



---

**Planning and Development Acts 2000 to 2018**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 18/00040**

**Appeal** by Peter Sweetman care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, County Kildare and by Tim Coakley and Finian O'Sullivan of Millbrook, Seskin, Bantry, County Cork against the decision made on the 12<sup>th</sup> day of June, 2018 by Cork County Council to grant subject to conditions a permission to G.W. 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:** Retention of changes to supermarket as granted permission by an Bord Pleanála Reference PL 88.247100 (Cork County Council Reference 16/333) consisting of: (a) Internal alterations to ground floor layout including an increase in retail space (granted as storage space), reconfiguration of the storage area and the construction of a recycling compactor area at ground floor level, (b) Alterations to the first floor layout including the provision of toilets, staff facilities and revisions to the plant areas, changes to the parking area to provide 65 number parking spaces (74 granted), (c) Elevational changes namely; (i) Addition of two number doorways on the south elevation and cladding and render finish to gables (in

lieu of circular features as granted), (ii) Relocation of three number doorways and minor finish treatments on the north elevation, (iii) Addition of a ventilation louver and increase in parapet height on the east elevation, (iv) Addition of a doorway on the west elevation and cladding finish (in-lieu of ventilation louvers as granted), (v) Change from frameless glazing to curtain walling in respect of the shop front glazing, (d) Modification and realignment of retaining wall to the rear of the building including grading and change of levels of the hillside to the rear of the site, (e) Location of an emergency generator behind the retaining wall at the rear of the site, all at Reenrour West, Bantry, County Cork, as revised by the further public notices received by the planning authority on the 4th day of May, 2018 and the 16th day of May, 2018.

## **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 provisions of the Cork County Development Plan 2014-2020 and of the West Cork Municipal District Local Area Plan 2017, to the scale and nature of the proposed development and to the nature and character of the surrounding environment, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the 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 on the 2<sup>nd</sup> day of February, 2018, the 26<sup>th</sup> day of April, 2018, the 16<sup>th</sup> day of May, 2018 and the 17<sup>th</sup> day of May, 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 development shall comply with the terms and conditions of An Bord Pleanála Appeal Reference Numbers PL 88.247100 and ABP-300450-17 which govern the overall development of the lands of which the site forms part, save where amended by the terms and conditions herein, unless amended by the grant of a further permission.

**Reason:** in the interest of clarity.

3. The proposed development shall be amended as follows:
  - (a) A forward projecting and illuminated “parking” sign shall be erected on the southern façade of the building, close to the entrance to the first floor car park.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this Order.

**Reason:** In the interest of the amenities of the area.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, and the requirements of Condition 2 above, no further signs, symbols, emblems or other advertising devices shall be erected or displayed externally on the site, unless otherwise authorised by a prior grant of planning permission.

**Reason:** In the interest of the amenities of the area.

5. The landscaping scheme shown on Drawing Numbers L105 and L106, as submitted to the planning authority on 26<sup>th</sup> day of April, 2018 shall be carried out within the first planting season following the date of this Order, except as otherwise amended by the terms and conditions of this permission hereby granted. 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 development, shall be replaced within the next planting season with other of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In order to assimilate the development into the surrounding townscape and in the interest of visual amenity.

6. 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 public health.

7. 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 works proposed to be carried out for the provision of nine car parking spaces. 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.

---

**Paul Hyde**

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

**Dated this            day of            2019**