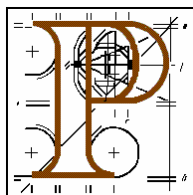


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2011

Cavan County

Planning Register Reference Number: 12/33

An Bord Pleanála Reference Number: PL 02.241820

APPEAL by Tom and Norah Regan of Crenard, Crossdoney, County Cavan against the decision made on the 11th day of March, 2013 by Cavan County Council to grant subject to conditions a permission to Andrew Gould care of Michael Fitzpatrick Architects Limited of Clones Road, Butlersbridge, County Cavan in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Retain existing silo, alterations to internal layout to include extended retail area, expansion of retail goods sold to include farm supplies and hardware goods, retention of dust extraction unit and storage to rear of existing unit and retention of site boundaries and fence heights. Planning permission also sought to erect additional silo, alteration to site boundaries and relocation of sewerage treatment facilities and all ancillary works at Crenard, Crossdoney, County Cavan, as amended by the revised public notice received by the planning authority on the 14th day of February, 2013.

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

Having regard to the existing permission on the site for a timber products facility and ancillary retail sales area, and to the nature and scale of the use for which retention is sought, it is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the policy of the Cavan County Development Plan 2008-2014 regarding retailing and rural enterprise, would not have a significant impact on the viability or vitality of existing retail outlets located within development centres, would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity 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 retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 15th day of January 2013, 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. The development hereby approved does not authorise the mezzanine level in the warehouse building which is not indicated on the drawings submitted with the application or on the public notices.

Reason: In the interest of clarity.

3. This permission is for a period of five years.

Reason: In order to assess the impact of the development.

4. The development hereby approved shall incorporate the following amendments:-

- (a) the retail floor area shall be limited to a maximum net floor space of 172 square metres,
- (b) the roadside boundary shall be set back a minimum distance of four metres from the road edge along the entirety of the roadside boundary. New or relocated fencing shall be dark green in colour, and
- (c) provision shall be made for the accommodation of employee car parking on site and all employee parking shall be accommodated on site. The cul de sac area to the east of the site shall not be used for the purpose of employee car parking.

Revised plans indicating these amendments shall be submitted for the written agreement of the planning authority within three months of the date of this order.

Reason: In the interest of visual amenity and traffic safety.

5. The range of materials and products sold on site shall be restricted to materials and products ancillary to or a by product of the main use of the site as a timber processing facility or those directly related to agriculture. Permitted products and materials shall include finished timber products and related products such as garden furniture, outdoor play equipment, gate hardware, wood paints and treatments and screws/bolts. Products directly connected with supplies for agriculture including feed, livestock equipment and electric fence equipment are also permitted. Other products comprising piping, sand, gravel electrical and plumbing supplies, clothing, children's toys and dog food/dog accessories and liquid fuel are not permitted.

Reason: In the interest of residential amenity.

6. Deliveries to the site shall only be limited to between 0800 hours and 1800 hours Mondays to Fridays, and between 0800 hours and 1300 hours on Saturdays. No deliveries shall take place on Sundays or bank or public holidays.

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

7. The retail element of the operations on site shall not open outside of 0800 hours and 1800 hours Mondays to Sundays inclusive.

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

8. No more than three number articulated deliveries shall take place at the site in a week.

Reason: In the interest of residential amenity.

9. Construction on site shall be limited to between 0800 hours and 1800 hours Mondays to Fridays, and between 0800 hours and 1300 hours on Saturdays. No work shall take place on Sundays or bank or public holidays.

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

10. The circulation area for Heavy Goods Vehicles as indicated on the Site Layout Plan drawing number 12-005-01 received by the planning authority on the 15th day of January, 2013 shall be kept free from materials and products.

Reason: In the interest of traffic safety and to ensure the safe movement of vehicles within the site.

11. The following shall be complied with in the development:

- (a) Treated effluent from the septic tank system shall be discharged to a raised percolation area which shall be provided in accordance with the standards set out in "Wastewater Treatment Manual—Treatment Systems for Single Houses" – Environmental Protection Agency (current edition).

- (b) Within three months of the installation of the new percolation area, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the raised percolation area is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

12. The landscaping scheme shown on drawing number 12-005-001, as submitted to the planning authority on the 15th day of January, 2013 shall be carried out within the first planting season following substantial completion of external construction works.

In addition to the proposals in the submitted scheme, the following shall be carried out:-

- (a) the relocated roadside fencing shall be backplanted with a hedgerow of indigenous species to be relocated a minimum of one metre behind the relocated roadside fence, and
- (b) a second row whitethorn hedging shall be planted along the full eastern boundary of the site.

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.

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

Dated this day of 2013.