

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Cork City

Planning Register Reference Number: 15/36664

An Bord Pleanála Reference Number: PL 28.246672

APPEAL by Wilton Avenue, Upper Bishopscourt and Merlyn Lawn Residents Association care of John MacCarthy and Partners of 16 Mary Street, Cork and by Lidl Ireland GmbH care of The Planning Partnership, via Fulcrum Unit 10a, South Ring Business Park, Kinsale Road Roundabout, Kinsale Road, Cork and by others against the decision made on the 5th day of May, 2016 by Cork City Council to grant subject to conditions a permission to the said Lidl Ireland GmbH in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development comprising the demolition of two number single storey habitable dwellings with associated outbuildings/structures (totalling 225.83 square meters gross floor area) and a single storey commercial building with associated outbuildings/structures (totalling 118.85 square metres gross floor area), and the construction of a Licenced Discount Foodstore (2,225.32 square metres gross floor area) in a building of three storey height equivalent with undercroft and surface vehicular parking at ground floor level, retail sales area with ancillary off-licence and bakery areas (net retail sales area of 1,386 square metres) at first floor level, ancillary infrastructure and associated site development works. The proposed Licenced Discount Foodstore will comprise of: Public entrance lobby and circulation area with travellators, staircase and lift to first floor retail area, two number internal plant rooms, fire escape staircase and internal trolley bay, all at ground floor level along the southern and eastern elevations; retail sales

area (1,386 square metres) with bakery cold store, public toilets, staff welfare facilities (including toilets and office), warehouse and goods in storage areas, all at first floor level; two number building mounted corporate internally illuminated signs; one number free-standing internally illuminated totem pole sign at entrance; three number wall mounted externally illuminated information display boards; two number wall mounted externally illuminated poster panel display boards; one number wall mounted externally illuminated stretch board located within building at trolley bay; three number wall mounted poster panel display boards within building at circulation area; undercroft parking providing 54 number car parking spaces (10 number electric vehicle, four number disabled and 40 number regular) and 24 number undercroft bicycle parking spaces; 21 number surface car parking spaces (16 number regular and five number parent and child) and eight number surface motorbike parking spaces; primary vehicular and pedestrian access to the proposed development will be via an enhanced site entrance from Bishopstown Road; retaining walls, boundary treatments, hard and soft landscaping, lighting and all other ancillary and associated site development works above and below ground level, all at this site of approximately 0.3638 hectares, located within Wilton District Centre, Bishopstown Road, Wilton, Cork City (site of former Esso garage).

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the location of the site within the Wilton District Centre, the land use zoning objective for the site, and the policy considerations set out in the Cork City Development Plan 2015 – 2021, and having regard to the established commercial use of the site, the pattern of development in the area, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would constitute an appropriate form of development at this location, would not lead to the creation of a traffic hazard or unduly increase traffic congestion in the area 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 submitted on the 8th day of April, 2016, 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. The proposed development shall not be open to the public outside the hours of 0900 to 2100 Monday to Saturday inclusive, nor outside the hours of 1000 to 1900 on Sundays or public holidays. Deliveries shall not take place before the hour of 0730, from Monday to Saturday inclusive, nor before the hour of 0800 on Sundays and public holidays, nor after 2200 on any day.

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

3. (a) The vehicular entrance/exit to and from Bishopstown Road shall be designed on the basis of a left-in/left-out arrangement only. Details of this arrangement, including the provision of directional signage, footpath layout and materials, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. These 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.
- (b) The provision of the extended footpath to the south of the proposed building, which shall be finished in high quality materials to the written satisfaction of the planning authority, and of the three number public lighting standards, as shown on drawings submitted to the planning authority on the 8th day of April, 2016, shall be carried out prior to the opening of the development to the public.

The cost of the works to facilitate these items, which have to be carried out on the public road/footpath and outside the subject site, shall be included in the development contribution payable by the developer under condition 13 of this permission.

Reason: In the interest of traffic safety.

4. The proposed entrance shall be designed in accordance with the Design Manual for Urban Roads and Streets (DMURS). 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. The proposed free standing sign (“totem pole sign”) located on south eastern corner of the site adjoining the footpath at the entrance to the car park shall be modified so that it does not exceed three metres in height and one square metre in area. It shall not be internally illuminated, but may be spot lit. Revised details of this sign shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

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

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, as modified by condition number 5 of this order, (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, and to allow the planning authority to assess any such development through the statutory planning process.

7. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during demolition and site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

8. 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, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

9. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. A suitably sized and sited grease interceptor trap to the specifications of the planning authority shall be installed either inside or on the sewer outlet from all cooking quarters.

Reason: In the interest of public health.

10. Litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

Reason: In the interest of visual amenity.

11. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, 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, in particular recyclable materials, in the interest of protecting the environment.

12. Upon commissioning of the structure, noise from activities associated with this development shall not give rise to noise levels exceeding 55 dB(A) Leq, 15 minutes during the hours of 0900 to 2200 and 45 dB (A), Leq, 15 minutes, at any other time, as measured at the nearest dwelling, including during deliveries. Procedures for the purpose of determining compliance with these limits shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All of the mitigation measures set out the 'Noise Impact Assessment' report, as submitted to the planning authority on the 17th day of December, 2015, shall be implemented to the written satisfaction of the planning authority.

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

13. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no additional development shall take place above roof parapet level of the proposed building, including any solar panels, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area, and to allow the planning authority to assess any such development through the statutory planning process.

14. 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, construction noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of clarity, orderly development and amenity.

15. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, cycle parking and kerbs, shall comply with the detailed standards of the planning authority for such works.

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

16. All service cables associated with the proposed development (such as electrical, telecommunications and public lighting cables) shall be run underground within the site. Any overhead cables crossing or bounding the subject site shall be undergrounded as part of the site development works.

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

17. No more than 75 car parking spaces shall be provided on site. Four of these spaces shall be dedicated for disabled drivers. At least one car parking space shall be equipped, at the developer's expense, with a functioning electrical vehicle (EV) charging point. Ducting shall also be provided by the developer to allow for the future fit out of an electric vehicle charging point for at least 10 per cent of the car spaces. All electric vehicle charging infrastructure shall be in accordance with the standards of the planning authority for this infrastructure.

Reason: In the interest of sustainable development and traffic safety.

18. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000 in respect of road works, works to the footpath or the provision of signage outside the application site including any works outside the site required to facilitate the access and provide the extended footpath and public lighting, under the terms of condition number 3 of this permission. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board for determination. The contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate and shall be 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.

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.

19. The developer shall pay to the planning authority a financial contribution of €119,861.97 (one hundred and nineteen thousand, eight hundred and sixty one euro and ninety seven cent) 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. The application of any 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 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.