

An
Bord
Pleanála

Board Order
ABP-316202-23

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 22/6050

Appeal by John O'Flynn of 15 Joseph Ahern Terrace, Knockgriffin, Midleton, County Cork against the decision made on the 13th day of March, 2023 by Cork County Council to grant subject to conditions a permission to Watfore Limited care of Coakley O'Neill Town Planning Limited of NSC Campus, Mahon, Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a single storey retail warehouse unit (gross floor area 764 square metres, net retail area 600 square metres), loading area, signage, external plant, noise barrier fences and all site development, landscaping and drainage works, including the removal of 48 number existing surface car parking spaces, all at Midleton Retail Park in the townland of Knockgriffin (Imokilly), Midleton, 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 location of the site within an existing retail park on serviced lands within Midleton town centre, and 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 in accordance with Objective ZU 18-17: Town Centres/Neighbourhood Centres and Specific Development Objective MD-T-06 of the Cork County Development Plan 2022-2028, would not seriously injure the visual or residential amenities of the area, and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered the amendments to the acoustic barriers recommended by the Inspector, the Board, noting the report of the Traffic and Transport Section of the planning authority that accepted the applicant's response to further information on the issue of the barriers and pedestrian safety, considered that the details of these barriers should be agreed with the planning authority so as to ensure that the design of the barriers provided for the visibility of vulnerable road users.

Conditions

1. The proposed 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 received by the planning authority on the 15th day of February, 2023 and the 10th day of March, 2023, and by An Bord Pleanála on the 28th day of April, 2023 and the 4th day of October, 2024, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to commencement of development, detailed drawings and specifications of the design and finish of the acoustic barriers shall be submitted for the written agreement of the planning authority. The design of the barriers shall be such that it does not restrict visibility for/of pedestrian, vulnerable road users and cyclists using the ramps to a degree that it would make the route unsafe, as well as providing visibility for drivers of delivery vehicles on the adjoining road.

Reason: In the interest of pedestrian and traffic safety.

3. Prior to commencement of development, details of a raised uncontrolled pedestrian crossing to be provided traversing the delivery access route, as shown on the Proposed Site Layout received by the planning authority on the 15th day of February, 2023, shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of traffic safety.

4. (a) Prior to commencement of development, an operational waste management plan shall be submitted to, and agreed in writing with, the planning authority. Proposals to be submitted shall include revised drawings showing the provision of a bin storage area within the proposed structure.

- (b) No goods, raw materials, waste products or other items shall be placed or stored between the rear (west) of the proposed warehouse unit building and the adjoining delivery route.

Reason: In the interest of public health and the visual amenities of the area.

5. The delivery times for the proposed development shall be during daytime hours only, in accordance with the further information received by the planning authority on the 15th day of February, 2023. No deliveries shall be taken at or dispatched from the premises at any time on Sundays or public holidays.

Reason: To protect the residential amenities of the area.

6. (a) During the operational phase of the proposed development, the noise level arising from the proposed development, as measured at the nearest noise sensitive location, shall not exceed:

- (i) An Leq,1h value of 55 dB(A) during the period from 0800 to 2200 hours Mondays to Saturdays inclusive,
- (ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

Reason: To protect the residential amenities of property in the vicinity of the site.

7. (a) All plant shall be enclosed and soundproofed in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Plant proposed on the west elevation shall be re-positioned to ground level, as shown on the plans and particulars received by An Bord Pleanála on the 28th day of April, 2023 and the 4th day of October, 2024. Revised drawings, to an appropriate scale, showing this detail shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To safeguard the amenities of adjoining property.

8. Prior to commencement of development, an external lighting design for the proposed development shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of residential amenities and orderly development.

9. The hours of operation shall be as follows:

- (a) Monday – Wednesday: 0900 to 1800 hours
- (b) Thursday – Friday: 0900 to 1900 hours
- (c) Saturday: 0900 to 1800 hours
- (d) Sundays and public holidays: 1200 to 1800 hours

Reason: In the interest of residential amenities and in the interest of clarity.

10. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, as amended, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

11. 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 intended construction practice for the proposed development, including noise management measures and off-site disposal of construction/demolition waste.

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

12. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

13. 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.

14. 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 the visual amenities of the area.

15. The range of goods to be sold in the proposed development shall be limited solely to "bulky goods" (as defined in Annex 1 of the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in April 2012).

Reason: In order to prevent an adverse impact on the viability and vitality of the area, and so as not to undermine the retail hierarchy of the area.

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 or public holidays. Deviation from these times shall 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. 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 authorised by a further grant of planning permission.

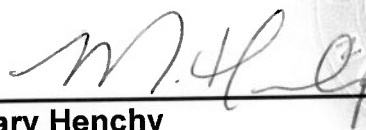
Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

18. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This shall include additional screening measures within the south-west section of the site.

Reason: In the interest of visual and residential amenity.

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.



Mary Henchy

Member of An Bord Pleanála

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

Dated this 9th day of *June* 2025.