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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 21/4517**

**Appeal** by Lidl Ireland GmbH care of The Planning Partnership of The Coach House, Dundanion, Blackrock Road, Cork against the decision made on the 26<sup>th</sup> day of April, 2021 by Cork County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The demolition of the existing Lidl Licenced Discount Foodstore (1,768 square metres gross floor space with 1,334 square metres (Net Retail Sales Area) and the construction of a new single level mono-pitched licenced discount foodstore with ancillary infrastructure and associated site development works (all totalling 2,129 square metres gross floor space and ranging in height equivalent from one to two storeys), at this site of approximately 1.089 hectares. Development will consist of a retail sales area with ancillary off-licence use and bakery (total net retail sales area of 1,424 square metres) entrance pod, public facilities (including lobby and toilets), staff facilities (including welfare lobbies, toilets cloak/change rooms, staff canteen and meeting room), operational office, IT room, plant room, delivery area and storage (including cold storage); rooftop photovoltaic solar panel array totalling 984 square metres; corporate signage consisting of two number building mounted corporate internally illuminated signs, three number

wall mounted externally illuminated poster panel display boards, one number externally illuminated poster display board and one number free standing internally illuminated flag pole sign at entrance; one number trolley bay covered structure with eight number bicycle parking spaces (63.02 square metres covered floor area) and 120 number surface car parking spaces (six number disabled, 10 number parent and child, two number EV charging, and 102 number regular). Primary vehicular and pedestrian access to the proposed new licenced discount foodstore development will be maintained via the existing enhanced vehicular and pedestrian entrance onto the Fermoy Road; secondary pedestrian access will be provided via a new dedicated pedestrian entrance onto the Fermoy Road; and boundary treatments, retaining walls, hard and soft landscaping, services (including one number below ground attenuation tank) and all other ancillary and associated site development works above and below ground level. All at Fermoy Road, Brigown, Mitchelstown, County Cork.

## **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 18 and 19 and the reason therefor and to AMEND condition number 4 so that it shall be as follows for the reasons set out.**



4. The proposed development shall not be open to the public outside the hours of 0800 to 2200 Mondays to Saturdays inclusive, nor outside the hours of 0900 to 2100 on Sundays or public holidays. Deliveries shall not take place before the hour of 0700, from Mondays to Saturdays inclusive, nor before the hour of 0800 on Sundays and public holidays, nor after 2200 hours on any day.

**Reason:** In the interest of residential amenity.

## **Reasons and Considerations**

Having regard to the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in April, 2012, and to the planning history of the site, it is considered that the requested amendment of condition number 4 would be compatible with the residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Having regard to the provisions of the Planning and Development Act, 2000, as amended, and the Development Management Guidelines, it is considered that conditions numbers 18 and 19 fail to meet the criteria for valid planning conditions.

## 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.

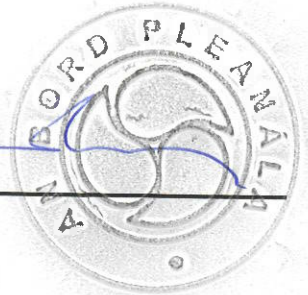


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**John Connolly**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**



Dated this *23<sup>rd</sup>* day of *SEPTEMBER* 2021.