



Planning and Development Acts 2000 to 2019

Planning Authority: Cork County Council

Planning Register Reference Number: 18/00645

Appeal by Tony Doyle of Cois na hAbhainn, Durrus, Bantry, County Cork against the decision made on the 6th day of March, 2019 by Cork County Council to grant subject to conditions a permission to Patrick O'Driscoll care of Daly Barry and Associates of Glengarriff Road, Bantry, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Permission to retain change of use of part of former creamery to metal fabrication workshop at Ballycommane, Durrus, Bantry, 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 planning history of the site as a creamery, which has until recently lain vacant, to the semi-rural character of the area which is located within the Development Boundary for the Key Village of Durrus, and to the nature and scale of the subject development, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought would be in accordance with the policies and objectives for the area as set out in the Cork County Development Plan 2014 and the West Cork Municipal District Local Area Plan 2017, would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of pedestrian and traffic safety. The development for which retention is sought 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 22nd day of February 2019, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The development shall be used solely as a commercial metal fabrication workshop as described in the application documentation. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended, no change of use to another use, nor any intensification of the permitted use, shall take place without a separate grant of planning permission.

Reason: In the interest of orderly development, to safeguard the amenities of the area, and to allow the planning authority to assess the impacts of any change of use, or intensification of the permitted use, through the statutory planning process.

3. The workshop shall not be used for any commercial activity outside the hours of 0800 to 1900 Monday to Friday inclusive and 0800 to 1400 on Saturdays and shall not be used 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: To safeguard the residential amenities of property in the vicinity.

4. The noise level shall not exceed 55dB(A) rated sound level, (that is corrected sound level for a tonal or impulsive component) as measured at the nearest occupied dwelling between 08.00 and 19.00 hours Monday to Friday inclusive and shall not exceed 45dB(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 within two months of the date of this Order.

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

5. No goods, raw materials or waste products shall be placed or stored outside the building, other than in receptacles approved by the planning authority.

Reason: In the interests of public health and the visual amenities of the area.

6. A plan containing details for the management and storage of waste (and in particular recyclable materials and end-of-life metal equipment) within the development, including facilities for the storage, separation and collection of waste, and in particular recyclable materials and for the ongoing operation of this facility shall be submitted to, and agreed in writing with, the planning authority within two months of the date of this Order.

Reason: In the interest of the amenities of the area and to ensure the provision of adequate refuse storage.

7. Any external lighting shall be cowled and directed away from the public roadway. Specific details of all lighting locations and type, if any, shall be submitted to, and agreed in writing with, the planning authority within two months of the date of this Order.

Reason: In the interest of the amenities of the area.

8. Apart from the fascia signage shown on the plans submitted on the 22nd day of February 2019, no advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity, and to allow the planning authority to assess the impact of any other signage through the statutory planning process.

9. Water supply and drainage arrangements for the site, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. No surface water shall be discharged onto the public road or adjoining properties.

Reason: In the interests of environmental protection and public health.

Philip Jones

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

Dated this day of 2019.