

An
Bord
Pleanála

Board Order
ABP-315981-23

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 224299.

Appeal by Lidl Ireland GmbH care of The Planning Partnership of The Coach House, Dundanion, Blackrock Road, Cork against the decision made on the 9th day of February, 2023 by Cork County Council to refuse a permission.

Proposed Development: The demolition of the existing Lidl Licenced Discount Foodstore (1,498 square metres gross floor space with 1,050 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 2,237.5 square metres gross floor space and ranging in height equivalent from one to two storeys), at this site of approximately 0.69 hectares. The proposed new single level licenced discount foodstore (2,213 square metres gross floor space). Development will consist of a retail sales area with ancillary off-license use and bakery (total net retail sales area of 1,398 square metres) entrance pod, public facilities (including lobby and toilets), staff facilities (including welfare lobbies, toilets, cloak/change rooms, staff canteen, meeting room and operational office), IT room, plant room, delivery area and storage (including cold storage), and external covered trolley bay area with eight number bicycle parking spaces;

rooftop photovoltaic solar panel array totalling 974.9 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; ESB substation (24.5 square metres) and 90 number surface car parking space (four number disabled, four number parent and child, two number EV charging, and 80 number regular). Boundary treatments, retaining walls, hard and soft landscaping, services (including below ground surface water attenuation storage) and all other ancillary infrastructure and associated site development works above and below ground level. Primary vehicular and pedestrian access to the proposed new licenced discount foodstore development will be maintained via the existing enhanced vehicular and pedestrian entrance from the internal Ticknock Retail Park access road off the Ticknock Road L-2989 local primary road; and secondary pedestrian access will be provided via a new dedicated pedestrian entrance from the internal Ticknock Retail Park access road and the existing enhanced pedestrian entrance from the Ticknock Road L-2989 local primary road, all at existing Cobh Lidl Foodstore, Ticknock Road, Dean and Chapter Land of Cloyne, Cobh, 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.

Reasons and Considerations

Having regard to the site's zoning objective, its established use and to the nature and scale of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of built heritage and traffic safety and convenience, and would not materially contravene the current development plan for the area. The proposed development 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 did not agree that public safety could not be controlled by means of a suitably worded condition and, that subject to same, the plans and particulars submitted could protect public safety.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars submitted on the 22nd day of September 2022 and the 13th day of January 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 carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. Mitigation and monitoring measures outlined in the plans and particulars lodged with the application, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

3. 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.

4. Prior to the occupation of the supermarket, details of all advertising signage, including the proposed colour and finish and level of illumination (lux) of the signage shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of visual amenity.

5. Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, no advertisement signs including any signs installed to be visible through the windows, advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the retail units or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

6. Deliveries to the supermarket shall be restricted to hours outside peak hours as specified in the appellants Road Safety Audit opening hours and as per drawing 01-05 submitted to the planning authority on the 13th day of January 2023.

Reason: To protect public safety.

7. Prior to commencement of development, the applicant shall agree in writing with the planning authority the requirement for a piece of public art within the site. All works shall be at the applicant's expense.

Reason: In the interest of place making and visual amenity.

8. The developer shall submit a landscape scheme to the planning authority, for their written agreement, prior to commencement of development. The landscape scheme shall be implemented fully in the first planting season following the substantial completion of the external construction works. All planting shall be adequately protected from damage until established. Any trees, plants or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of visual amenity.

9. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be

provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles.

10. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report, details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of the development.

Reason: In the interests of amenity and public safety.

11. 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 agreed in writing with the planning authority.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

12. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

13. 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 interest of visual and residential amenity.

14. The developer shall enter into water and wastewater connection agreement with Uisce Éireann, prior to commencement of development.

Reason: In the interest of public health.

15. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.
- (a) Prior to commencement of development the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.
- (b) Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

16. 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 planning authority.

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

17. Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

18. 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 off-site disposal of construction/demolition waste.

Reason: In the interest of public safety.

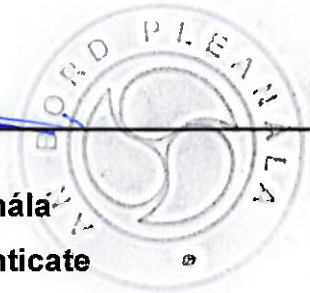
19. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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. 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.


Liam Bergin

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



Dated this 17th day of June 2024.