

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Cork County

Planning Register Reference Number: 15/05810

An Bord Pleanála Reference Number: PL 04.246137

APPEAL by Roger and Alison Flack care of Hogan Associates of The Lodge, Proby's Quay, Cork and by Denis O'Sullivan care of Hogan Associates of The Lodge, Proby's Quay, Cork against the decision made on the 20th day of January, 2016 by Cork County Council to grant subject to conditions a permission to Blackrock Estates Limited care of McCutcheon Halley Walsh of 6 Joyce House, Barrack Square, Ballincollig, County Cork for development comprising (a) retention of (i) alterations and change of use of a former dwelling to provide office/laboratory use; (ii) alterations and extension to the north elevation and provision of four number velux windows to an existing office building and (iii) the partial demolition of a farm/shed/store and construction of a building/store for ancillary storage use (for the storage of samples and office materials); and (b) permission to replace an existing septic tank with a new bio-cycle wastewater treatment unit and percolation area; and all associated ancillary development works at existing food/nutrition research and administration facility at Strand Farm, Curraghbinny, Carrigaline, County Cork in accordance with the plans and particulars lodged with the said Council.

DECISION

GRANT permission for the retention of alterations and extension to the north elevation and provision of four number velux roof windows to an existing office building in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. GRANT temporary permission for 3 years for the remainder of the application based on the reasons and considerations marked (2) 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 (1)

It is considered that granting permission for extension and alterations to the existing office premises would not have any impact on the amenity of the area.

CONDITION

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 2nd day of September, 2015 and the 21st day of December, 2015, 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 interests of clarity

REASONS AND CONSIDERATIONS (2)

It is considered that, having regard to the greenbelt zoning of the site that the intensification of use represented by the remainder of the proposal would seriously injure the residential and rural amenities of the area and of properties in the vicinity and that a three year permission is appropriate to enable a more suitable location for the uses proposed to be identified.

CONDITIONS

- 1 The development shall be retained and 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 2nd day of September, 2015 and the 21st day of December, 2015, 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 interests of clarity

2. This permission is for a period of three years only at the end of which time the dwellinghouse shall revert to residential use and the proposed building/store shall be removed.

Reason: To enable a more appropriate location for the business uses to be identified.

3. The structures as detailed on the documentation submitted with the application shall be used solely as that permitted herein as a single business entity and no change of use/subdivision shall take place without the benefit of a further planning permission, notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, as amended.

Reason: To safeguard the amenities of the area.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, as amended, no additional structures shall be erected within the site curtilage, save with the benefit of a further planning permission.

Reason: To safeguard the amenities of the area.

5. 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.

6. (a) An on-site wastewater treatment and pumped disposal system via soil polishing filter, in accordance with plans and particulars submitted with this application, shall be installed in the proposed location, and maintained by the operator. The wastewater treatment plant shall comply with the requirements of EN 12566-3 and Irish National Annex, and shall meet the setback distances per the Wastewater Treatment Manuals: Treatment Systems for Small Communities, Business, Leisure centres and Hotels (EPA, 1999).
- (b) Construction of the wastewater treatment system shall be supervised by a suitably qualified specialist, and an “as built” certificate indicating compliance with the design details, specifications, and relevant EPA requirements, shall be submitted to the planning authority following completion of the works.
- (b) The existing septic tank shall be decommissioned to the satisfaction of the planning authority.
- (c) The developer shall satisfy the planning authority that an appropriate right of way has been agreed with the land owner where the polishing filter is proposed to be situated.
- (d) Prior to the wastewater works being brought into use, the developer shall apply for a Section 4 Local Government (Water Pollution) Act 1977 to 2007 from the planning authority..

Reason: To safeguard the amenities of the area and to prevent water pollution.

7. (a) Noise levels emanating from the proposed development when measured at the site boundaries shall not exceed 55 dBA (15 minute Leq) between 08.00 hours and 20.00 hours, Monday to Saturday inclusive, and shall not exceed 45 dBA (15 minute Leq) at any other time. Measurements shall be made in accordance with I.S.O. Recommendations R.1996/1 "Acoustics - Description and Measurement of Environmental Noise, Part 1: Basic quantities and procedures".
- (b) If the noise contains a discrete, continuous note (whine, hiss, screech, hum, etc.), or if there are distinct impulses in the noise (bangs, clicks, clatters or thumps), or if the noise is irregular enough in character to attract attention, a penalty of +5 dBA shall be applied to the measured noise level and this increased level shall be used in assessing compliance with the specified levels. (Ref. BS 4142 Section 7.2).

Reason: To safeguard the amenities of the area.

8. All solid wastes arising on the site shall be recycled. Materials exported from the site for recovery, recycling or disposal shall be managed at an approved facility and in such a manner as is agreed with the planning authority. In any case, no such wastes shall be stored on the site except within the confines of the buildings on site. Adequate on-site arrangements for the storage of recyclable materials prior to collection shall be made to the satisfaction of the planning authority.

Reason: To safeguard the amenities of the area

9. 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 with two months of the date of this order 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.

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

Dated this day of 2016.