

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Cork County Council

Planning Register Reference Number: 17/00636

An Bord Pleanála Reference Number: ABP-300450-17

Appeal by Donal Hunt care of David Mulcahy Planning Consultants Limited of 67 Old Mill Race, Athgarvan, Newbridge, County Kildare against the decision made on the 20th day of November, 2017 by Cork County Council to grant subject to conditions a permission to GW Biggs and Company care of Daly Barry and Associates of Glengarriff Road, Bantry, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Permission to amend the permitted hours of opening to the public of supermarket as permitted by An Bord Pleanála planning reference PL88.247100 (Cork County Council reference number 16/333) from 09.00 until 21.00 to 08.00 until 21.00 on Monday to Saturday and from 10.00 until 19.00 to 09.00 until 19.00 on Sundays and Public holidays at Reenrou 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

Having regard to the Town Centre zoning of the site, the existing permission on the site and the pattern of development in the area, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the proposed development was acceptable given the zoning of the site and the hours of operation proposed.

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 particulars submitted on the 27th day of October, 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. The proposed development shall not be open to the public outside the hours of 08.00 to 21.00 Monday to Saturday or 09.00 to 19.00 on Sundays and public holidays. Deliveries shall not take place before 07.00 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.

3. The permission hereby granted shall solely relate to the hours of operation of the subject premises only and for no other component of the development of the site and the proposed development shall comply with the terms and conditions of An Bord Pleanála appeal reference PL88.247100 which governs the overall development of the lands of which the site forms part, unless amended by a grant of planning permission.

Reason: For the avoidance of doubt and to ensure that the development, other than those approved variations to the hours of operation is built in accordance with the approved plans, particulars and conditions.

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

Dated this day of 2018.