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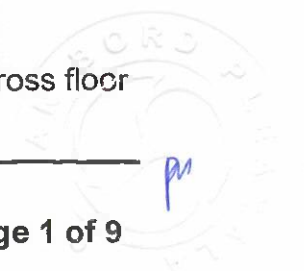
**Planning and Development Acts 2000 to 2021**

**Planning Authority: Cork City Council**

**Planning Register Reference Number: 21/40296**

**Appeal** by Lidl Ireland GmbH care of The Planning Partnership of The Coach House, Dundanion, Blackrock Road, Cork against the decision made on the 16<sup>th</sup> day of August, 2021 by Cork City Council to refuse permission for the proposed development.

**Proposed Development:** Permission for development to demolish an ESB Substation (22 square metres) and construct a Mixed-use Building (residential, shop, licensed discount foodstore and café/coffee shop) with ancillary facilities and services (totalling 3,935 square metres gross floor space over four floors and ranging in height from between three storey to five storey height equivalent) with undercroft and ancillary surface vehicle parking, all at a site of approximately 0.41 hectares. The development will consist of the demolition of an ESB Substation (22 square metres) and the construction of a Mixed-use building comprising: a café/coffee shop unit (100 square metres), circulation areas, bicycle and bin storage areas, electricity substation and switch rooms, goods delivery and storage area, internal trolley bay, travellers to and from first floor level, and undercroft vehicular parking, access lobbies with stairs and lifts to licensed discount foodstore and residential apartments, all at ground floor level (733 square metres gross floor



space). A shop unit (90 square metres) as defined under Article 5 of the Planning and Development Regulations 2001 (as amended) and a licensed discount foodstore (1,205 square metres net retail floorspace) with ancillary off-licence, bakery preparation, storage (including cold storage), circulation areas, public lobby and toilets, staff welfare facilities (including operations office, meeting and welfare rooms, shower and toilets), IT room, open plant area (91 square metres), travellators to and from ground floor level, staircase and lift to second and third floor residential apartment levels, all at first floor level (2,270 square metres gross floor space). Four number two-bedroom apartments (82 square metres, 90 square metres, 93 square metres and 109 square metres respectively) with private balconies, staircase and lift to third floor residential apartment level, private communal rooftop open space landscaped courtyard area (70 square metres), all at second floor level (466 square metres gross floor space). Four number two-bed apartments (82 square metres, 90 square metres, 93 square metres and 109 square metres respectively) with private balconies all at third floor level (466 square metres gross floor space). The proposed overall site development includes: a total of 64 number vehicular parking spaces of which 51 number undercroft (seven number parent and child, three number disabled and 41 number regular) and 13 number surface car parking spaces (three number electric vehicle and 10 number regular), six number motorcycle parking spaces, 44 number bicycle parking spaces (including 12 number dedicated to residential), boundary treatments, hard and soft landscaping, corporate and information signage, rooftop photovoltaic solar panel arrays (750 square metres), services (including one number below ground attenuation tank below surface of undercroft parking area) and all other ancillary services and associated site development works above and below ground level. Primary vehicular and pedestrian access to the proposed development will be via a new site entrance off the East Village Access Road from the R610 Douglas Relief Road and Douglas Court Shopping Centre/Douglas McDonald's Roundabout. Secondary pedestrian access to the proposed development will be via off the East Village Access Road, from the R610 Douglas Relief Road and Douglas

Court Shopping Centre/Douglas McDonald's Roundabout, and from the R610 Douglas Relief Road, all at a site of approximately 0.41 hectares located between the R610 Douglas Relief Road and East Village Access Road, Douglas, 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**

It is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the objectives of the Ballincollig Carrigaline Municipal District Local Area Plan 2017 and the Cork County Development Plan 2014, would be acceptable in terms of height, scale, mass, form and uses, would represent an appropriate design response to the site's context, would not seriously injure the visual amenities of the area, and 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, 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. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. The hours of operation of the proposed retail store, shop and café shall be agreed in writing with the planning authority prior to the first occupation of those units.

**Reason:** In the interest of the amenities of property in the vicinity.

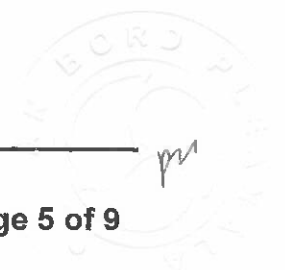
4. Details of all external signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

5. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:-
- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development,
  - (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings,
  - (c) details of proposed street furniture, including bollards, lighting fixtures and seating, and
  - (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes of perimeter walls.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

**Reason:** In the interests of visual and residential amenity.



6. Prior to the commencement of development, the following shall be submitted to, and agreed in writing with, the planning authority:
  - (a) operational traffic management provisions, inclusive of vehicular entrance controls, footpath connectivity, cycle access provisions, traffic calming measures, and road signage, and
  - (b) on-site parking provisions, including layout and finishes to parking.

**Reason:** In the interests of traffic safety and orderly development

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

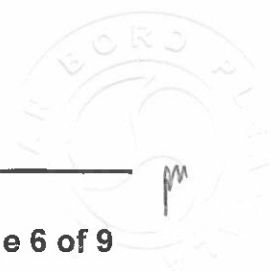
**Reason:** In the interests of visual and residential amenity.

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

9. The developer shall enter into water and wastewater connection agreements with Irish Water prior to the commencement of development.

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



10. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

11. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

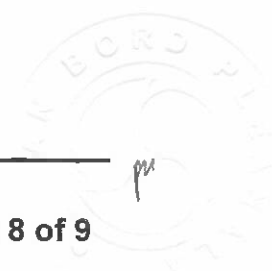
12. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and traffic management measures, inclusive of Heavy Goods Vehicle delivery routes, construction parking, and storage areas.

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

13. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the authority.

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

14. 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.

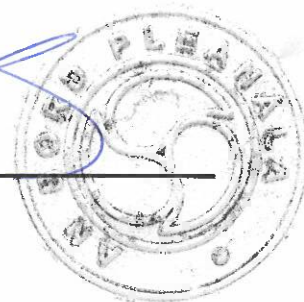




**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

  
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**Paul Hyde**

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



Dated this 14<sup>th</sup> day of MARCH 2022.