



## Board Direction

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**Ref: PL88.247100**

The submissions on this file and the Inspector's report were considered at a meeting of all available Board Members held on 20<sup>th</sup> December 2016.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, and in accordance with the draft reasons, considerations and conditions set out below. A decision in relation to the first party appeal was not yet made at that meeting.

The submissions on this file and the Inspector's report in relation to the first party appeal were further considered at a subsequent meeting of all available Board Members held on 21<sup>st</sup> December 2016. The Board decided to accept the Inspector's recommendation on that matter, in accordance with the reasons and considerations set out in her report.

### REASONS AND CONSIDERATIONS

#### *Appropriate Assessment Screening*

Having regard to the nature and scale of the proposed development, the nature of the receiving environment, the nature, scale and location of other development proposed in the vicinity, the documentation submitted with the application, the submissions on file, the distances to European Sites, and the report of the Inspector, the Board undertook an appropriate assessment screening exercise in relation to the potential effects of the proposed development on European Sites. The Board accepted the assessment of the Inspector on this matter, and shared her conclusions. The Board concluded that the proposed development, by itself or in combination with other plans or projects, would not be likely to have significant effects on European sites in view of their conservation objectives.

#### *Environmental Impact Assessment Screening*

Having regard to the nature, characteristics, scale and location of the proposed development, and to the characteristics of its potential impacts, the Board is satisfied that the proposed development would not be likely to have significant effects on the environment, either by itself or in cumulation with other development in the vicinity, and concurred with the analysis set out in the Inspector's report on this matter. The Board, therefore, concluded that the submission of an environmental impact statement was not required.

## *Conclusions on Proper Planning and Sustainable Development*

Having regard to the T-02 Town Centre/Neighborhood Centre zoning objective for the area as set out in the Bantry Electoral Area Local Area Plan (Second Edition, January 2015), the nature, scale and design of the proposed development, the pattern of development in the vicinity, and the planning history of the site and of other retail development in Bantry, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be contrary to the retail policy set out in the Cork County Development Plan 2014 or the Local Area Plan, would not seriously injure the character and amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **CONDITIONS**

1. PlansPartic
2. The proposed development shall be amended as follows:
  - (a) The external finish at first floor to the three centre gables forming the south elevation to the retail unit shall be changed from plaster to zinc.
  - (b) The overhanging roof verge detail to all gables on the south elevation except for the roof over the entrance foyer shall be amended to provide a flush junction between roofs and walls.
  - (c) The roof pitch to all gables on the south and west elevations shall be increased to at least 32.5 degrees. The roof pitch over the entrance foyer is to remain at 30 degrees.
  - (d) The brise soleil shall be lowered to coincide with the head of the ground floor glazing.
  - (e) On the south elevation the narrow vertical features between the gabled elements shall be plastered rather than stone faced and shall be recessed rather than protruding.
  - (f) The overhang of the roof to the east side of the entrance foyer shall be reduced from 1000 mm to 300 mm.
  - (g) The zinc material for the roof and the side cladding shall have a low folded standing seam of less than 50 mm and shall not have ridges between seams. Raised boxed or other ridges shall not be used. The detail where the roof meets the side cladding shall be agreed in writing with the Planning Authority prior to commencement of construction. The membrane shall be metal and not PVC.
  - (h) The details and colour of the elements on the elevations shall be submitted to and agreed in writing with the planning authority prior to commencement of construction. This includes the colour of the standing seam membrane, rainwater downpipes, the detail of the slatted timber over the entrance porch and office windows, the timber-effect sliding doors, the glazed balcony, signage, the brise soleil and the glazing to the shopfront.

Revised plans and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the Interests of visual amenity.

3. The proposed development shall not be open to the public outside the hours of 09:00 to 21:00 on Monday to Saturday, or 10:00 to 19:00 on Sundays and public holidays. Deliveries shall not take place before 07:30 on Monday to Saturday, or before 08:00 on Sundays and public holidays. Deliveries shall not take place after 22:00 on any day.

**Reason:** In the interest of residential amenity and traffic safety.

4. The proposed entrance shall be designed in accordance with the Design Manual for Urban Roads and Streets. Exact details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed entrance works shall be carried out and completed, to the written satisfaction of the planning authority, prior to the opening of the development to the public.

**Reason:** In the interest of pedestrian and vehicular safety, and of visual amenity.

5. Details, including samples of the materials, colours and textures of the signs as proposed in Drawing number 3800-P-104-Rev A, submitted with the planning application, shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Signs shall comprise individually mounted lettering of high quality materials, and shall be backlit.

**Reason:** In the interest of the visual amenity of this prominent location.

6. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs other than those specifically authorised by this permission, (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

7. Security roller shutters, if installed, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising.

**Reason:** In the interest of visual amenity.

8. Urban WaterDrain

9. RoofPlant
10. The operative noise level shall not exceed 55 dB(A)  $L_{eq, 30 \text{ min}}$  (corrected by penalty for tonal or impulsive components) at any point along the boundary of the site between 08:00 and 18:00 hours, and shall not exceed 45 dB(A)  $L_{eq, 15 \text{ min}}$  at any other time. Procedures for determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To protect the residential amenities of property in the vicinity of the site.

11. All service cables associated with the proposed development (such as electrical, telecommunications and lighting cables) shall be run underground within the site.

**Reason:** In the interest of orderly development and the visual amenities of the area.

12. Litter

13. A plan containing details for the management of waste and recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and recyclable materials, in the interest of protecting the environment.

14. CDW

15. CMP1

16. Section 48 Unspecified

17. The developer shall pay the sum of €220,697 (two hundred and twenty thousand, six hundred and ninety seven Euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48(2)(c) of the Planning and Development Act 2000, in respect of the acquisition of and improvement works to the adjacent Harbour View car park, and the provision of 26 new car park spaces. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Board Member: \_\_\_\_\_ Date: 16<sup>th</sup> January 2017  
Fionna O' Regan