

An
Bord
Pleanála

Board Direction
BD-010768-22
ABP-311925-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 24/05/2022.

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

Reasons and Considerations

Having regard to the location of the site within the town of Mitchelstown, on lands zoned 'Existing Built-up Area' in the Fermoy Municipal District Local Area Plan 2017, the location of the laundry and waste units within the curtilage of an existing filling station, the policies and objectives of the Cork County Development Plan 2014 (as extended), and the pattern of existing and permitted development in the area, it is considered that, subject to compliance with the conditions set out below, the development for which retention permission is sought and the proposed development would not seriously injure the amenities of the area, would be acceptable in terms of pedestrian and traffic safety and would constitute acceptable uses at this location. The development for which retention permission is sought and 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 28th day of September 2021, 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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. No development of the portable waste compactor units, shall be undertaken on foot of this permission until such time as the developer has applied for and received confirmation from the local authority of a waste authorisation (Waste Permit/Certificate of Registration) relating to the development authorised by this permission.

Reason: To ensure the protection of the environment and compliance with the Waste authorisation legislation.

3. All surface water generated by the development shall be collected and disposed of within the site to the surface water draining system. It shall not be discharged to the adjoining properties or the public roadway.

Reason: In the interest of orderly development.

4. The area surrounding the waste compactors shall be kept free from waste at all times.

Reason: In the interests of visual amenity and public health and safety.

5. Prior to the commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

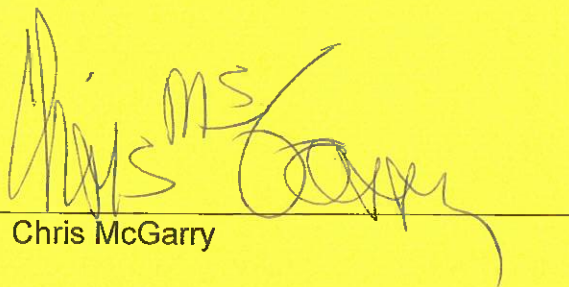
6. No signage, advertising structures/advertisements, or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

7. 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 the 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.

Board Member



Chris McGarry

Date: 24/05/2022

