



## Board Direction

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**Ref: 18.243834**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 23<sup>rd</sup>, January 2015.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the reasons and considerations and subject to the conditions as set out below.

### REASONS AND CONSIDERATIONS

Having regard to the design and scale of the proposed development, to the location of the site partially within the identified settlement envelope of Ballinode and adjacent to the existing industrial facility in the same ownership and to the relationship of the site with surrounding residential uses and to 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 seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, and would be acceptable in terms of traffic safety and convenience. The proposed development 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, as amended by the further plans and particulars submitted on the 23<sup>rd</sup> day of July, 2014, 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. No additional floorspace shall be formed by means of internal horizontal division within the buildings hereby permitted unless authorised by a prior grant of permission.

**Reason:** In order to control the intensity of development in the interest of amenity and ensuring that adequate car parking and service facilities will be provided within the development.

3. All goods, including raw materials, manufactured goods, packaging, and crates shall be stored or displayed only within the enclosed building.

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

4. The proposed workshop building shall be set back a minimum of 10m in a southerly direction on site. Details of the precise relocation shall be submitted to an agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In order to provide an adequate separation distance from the adjacent dwelling to the north in the interest of residential amenity.

5. External finishes to the proposed workshop building shall be dark green in colour.

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

6. Std. De-exempt aerials and Reason.

7. Receptacles for waste shall be provided and available for use at all times on the premises in accordance with details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 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.

9. The following shall be complied with in the proposed development:
- (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive locations (comprising the three dwellings to the north of the site and the permitted dwelling to the south east of the site) shall not exceed:-
    - (i) An  $L_{AeqT}$  value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. The T value shall be one hour.
    - (ii) An  $L_{AeqT}$  value of 45 dB(A) at any other time. The T value shall be 15 minutes. The noise at such time shall not contain a tonal component.
  - (b) All sound measurement shall be carried out in accordance with ISO Recommendation R 1996 "Assessment of Noise with respect of Community Response" as amended by ISO Recommendations R 1996 1 and 2 "Description and Measurement of Environmental Noise".
  - (c) Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
  - (d) An acoustic barrier shall be erected within the boundary of the site along the south eastern boundary where the site adjoins the permitted dwelling on the eastern side of the laneway.
  - (e) Details of the proposed acoustic barriers shall be submitted for the written agreement of the planning authority prior to the commencement of development.

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

10. The landscaping scheme shown on the Landscaping and Section Plan drawing number drawing number 3015-13-02b, as submitted to the planning authority on the 23<sup>rd</sup> day of July, 2014 shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

11. Car parking spaces as indicated on the approved plans shall be provided prior to the commencement of use of the site. All parking spaces indicated shall be reserved exclusively for the parking of vehicles thereafter.

**Reason:** To ensure a satisfactory parking provision for the proposed development that is accessible to all users.

12. The following shall be complied with in the proposed development:
  - (a) The new vehicular entrance as indicated on the Site Layout plan drawing number 3015-13-01b submitted to the planning authority on the 23<sup>rd</sup> day of July, 2014 shall be constructed and operational and the existing main site access closed prior to the commencement of use of the development hereby permitted and this entrance shall be the sole vehicular access to the public road from the site.
  - (b) There shall be no vehicular use of the existing laneway to gain access to the public road.
  - (c) All vehicular access to and from the site and control of access shall be as set out in the Method Statement document submitted to the planning authority on the 23<sup>rd</sup> day of July, 2014.

**Reason:** In the interest of traffic safety.

13. The development shall be connected to the public sewerage network and details of all water supply and drainage networks shall be submitted for the written agreement of the planning authority prior to the commencement of development.

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

14. The use hereby permitted shall not be carried out, no machinery operated and no deliveries taken or dispatched from the premises outside of the hours 0800 to 1800 hours Monday to Friday inclusive except as otherwise agreed in writing with the planning authority.

**Reason:** To protect the residential amenities of adjacent properties.

16. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs, advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings 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.

17. Comprehensive details of the proposed lighting system, including location of lighting stands, type and cowling of lighting to serve the development shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

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

18. The developer shall pay to the planning authority a financial contribution of €38,075 (thirty eight thousand and seventy five euro) 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.

Board Member: \_\_\_\_\_ Date: 23<sup>rd</sup>, January 2015  
Paddy Keogh