



Planning and Development Acts 2000 to 2017

Planning Authority: Cork County Council

Planning Register Reference Number: 16/06209

Appeal by RGDATA of Rock House, Main Street, Blackrock, County Dublin against the decision made on the 6th day of March, 2017 by Cork County Council to grant subject to conditions a permission to Lidl Ireland GmbH care of The Planning Partnership of via Fulcrum Unit 10a, South Ring Business Park, Kinsale Road Roundabout, Kinsale Road, Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of the existing Lidl Licensed Discount Foodstore (1,762 square metres Gross Floor Area with 1,391 square metres Net Retail Sales Area) and the construction of a new mono-pitched Licensed Discount Foodstore with ancillary infrastructure and associated site development works (all totalling 2,962.5 square metres Gross Floor Area and ranging in height equivalent from one to two storeys) on site of approximately 1.327 hectares at Banteer Road, Kanturk, County Cork. The construction of the proposed new Licensed Discount Foodstore (2,906 square metres Gross Floor Area) comprises: a retail sales area with ancillary off-license use and bakery (total Net Retail Sales Area of 1,690 square metres), entrance pod, public facilities (including lobby and toilets), staff facilities (including lobby and toilets), operational office, storage (including cold storage), stairs and lift to first floor, plant room and delivery area, all at ground floor level; staff welfare (including toilets, change rooms and staff canteen area), roof terrace,

meeting room, IT room, store room, stairs and lift from ground floor, all at first floor level; corporate signage consisting of two number building mounted corporate illuminated signs, one number free standing internally illuminated total pole sign at entrance, three number wall mounted externally illuminated poster panel display boards and two number free standing externally illuminated poster display boards, one number trolley bay covered structure (56.5 square metres Gross Floor Area); 144 number surface car parking spaces (eight number disabled, 15 number parent and child and 121 number regular); 15 number motorcycle and 30 number bicycle parking spaces; vehicular and pedestrian access to the proposed new Licensed Discount Foodstore development will be provided via a repositioned site entrance onto the Banteer Road and boundary treatments, hard and soft landscaping, services (including one number below ground attenuation tank) and all other ancillary and associated site development works above and below ground level.

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 scale and nature of the existing development on the site and to the scale, nature and limited extent of increased net retail sales area, to the site location within the development area of the town of Kanturk and within an area subject to the zoning objective “Existing built up area” according to the Kanturk Electoral Area Local Area Plan 2011, and to the established pattern and character of existing development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the vitality and viability of Kanturk Town centre, would not seriously injure the visual amenities of the area and would be acceptable in terms of traffic safety and convenience. The proposed development 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 to the planning authority on the 21st day of December, 2016 and the 6th day of February, 2017, 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 which shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This permission hereby authorises an increase of 299 square metres in net retail area as applied for. Any further increase in net retail area shall be the subject of a separate planning application.

Reason: To confirm the quantum of net retail space within the application.

3. The following requirements shall be provided for in the development:
 - (a) The new entrance shall be recessed by a distance of 4.5 metres from the site frontage and the splays shall be at an angle of 45 degrees.
 - (b) The front boundary walls shall not exceed a maximum height of one metre above the level of the public road.

Reason: In the interest of orderly development and vehicular and pedestrian safety.

4. The proposed development shall not be open to the public outside the hours of 0900 to 2200 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.

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. This scheme shall include the following:
 - (a) details of all proposed hard surface finishes, including samples of proposed surface materials, kerbs and markings within the development;
 - (b) locations of trees and other landscape planting in the development, including details of proposed species and settings;
 - (c) details of proposed street furniture, including bollards, lighting fixtures and seating;

- (d) boundary treatments at the perimeter of the site, including heights, materials and finishes, and,
- (e) details of the finishes to the area between the proposed boundary line and the public road along the R579.

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. The development shall be landscaped in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

- 6. Details, including samples, of the materials, colours and textures of all external finishes to the proposed development 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 amenities of the area.

- 7. The following requirements shall be provided for and adhered to in the development:
 - (a) External shutters are not permitted. Internal shutters, if erected, shall be of the perforated type, coloured to match the shopfront colour.
 - (b) No adhesive material shall be affixed to the windows or the shopfronts.

Reason: In the interest of visual amenity.

8. Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, no advertisement signs other than those authorised by this grant of permission, advertisement structures, banners, awnings, canopies, flags, or other projecting elements shall be displayed on the building or erected within the curtilage of the site without a prior grant of planning permission.

Reason: To protect the visual amenities of the area.

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.

Reason: In the interest of public health.

10. 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, antennae or equipment, unless authorised by a prior grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

11. All service cables associated with the proposed development 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 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, 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 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.

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 the commencement of development. This plan shall provide details of intended construction practice for the development, including hours of work, 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 the 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.

17. 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 marking to provide for a right turning lane at the entrance to the proposed development. 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 An Bord Pleanála for determination. The contribution shall be paid prior to commencement of 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.

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 the costs of the Kanturk Relief Road. All contributions previously paid as a special contribution under section 48(2) (c) of the Act in respect of the Kanturk Relief Road and which have not refunded to the developer shall be deducted from the amount payable. 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 An Bord Pleanála for determination. The contribution shall be paid prior to commencement of 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.

