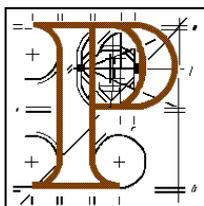


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

**Cork County**

**Planning Register Reference Number: 16/00333**

An Bord Pleanála Reference Number: PL 88.247100

**APPEAL** by Donal Hunt care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, County Kildare and by G.W. Biggs and Company care of McCutcheon Halley Walsh of 6 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 21<sup>st</sup> day of July, 2016 by Cork County Council to grant subject to conditions a permission to the said G.W. Biggs and Company in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Development consisting of demolition of the existing single storey workshop/office building, boundary walls and fences and construction of a supermarket (net retail sales area of 1,672 square metres) with ancillary off-licence, delivery area and storage at ground floor level, ancillary offices, car parking and plant at first floor level including all associated site works at Reenrour West, Bantry, County Cork.

## **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**

### *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 the conservation objectives for those sites.

### *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. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 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 shall 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 millimetres to 300 millimetres.
- (g) The zinc material for the roof and the side cladding shall have a low folded standing seam of less than 50 millimetres 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 interest 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. 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.

**Reason:** In the interest of public health.

9. No additional development shall take place above roof parapet level, including lift motor enclosures, 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 residential amenities of property in the vicinity and the visual amenities of the area.

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 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 the commencement of development.

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

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. 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 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 interests of sustainable waste management.

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

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

16. 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 Bord 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.



