

An
Bord
Pleanála

Board Order
ABP-311373-21

Planning and Development Acts 2000 to 2021

Planning Authority: Cork County Council

Planning Register Reference Number: 21/05295

Appeal by Ruth Ball of Lisnagree, Charleville, County Cork against the decision made on the 17th day of August, 2021 by Cork County Council to grant subject to conditions a permission to Charleville Hire and Platform Limited trading as CPH Limited care of DOSA Consulting Engineers of Joyce House, Barrack Square, Ballincollig, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: The construction of a new light industrial unit (for plant hire business) to include a two-storey section to the front of the building which will consist of ancillary plant and tool hire shop and office space on the ground floor and storage/office space on the first floor and all associated site works at IDA Industrial Estate, Kilmallock Road, Rathgoggan Middle, Charleville, 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 siting of the proposed development within an established industrial estate, and the layout and intended uses associated with the proposed plant hire development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact on the residential amenities of properties in the area, would not endanger public safety by reason of traffic hazard and would be in accordance with the provisions of the current Cork County Development Plan and the Fermoy Municipal District Local Area Plan. 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 to the planning authority on the 22nd day of July 2021, 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 building shall be used solely for purposes relating to plant and tool hire and associated repair and maintenance and shall not be used for retail use without the prior grant of planning permission.

Reason: In the interest of clarity and to protect the industrial nature of the lands.

3. All maintenance and repair of plant and tools shall take place within the confines of the building and no such activities shall take place within the external storage areas.

Reason: To protect the amenities of residents in the area.

4. The plant/tool hire and ancillary activities shall only operate between 0700 hours and 2000 hours, Monday to Friday and between 0700 hours and 1400 hours on Saturdays. No activity shall take place outside these hours or on Sundays or public holidays.

Reason: In order to protect the residential amenities of property in the vicinity.

5. 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. This scheme shall include a plan to scale of not less than 1:500 showing perimeter embankment provisions, screen and roadside planting, and hard landscaping works, as well as a timescale for implementation.

Reason: In the interests of residential and visual amenity.

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

Reason: In the interest of public health.

7. The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

8. The site layout plan submitted to the planning authority on the 22nd day of July, 2021 shall be revised to amend the hardstanding area to the north of the proposed unit such that a 10 metre buffer distance is maintained with the area of the proposed attenuation tank shown on the Proposed Drainage Layout Plan drawing number 0020 A submitted to the planning authority on the 12th day of May, 2021. A revised site layout to this effect shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interests of orderly development and public health.



9. No burning of waste materials shall take place on site.

Reason: To safeguard the amenities of the area.

10. All waste arising from the construction of this development shall be recycled where possible and any unrecyclable material shall be disposed of in authorised sites by authorised contractors.

Reason: To reduce environmental pollution.

11. No hardstanding area shall be located within 10 metres of the storm attenuation area. The developer shall fence off the storm attenuation area so no damage shall be caused by machinery/vehicles.

Reason: In the interest of flood prevention.

12. 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.

13. 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.

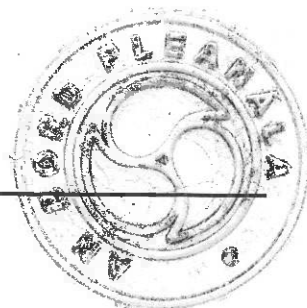
14. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of pavement works proposed to be carried out by the local authority. The amount of the contribution shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.



Terry Ó Niadh

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



Dated this 17th day of January, 2022.