



An
Bord
Pleanála

Board Order
PL 04.248386

Planning and Development Acts 2000 to 2017

Planning Authority: Cork County Council.

Planning Register Reference Number: 17/4240.

Appeal by Patrick Fitzgibbon of School Road, Skeheenarinky, Burncourt, Cahir, County Tipperary against the decision made on the 30th day of March, 2017 by Cork County Council to grant subject to conditions a permission to Aldi (Ireland) Limited care of Coakley O'Neill Town Planning Limited of NSC Campus, Mahon, Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a single storey extension (96 square metres gross floor area) (96 square metres net retail area)) on the eastern (front) elevation for use as retail floor space. The proposed extension is in addition to the southern and eastern extensions permitted, not yet constructed, under application register reference 15/5283. The total floor space will be 1,700 square metres (gross floor area) (1,254 square metres net retail area). The proposed extension will require the relocation of bicycle stands, signage and trolley bay permitted under application register reference 15/5283, as well as all site development, landscaping and ancillary works at the 0.4681 hectare (1.156 acre) site of the existing Aldi store, Dublin Road, Brigown, Mitchelstown, County Cork. All other aspects of the development permitted under application register reference 15/5283 will be unaffected.

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 Town Centre zoning objective for the area, as set out in Volume Three of the Fermoy Municipal District Local Area Plan 2017, the planning history and overall design and scale of the development proposed, and the existing pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the character and amenities of the area or of property in the vicinity, or prejudice the redevelopment of the adjacent Mill building and would be acceptable in terms of pedestrian and traffic safety and would not be at risk from flooding. 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 received by An Bord Pleanála on the 26th day of May, 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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Unless otherwise required by the following conditions, the proposed development shall comply with the terms and conditions of planning register reference numbers 05/8564 and 15/5283 which govern the overall development of the lands. In the interest of clarity, this includes the provision of a pedestrian access between the site and the adjoining Mill site.

Reason: In the interest of clarity and orderly development.

3. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development, including samples, shall be submitted to, and agreed in writing with, the planning authority.

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

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of environmental protection, public health and to ensure a proper standard of development.

5. Details of the proposed pedestrian crossing to the south of the entrance shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The development shall be implemented in accordance with the agreed plans.

Reason: In the interest of pedestrian safety.

6. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags or other projecting elements, other than those shown in submitted documents, 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. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, including hard landscaping and lighting, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

8. 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.

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

Dated this day of 2017