

An
Bord
Pleanála

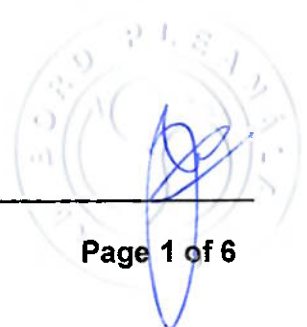
Board Order ABP-315915-23

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 22/00728

Appeal by Drinagh Co-Op Limited care of McCutcheon Halley Chartered Planning Consultants of 6 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 31st day of January, 2023 by Cork Council in relation to the application by the said Drinagh Co-Op Limited for retention of existing farm retail warehouse use. Permission is also sought for change of use of part of existing storage to proposed extended farm retail warehouse use at ground floor level. Construction of new single storey garden centre at ground floor level and a new storage mezzanine at first floor level over the existing farm retail warehouse area and part of the proposed extended farm retail warehouse area, including two number fire escape stairs and a service lift. Alterations to north, south and western elevations, including provision of new entrance surround and fenestration, together with alterations to entrance approach and new signage. Removal of disused fuel tanks and bunded surround and provision of additional car and bicycle parking. All associated site works, fencing and services, all at Drinagh Farm Centre, Dunbittern East, Cork Road, Bantry, County Cork (which decision was to refuse permission).



Decision

GRANT permission for retention of existing farm retail warehouse use, permission for change of use of part of existing storage to proposed extended farm retail warehouse use at ground floor level. Construction of new storage mezzanine at first floor level over the existing farm retail warehouse area and part of the proposed extended farm retail warehouse area, including two number fire escape stairs and a service lift. Alterations to north, south and western elevations, including provision of new entrance surround and fenestration, together with alterations to entrance approach and new signage. Removal of disused fuel tanks and bunded surround and provision of additional car and bicycle parking. All associated site works, fencing and services, based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for construction of new single storey garden centre at ground floor level for the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the existing development on site comprising an agricultural supply warehouse, the permitted use, which includes incidental retailing associated with its primary function, the limited nature of the proposed sales/retail area relative to the overall premises, as well as the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be detrimental to the vitality and viability of Bantry Town, would not be inconsistent with the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in April 2012, would not create a traffic hazard, and 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 retail floorspace developed at this site was incidental to the primary storage function of the existing permitted development, would be in accordance with condition number 6 of the parent permission, and, therefore, would not materially contravene Objective BT-B-03 of the Cork County Development Plan 2022-2028.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 27th day of February, 2023, 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 retained, 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. Details of all external shopfronts and signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

4. Parking for the development shall be provided in accordance with a detailed parking layout which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The layout shall also provide for the relocation of disabled parking as well as parent and child spaces to the area where existing parking is located.

Reason: To ensure a satisfactory parking layout in the interest of pedestrian and traffic safety and 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.

Reason: In the interest of visual amenity.

6. (a) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Only clean uncontaminated storm water shall be discharged to the surface water outfall.
- (b) The septic tank shall be made available for inspection to the planning authority as well as the site assessor's report confirming the suitability of both the septic tank and percolation area for additional loading.

Reason: In the interest of public health.

7. The construction of the proposed 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 all intended construction practice for the proposed development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

8. 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 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. The application of any indexation required by this condition 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.

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.

Reasons and Considerations (2)

The proposed use, that of a garden centre, is not considered to be retail warehousing use as per the provisions of the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in April 2012, would be unrelated to the existing use, would be contrary to the zoning objectives of the Cork County Development Plan 2022-2028 and would, therefore, be contrary to the proper planning and sustainable development of the area.



Joe Boland

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this *28TH* day of *March* 2024.