerage and drainage. As noted in Appendix 2 it appears that based on the information available to me that there is sufficient capacity within the WWTP serving the Fermoy agglomeration to accommodate the development.
- 10.1.3. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface and/or groundwater water bodies either qualitatively or quantitatively.
- 10.1.4. The reason for this conclusion is as follows:
- The small-scale domestic nature of the development, and
 - lack of hydrological connections.
- 10.1.5. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters,

transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment

11.0 Recommendation

Following from the above assessment, I recommend that permission is GRANTED for the development as proposed due to the following reasons and considerations, and subject to the conditions set out below.

12.0 Reasons and Considerations

The proposed development is located within the development boundary of Fermoy, on lands that form part of the 'Town Centre/Neighbourhood Centres' zoning to which objective FY-T-05 relates would be consistent with the applicable Objective ZU 18-17 (Town Centres/ Neighbourhood Centres) zoning objective and other policies and objectives of the Cork City Development Plan 2022-2028, would be an appropriate use class at this location, would be acceptable in terms of impacts on architectural heritage and would not seriously injure the residential or visual amenities of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information received by the planning authority on the 9th April 2026, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of development on this Protected Structure the developer shall submit, for written agreement of the planning authority, a specification and method statement covering all works to be carried out, to ensure the development is carried out in accordance with good conservation practice.

Reason: In the interest of the protection of architectural heritage.

3. The development shall be carried out and operated in accordance with the provisions of the Mobility Management Plan (MMP) submitted to the planning authority. The specific measures detailed in Section 6 of the plan whereby a Mobility coordinator is to be appointed is to be adhered to and is the responsibility of the applicant.

Reason: To achieve a reasonable modal split in transport and travel patterns in the interest of sustainable development.

4. The construction of the development shall be managed in accordance with a final Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise, dust, debris management measures, traffic management measures, and off-site disposal of construction waste.

Reason: in the interests of public safety and residential amenity.

5. Prior to the commencement of development, a final Resource Waste Management Plan (RWMP), as set out in the Environmental Protection Agency's 'Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects' (2021), shall be submitted to, and agreed in writing with, the planning authority. The plan shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: in the interest of proper planning and sustainable development.

6. No signage, advertising structures, advertisements, security shutters or other projecting elements, including flagpoles, (including that which is exempted development under the Planning and Development Regulations, 2001 as

amended), other than those applied for and hereby permitted, shall be erected or displayed at the subject site unless authorised by a further grant of planning permission.

Reason: in the interests of visual amenity and traffic safety

7. No signage, advertising structures, advertisements, security shutters or other projecting elements,. (a) The developer shall enter into water and wastewater connection agreements with Uisce Eireann, prior to commencement of development. (b) All development shall be carried out in compliance with Uisce Eireann codes and practices.

Reason: in the interest of public health and to ensure adequate water/wastewater facilities.

8. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: in the interests of public health and surface water management.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: it is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way

Irené McCormack
Senior Planning Inspector
4th August 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-50134-CK-26
Proposed Development Summary	Permission for change of use of existing coal store which is a Protected Structure to a funeral home and associated site works.
Development Address	Blackwater Shopping Centre, Carrignagroghera, Dublin Road, Fermoy, Co. Cork.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q2.
	☐ No, no further action required.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8	<i>Not of a Class</i>

of the Roads Regulations, 1994.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold.	
☐ Yes, the proposed development is of a Class but is sub-threshold.	

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Appendix 2 - Water Framework Directive Screening Determination

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	PL-501314-CK-26	Townland, address	Blackwater Shopping Centre, Carrignagroghera, Dublin Road, Fermoy, Co. Cork.
Description of project		Permission for change of use of existing coal store which is a Protected Structure to a funeral home and associated site works.	
Brief site description, relevant to WFD Screening.		The application site is located C.660m north of the Blackwater River.	
Proposed surface water details		Public Sewer	
Proposed water supply source & available capacity		connection to the public network identified. A review of the Uisce Eireann Capacity website on 15/7/2026 indicated that potential capacity is available in Fermoy. LoS improvement required = Potential Capacity Available to meet 2035 population targets - Level of service (LoS) improvement required.	
Proposed wastewater treatment system & available capacity, other issues		connection to the public network identified. The Commission will note that a review of the Uisce Eireann Capacity website on 15/7/2026 indicated spare capacity available at the Fermoy WWTP.	

Others?			N/A			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body.	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	660m south north of site	IE_SW_18B022300 -The Blackwater (Munster)	Good	Not at Risk	No pressures	Not hydrologically connected to surface watercourse
Groundwater body	Underlying Site	IE_SW_G_037 (Glenville)	Good	Not at Risk	No pressures	No –Low permeability due to conditions - Sandstone with mudstone & siltstone

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.

CONSTRUCTION PHASE

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Clearance works/ Construction	IE_SW_18 B022300 - The Blackwater (Munster)	No pathway exists	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practices/conditions	No	Screened out

OPERATIONAL PHASE

2.	Surface water run-off	IE_SW_18 B022300 - The	No direct pathway exists.	None	Standard construction practices/conditions	No	Screened out
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		Blackwater (Munster					
4.	Discharges to ground	IE_SW_G_ 037 (Glenville)	Surface water disposal	None	SUDs features	No	Screened out
DECOMMISSIONING PHASE							
5.	NA	NA	NA	NA	NA	NA	NA