



Planning and Development Acts 2000 to 2018

Planning Authority: Cork County Council

Planning Register Reference Number: 17/06517

Appeal by Jerry Mehigan of Monterey Pines, Upper Rices Road, Bandon, County Cork and by others against the decision made on the 16th day of April, 2018 by Cork County Council to grant subject to conditions a permission to Fannaharr Limited care of Avanti Architects of 7 Pearse Street, Kinsale, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of existing single and two-storey retail units and associated ancillary structures, construction of a three-storey development consisting of primary care centre, three number retail units and library, alterations to existing surface car park, revised entrance layout to Saint Patrick's Place, ancillary site works and all associated external works at Old Market, Saint Patrick's Place, Bandon, 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 land use zoning of the site, its location and established pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of scale, mass and design, would enhance the visual amenity and character 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 on the 20th day of March, 2018, 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 developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
 - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

3. Prior to the commencement of development, details of the following shall be submitted to, and agreed in writing with, the planning authority:
 - (a) Detailed sample panels with a selection of brick types constructed in the proposed bonding system.
 - (b) Details of the materials, colours and textures of all the external finishes to the proposed development.

Reason: In the interests of visual amenity and traffic safety and in the interest of the proper planning and sustainable development of the area.

4. Use of the overall premises shall be restricted to those uses specified in the documentation lodged with the planning authority (retail, library and primary care centre) and any change of use, whether within the use class for exempted development of the Planning and Development Regulations, 2001, as amended, or otherwise, shall be subject to a prior grant of planning permission.

Reason: In the interest of orderly development.

5. The use of parking spaces numbered 53 to 61 inclusive shall be restricted to staff located in the proposed development.

Reason: In the interest of traffic safety and convenience.

6. 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: To ensure adequate servicing of the development and to prevent pollution.

7. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by staff employed in the development and to reduce and regulate the extent of staff parking. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for shower and changing facilities associated with the policies set out in the strategy.

Reason: In the interest of public safety and orderly development.

8. 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.

9. (a) No advertisement or advertisement structure other than those shown on the drawings submitted with the application shall be

erected or displayed on the building or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

- (b) No awnings, canopies, illuminated signs or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission,
- (c) External roller shutters shall not be erected, any internal shutter shall be only of the perforated type, coloured to match the façade.
- (d) Signage shall be restricted to the fascia only and shall be hand painted or consist of individual raised letters. Details and material specifications of same shall be submitted to and agreed in writing with the planning authority prior to commencement of works on site.

Reason: In the interest of visual amenity and in the interest of the proper planning and sustainable development of the area.

10. Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1600 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

11. 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/vibration, dust and traffic management measures.

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

12. 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 interest of sustainable waste management.

13. Twenty-six number covered bicycle parking spaces shall be provided within the site. The layout and demarcation of these spaces shall be

submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

14. (a) During construction, the developer shall provide adequate off-carriageway parking facilities for all traffic associated with the proposed development, including delivery and service vehicles/trucks. Parking along the public road shall not be permitted.
- (b) Vegetation or any structure shall not exceed one metre in height within the sight distance triangle.

Reason: In the interest of traffic safety.

15. All service cables associated with the proposed development (such as electrical and telecommunications) shall be located underground. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

16. All surface water drainage from car parking areas shall be passed through a Class 1 bypass oil and silt interceptor before being discharged to the site surface water system. An inspection chamber with sump shall be provided between the hydrocarbon interceptor and the discharge area. The sump shall be a minimum size of 500 millimetres square and 400 millimetres deep and shall be of watertight construction. The interceptor and sump shall be installed and operated to the satisfaction of the planning authority.

Reason: To safeguard the amenities of the area.

17. All waste from the facility shall be securely stored on site prior to collection by an authorised specialist waste management operator and shall not be stored on the public road.

Reason: In the interest of public health.

18. 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.

19. 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 provision of public car parking which shall be required to serve the 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 the commencement of the 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.

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

Dated this day of 2018.