



Planning and Development Acts 2000 to 2019

Planning Authority: Cork County Council

Planning Register Reference Number: 19/04036

Appeal by James O’Sullivan care of Pdraig J. Sheehan, Solicitors of Village Green House, Douglas West, Douglas, Cork and by Others against the decision made on the 30th day of July, 2019 by Cork County Council to grant subject to conditions a permission to Progressive Commercial Construction Limited care of Coakley O’Neill Town Planning Limited, NSC Campus, Mahon, Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a part single-storey, part two-storey building (circa 4,378 square metres in area) with ancillary workshop and offices. The building is to be constructed in two phases, with Phase 1 comprising part single-storey, part two-storey building (circa 1,929 square metres) to be used for the hire and sale of plant and/or machinery and/or tools; and Phase 2 comprising a single-storey building to be used as a warehouse (circa 2,449 square metres). The proposed development also includes an external yard for the storage of plant/machinery; palisade fence/wall to boundaries; signage, including stand-alone totem sign; car parking; replacement new access from Blackash Road; and all associated site

development, drainage and landscaping works at Blackash Road, Curraghconway, South Link Road, 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 'Existing Built up Area' of Cork's South City Environs, the existing pattern of development in the area and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would represent an appropriate use in this area that would be compatible with nearby development, would not seriously injure the amenities of the area or of property in the vicinity, would not lead to a risk of flooding and would be generally acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

The Board noted the Natura Impact Statement submitted with the application, the report of the planning authority's Heritage Officer and the report of the Inspector. The Board concurred with the examination and conclusions of the Inspector in relation to Appropriate Assessment and was satisfied that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of the Cork Harbour Special Protection Area (Site Code: 004030), or any other European site, in view of the site's Conservation Objectives. In doing so, the Board adopted the Inspector's report in this regard.

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 6th day of June 2019, 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. The proposed development shall be amended as follows: -
 - (a) A maximum of 22 number parking spaces shall be provided on site. Car parking spaces numbers 16 to 22, as indicated on drawing number 2378-P2-002, submitted to the planning authority on the 6th day of June 2019, shall be relocated adjacent to the proposed building, and the remaining area shall be landscaped.
 - (b) The proposed cycle parking and motor cycle parking, proposed to be located adjoining the eastern boundary of the site, shall be relocated adjacent to the proposed building and the area thus released shall be landscaped.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity and safety.

3. This permission is for the use of the proposed buildings as follows:
 - (a) Phase 1 as shown in details submitted to the planning authority on the 6th day of June 2019 shall be used solely for Plant and Tool Hire use as per the public notice. The use of floorspace in Phase 1 shall be solely in accordance with the floor plans submitted on the 6th day of June 2019.
 - (b) Phase 2 as shown in details submitted to the planning authority on the 6th day of June 2019 shall be used solely for storage as per Class 5 of Part 4, Schedule 2 of the Planning and Development Regulations 2001-2018 as amended.

Both Phase 1 and 2 buildings shall not be used for a retail business that is, one which is solely or primarily engaged in retail sales to the public and shall not be used for cafes/sale of hot food/cold food for consumption on and/or off the premises.

A change of these uses shall not take place without the prior grant of planning permission notwithstanding the exempted development provisions of the Planning and Development Regulations 2001-2018 as amended.

Reason: In the interest of orderly development.

4. Subdivision or amalgamation of the Phase 1 and/or Phase 2 buildings shall not take place without a separate grant of planning permission. The ground and first floor office space serving the Phase 1 building shall be solely used ancillary to the main use of the building as a Plant and Tool Hire business. The proposed offices shall not be sold, leased, let, rented separately to the main building.

Reason: In the interest of orderly development.

5. (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, 1 hour value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.
 - (ii) An Leq, 15 minute value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

(b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics – Description and Measurement of Environmental Noise.

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

6. The developer shall ensure that all construction methods and environmental mitigation measures set out in the Natura Impact Statement are implemented in full, save as may be otherwise required by the conditions of this order.

Reason: In the interest of protection of the environment.

7. The proposed works to the Blackash Road shall be carried out and completed, to the written satisfaction of the planning authority, before the first phase of the proposed development is made available for occupation.

Reason: In the interest of traffic safety.

8. The landscaping scheme shown on drawing number 101, as submitted to the planning authority on the 6th day of June 2019 shall be modified by the substitution of the proposed Prunus Avium spp. trees with Betula spp trees. The scheme, as modified, shall be carried out within 12 months of the date of commencement of the first phase of the development.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

9. The proposed totem sign shall be omitted. No signage shall be placed at the location of this sign.

Reason: In the interests of visual amenity and of traffic safety, having regard to its proposed location proximate to statutory traffic signage.

10. Details of all signage on the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to the construction of each phase of the proposed development. Any such advertising shall be restricted to the signage areas indicated on the submitted drawings, and shall not be internally illuminated.

Reason: In the interest of visual amenity.

11. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows/glazed areas), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the building or within the curtilage of the site, apart from the building signage agreed with the planning authority under condition number 10 of this order, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity, and in order to allow the planning authority to assess the impact of any such advertisement or signage on the amenities of the area, through the statutory planning process.

12. Comprehensive details of the proposed public lighting system to serve the development and Blackash Road shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The agreed lighting system shall be fully implemented and operational, before the first phase of the proposed development is made available for occupation.

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

13. The proposed palisade fencing shall be colour coated throughout in a dark green colour. No signage of any kind shall be erected or placed on this fencing. The entirety of the fencing, and the boundary wall along the rear site boundary, shall be put in place prior to the opening for business of the first phase of the proposed development.

Reason: In the interest of orderly development and visual amenity.

14. A minimum of 10% of the proposed car parking spaces shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fitout of charging points.

Reason: In the interest of encouraging the use of sustainable modes of transport.

15. The construction of the development shall be managed in accordance with a Construction 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.

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

16. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

17. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services. In this regard, the developer shall ensure that all mitigation measures set out in the Flood Risk Assessment are implemented in full, save as may be otherwise required by the conditions of this order.

Reason: In the interest of public health and of flood protection.

18. Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Irish Water.

Reason: In the interest of public health.

19. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 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 order to safeguard the residential amenities of property in the vicinity.

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

Reason: To protect the visual amenities of the area.

21. 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.

Philip Jones
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this day of 2019