



Planning and Development Acts 2000 to 2018

Planning Authority: Cork County Council

Planning Register Reference Number: 17/7237

Appeal by Cecelia Macklin O'Brien of New Road, Bandon, County Cork against the decision made on the 14th day of March, 2018 by Cork County Council to grant subject to conditions a permission to Kevin O'Leary (Bandon) Limited care of Coakley O'Neill Town Planning Limited of NSC Campus, Mahon, Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a 188 square metre extension to service station building to provide new storage and staff facilities, an increase in net retail area and new seating area, the change of use of 26 square metres of retail area to use as an off-licence, elevational changes to existing shop and generator room, new car parking and all associated site development works. Retention for a forecourt laundromat at the Centra and Topaz Service Station, New Road, Cloghmacsimon, Bandon, 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

Having regard to the location of the site within the designated 'town centre' zone of Bandon, the established pattern of development on the site and in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed to be retained would be acceptable in terms of residential amenity and 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 to the planning authority on the 21st day of February 2018, 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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001 and any statutory provision amending or replacing them, the use of the overall premises shall be restricted to those uses specified in the lodged documentation unless otherwise authorised by a prior grant of planning permission.

Reason: In the interest of orderly development and to protect the amenities of property in the vicinity.

3. (a) 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.

(b) The surface water drainage system shall be designed and constructed so that water contaminated by petrol or waste oils is piped to oil/grease traps before discharging to the sewerage system. All grease traps and oil sumps shall be cleaned on a regular basis.

- (c) Car wash water shall be adequately settled prior to discharge to ensure that silt is retained. Such silt shall be removed at regular intervals and disposed of in an environmentally safe manner.

Reason: In the interest of public health and ensuring proper and efficient drainage.

- 4. The noise level shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at any point along the northern and southern boundaries of the site between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

- 5. (a) The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

- (b) Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interests of public safety and residential amenity.

6. Noise monitoring locations for the purposes of the construction phase of the proposed development shall be agreed in writing with the planning authority prior to commencement of any development on site.

Reason: To protect the residential amenities of property in the vicinity.

7. No additional development shall take place above roof parapet level, including air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

8. (a) No advertisement or advertisement structure other than those shown on the drawings submitted with the application shall be erected or displayed on the building or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

- (b) No awnings, canopies, illuminated signs or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission,
- (c) External roller shutter shall not be erected, any internal shutter shall be only of the perforated type, coloured to match the shopfront colour.

Reason: In the interest of visual amenity and to maintain the retail character at street level.

- 9. No music or other amplified sound shall be broadcast externally from the premises.

Reason: To protect the amenities of the area.

- 10. The developer shall control odour emissions from the premises in accordance with measures including extract duct details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to protect the amenities of the area.

- 11. All external lighting of the proposed development shall be cowled and directed away from the public roadway and from surrounding residential dwellings.

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

12. Litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

Reason: In the interest of visual amenity.

13. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

14. (a) No deliveries shall be loaded / unloaded on the adjacent public roads.
- (b) Vehicles shall not be permitted to reverse onto or off the public road, sufficient space shall be provided within the site to allow for all vehicles, including deliveries, to drive in and out of the site.

- (c) Customer car parking shall be accommodated solely on the site.
- (d) No goods, merchandise or other materials shall be stored and/or displayed for sale on or about the forecourt area without a prior grant of planning permission.

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

- 15. All service cables associated with the proposed development (such as electrical and telecommunications) shall be located underground. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

- 16. There shall be no interference with bridging, draining or culverting of the adjacent river, its banks or bankside vegetation to facilitate this development without the prior approval of the planning authority.

Reason: In the interest of orderly development.

- 17. The hours of operation of the laundromat, car wash, service station and retail shop shall be between 0630 and 2200 hours Monday to Saturday and 0730 and 2200 hours on Sundays and public holidays.

Reason: In the interest of residential amenity of property in the vicinity.

18. 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 the Board 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.

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

Dated this day of 2018.

