



An
Bord
Pleanála

Board Direction
BD-015766-24
ABP-315915-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/03/2024.

- (1) grant permission (subject to conditions) for
 - (a) retention of existing farm retail warehouse comprising 246.31 sqm
 - (b) change of use of part of existing storage comprising 142.55 sqm to extended farm retail warehouse.
 - (c) Construction of new storage mezzanine
 - (d) All associated site works.

for the reasons and considerations marked (1) under and subject to the conditions set out below, and

- (2) refuse permission for the construction of a new garden centre

for the reasons and considerations marked (2) hereunder.

Reasons and Considerations (1)

Having regard to the existing development on site comprising an agricultural supply warehouse, the permitted use which includes incidental retailing associated with its primary function, the limited nature of the proposed sales/retail area relative to the overall premises as well as the pattern of development in the area, the Board considered that the proposed developments would not be detrimental to the vitality

and viability of Bantry town, would not be inconsistent with the Retail Planning Guidelines, would not create a traffic hazard, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 plans and particulars received by the planning authority as amended by further plans and particulars received by An Bord Pleanála on 26th April 2023, 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.Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

3.Details of all external shopfronts and signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development].

Reason: In the interest of the visual amenities of the area.

4. Parking for the development shall be provided in accordance with a detailed parking layout which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The layout shall also provide for the relocation of disabled parking as well as parent and child spaces to the area where existing parking is located.

Reason: To ensure a satisfactory parking layout in the interest of pedestrian and traffic safety and of visual amenity.

5. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

Reason: In the interests of visual amenity.

6. Prior to commencement of development

(a) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Only clean uncontaminated storm water shall be discharged to the surface water outfall.

(b) The septic tank shall be made available for inspection to the planning authority as well as the site assessor's report confirming the suitability of both the septic tank and percolation area for additional loading.

Reason: In the interests of public health

7. The construction of the development shall be managed in accordance with a Construction 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

8. The developer shall pay a sum of money to the planning authority as a contribution towards the expenditure that was provided or intended to be provided by the planning authority in respect of public infrastructure and facilities which have facilitated the proposed development in accordance with the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The amount of the contribution and the arrangements for payment shall be agreed between the developer and the planning authority or, in default of agreement, shall be determined by An Bord Pleanála.

Reason: It is considered reasonable that the developer should contribute towards the expenditure that was incurred by the planning authority in respect of works which have facilitated the proposed development.

Reasons and Considerations (2)

The proposed use, that of a garden centre, is not considered to be retail warehousing use per the Retail Planning Guidelines for Planning Authorities 2012, would be unrelated to the existing use, would be contrary to the zoning objectives of the Cork County Development Plan 2022-2028 and, therefore, would be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to accept the Inspector's recommendation to refuse permission, the Board considered that the retail floorspace developed at this site was incidental to the primary storage function of the existing permitted development, was in accordance with Condition no 6 of the parent permission and, therefore, did not materially contravene Objective BT-B-03 of the Cork County Development Plan 2022-2028.

Board Member:



Joe Boland

Date: 07/03/2024