



An  
Bord  
Pleanála

**Board Order**

**PL 28.249423**

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## **Planning and Development Acts 2000 to 2017**

**Planning Authority: Cork City Council**

**Planning Register Reference Number: T.P. 17/37366**

**Appeal** by Dunnes Stores care of Cunnane Stratton Reynolds of Copley Hall, Cotters Street, Cork against the decision made on the 18<sup>th</sup> day of September, 2017 by Cork City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The redevelopment of Bishopstown Shopping Centre, Curraheen Road, Bishopstown, Cork. The proposed development includes the part demolition of the existing supermarket and adjoining retail units and redevelopment to provide for an extended supermarket (1,500 square metres net floor area) and an adjoining unit providing for either retail or café/restaurant type use. The overall proposal allows for a reduction in the total existing floor space. The proposal also allows for external alterations to the elevations, revisions and extension storage/ancillary spaces, modifications to existing car parking layout, landscaping, signage, totem sign and all associated site development works. The supermarket will provide for the sale of alcohol.

## Decision

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE conditions numbers 3, 11, 13, 19 and 25 and the reasons therefor and to AMEND condition number 7 so that it shall be as follows for the reasons set out.

7. The developer shall be responsible to maintain sufficient protection, to the satisfaction of the planning authority (Water Department) on the existing water main during the course of the works.

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

## Reasons and Considerations

In relation to condition number 3

The Board did not consider it necessary to restrict the opening and servicing hours of the proposed development, including the café, given the neighbourhood centre zoning objective for the site and that there are no restrictions on existing trading hours

In relation to condition numbers 11 and 13

The Board noted that the conditions referred to matters outside the site of the proposed development and did not consider the inclusion of the conditions warranted.

In relation to condition number 19

The Board did not consider the condition to be warranted in light of the development proposed which involves a reduction in floor space and which is considered satisfactory in terms of surface water drainage.

In relation to condition number 25

The Board did not consider the condition to be warranted as it was considered to be not directly related to the proposed development and can be more appropriately dealt with under a different code.

In relation to condition number 7

The Board did not consider the imposition of a wayleave to be appropriate as it was considered to be not directly related to the proposed development and can be more appropriately dealt with under a different code but that the water main should be protected during the works to the satisfaction of the planning authority.

It is considered that:

- the attachment of conditions numbers 3, 11, 13, 19 and 25 is not necessary in relation to the proper planning and sustainable development of the area, and
- the amendment of condition number 7 is consistent with the proper planning and sustainable development of the area.

## **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.

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

**Dated this      day of                                      2018**