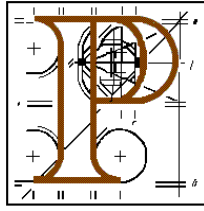


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Cork County**

**Planning Register Reference Number: 15/04133**

An Bord Pleanála Reference Number: PL 04.246269

**APPEAL** by Kevin Lyons and others care of Peter Thomson Planning Solutions of Suite 1, Burchall House, Parnell Street, Waterford against the decision made on the 25<sup>th</sup> day of May, 2015 by Cork County Council to grant subject to conditions a permission to McDonnell Brothers Limited care of Murphy McCarthy Consulting Engineers Limited of East Park House, Marina Commercial Park, Centre Park Road, Cork in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Construction of a dry goods store at Kilmagner, Coolagown, Fermoy, 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.

## 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

### Appropriate Assessment

The Board completed a screening exercise, taking into account the screening report submitted with the application and the Inspector's report and submissions on file, in relation to potential impacts of the site having regard to the nature and scale of the proposed development. No Appropriate Assessment issues arise and the Board concluded that the proposed development, either individually or in combination with other plans or projects would not be likely to have significant effect on the qualifying interests of any of Natura 2000 sites in view of the site's conservation objectives.

Having regard to the planning history of the site, the established and permitted use of the wider site, the nature, design and use of the proposed development, and the provisions of the Cork County Development Plan, 2014, 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 and would not give rise to an undue risk of water pollution. 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 27<sup>th</sup> day of April, 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 interest of clarity.

2. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.

3. Prior to commencement of development, 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. The external finishes shall be the same, in colour and texture, as those of the existing structures on the site adjoining the proposed development.

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

4. 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.

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

5. The proposed development shall be used solely for the storage of dry goods only. No change of use shall occur without a prior grant of planning permission.

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

6. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:-
  - (i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday 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 (as amended): Acoustics - Description and Measurement of Environmental Noise.

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

7. No signage of any kind shall be erected on the exterior of the proposed development without a separate grant of planning permission.

**Reason:** In order to permit the planning authority to assess the impact of any such signage on the visual amenities of the area through the statutory planning process.

8. Site development and building works shall be carried out only between the hours of 0800 and 1800 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays, Bank 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.

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 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.

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

**Dated this            day of            2016.**