

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

**Cork County**

**Planning Register Reference Number: 16/00502**

An Bord Pleanála Reference Number: PL 04.247766

**APPEAL** by Clonakilty Distillery Limited care of HW Planning of 5 Joyce House, Barrack Square, Ballincollig, County Cork in relation to the inclusion of special contribution condition number 25 by Cork County Council in its decision made on the 25<sup>th</sup> day of November, 2016.

## **PROPOSED DEVELOPMENT:**

- (1) A change of use of Building J from permitted Gaelscoil to craft distillery with display areas,
- (2) change of use of part of Building K from permitted ground floor retail, 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floor Gaelscoil to use as a visitors centre. The proposed visitors centre will include a shop with off-licence at ground floor level, tasting room and display areas at 1<sup>st</sup> floor level, media room and open plan area at 2<sup>nd</sup> floor level and ancillary office use and staff facilities at 3<sup>rd</sup> floor level,
- (3) change of use of part of Building K from permitted ground floor retail to use as a café/restaurant,
- (4) modifications to the façade including new signage, display windows, a new pedestrian walkway linking Buildings J and K at first floor level,

- (5) retention of a fire escape stairway to Building K and permission to enclose same with select metal cladding,
- (6) retention of a ground floor extension to Building K (to form part of the proposed restaurant),
- (7) a distillery service yard to include three number malt silos, a water tank, a pot ale tank, a process water holding tank, IBC storage, spent grain storage and an external store,
- (8) two number LPG gas compounds,
- (9) restaurant service yard,
- (10) site development works to include alterations to the existing plaza consisting of the relocation and replacement of the existing ramp and stairs, internal access roadways, landscaping, footpaths and an ancillary car park and,
- (11) a modified entrance at Clarke Street including upgrades and provision of a roundabout at the existing Inchydoney Road/Casement Street/Clarke Street junction on the N71.

All at The Waterfront, Inchydoney Road/Casement Street/Clarke Street Junction, Clonakilty, County Cork.

## **DECISION**

**The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended by section 30 of the Planning and Development Act, 2010, based on the reasons and considerations under, directs the said Council, under section 48 (13) of the 2000 Act, to ATTACH condition number 25 and the reason therefor.**

## **REASONS AND CONSIDERATIONS**

Having regard to the planning history of the site, the pattern of existing and permitted development on the site and in the vicinity, and the documentation submitted as part of the application and appeal, including details of traffic levels and road improvement proposals, the Board is satisfied that the public infrastructure and facilities that are the subject matter of the appeal (that is, the provision of a signalised junction on the N71 fronting the subject site) would benefit the proposed development (including facilitating safe pedestrian and cyclist access to the development, improving traffic safety by providing for enhanced right turning movements into the site, and reducing congestion on the N71 at this junction), and that the imposition of this condition conforms to the provisions of Section 48 (2)(c) of the Planning and Development Act 2000, as amended. Furthermore, on the basis of the documentation submitted by the planning authority to An Bord Pleanála on the 25<sup>th</sup> day of January, 2017, including details of costings, the Board is satisfied that the apportionment of the costs of the works in question was reasonable and proportionate as between the various developments that would benefit from the works concerned, and that these works constitute specific exceptional costs that are not covered by the General Development Contribution Scheme.

In not accepting the recommendation of the Inspector to require the removal of condition number 25, the Board was satisfied that, while the provision of the signalised junction on the N71 fronting the site was not required to facilitate the proposed development, it would benefit the proposed development and that the applicable test for the imposition of a special development contribution under Section 48 (2)(c) of the Act relates to whether the public infrastructure and facilities will benefit the subject development. The Board was also fully satisfied that the provision of the signalised junction on the N71 at this location constituted an exceptional cost not provided for in the General Development Contribution Scheme.

