



An
Bord
Pleanála

Board Order ABP-318040-23

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 22/6814

Appeal by Sheiona Finn of Ville Ann Marie, Spa Glen, Mallow, County Cork against the decision made on the 23rd day of August 2023 by Cork County Council to grant, subject to conditions, a permission to O'Mahony Spa Glen Limited care of RKA Consulting Engineers of 2 Clogheen Business Park, Blarney Road, Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Permission for retention of (1) an existing refuse shed (25.3 square metres), (2) Electric vehicle charge point cabinet, (3) above ground 1600 litre LPG tank with associated works. Permission is also sought for (1) an AD BLUE fuel pump cabinet and ancillary 5000 litre above ground AD BLUE fuel tank, (2) the construction of 2.5 metres high hit and miss fencing to screen existing two number sheds and refuse shed and (3) the removal of condition number three attached to planning register reference number 20/4178, which called for the removal of the two sheds, (29 square metres) containing plant associated with the car wash operations on the expiration of the period of three number years beginning on date of the grant of this permission, to allow for the two number sheds to remain on site at O'Mahony's Centra, Spa Glen, Mallow, 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.

Reasons and Considerations

Having regard to the Cork County Development Plan 2022-2028, it is considered that, subject to compliance with conditions set out below, the development proposed for retention and proposed development would be appropriate under the established development zoning and use of the site and surrounding sites, and it would be compatible with the uses on these sites. The development in its entirety would be capable of being accommodated within the confines of the site and visual appearance at this location would be satisfactory. The development proposed for retention and proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, 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 2023 and 28th day of July 2023, 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 retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Hours of operation of the car wash shall be between 0900 hours and 2100 hours daily.

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

3. The noise level arising from the operation of the proposed development shall not exceed 55dB(A) rated sound level between the hours of 0900 to 2100 and shall not exceed 45dB(A) at any other time, as measured at any point along the boundary of the site. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

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

4. Within one month of the date of this Order details of proposals for signage to indicate no truck/lorry parking in car parking bays shall be submitted to, and agreed in writing with, the planning authority. The details shall include signage details, location of signage and implementation details.

Reason: To ensure appropriate use of car parking areas and to protect the residential amenities of the area.

5. Within one month of the date of the date of this Order bollards along the rear of car parking spaces numbers 12 – 19 shall be erected and maintained for the lifetime of the development.

Reason: In the interest of residential amenity and to prevent damage to boundary wall.

6. The proposed mitigation of a 2.5 metre high Acoustic Timber Barrier as detailed in the documentation submitted to the planning authority on the 6th day of June 2023 shall be constructed and complete within two months of the date of this Order. If not completed to the satisfaction of the planning authority, the operation of the car washes shall cease until otherwise agreed in writing with the planning authority.

Reason: To protect the residential amenities of the area.

7. 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 and to ensure a proper standard of development.

8. All waste generated on site shall be disposed of through appropriately licenced collection and disposal contractors.

Reason: To safeguard the amenities of the area.

9. During the construction of work the developer shall provide on site a covered skip or other such receptacle for the deposit therein of all rubbish, litter, packaging, rubble and other such materials arising from the works. The developer shall ensure that the site and its environs are maintained at all times in a clean and tidy condition.

Reason: To protect the amenities of the area.

10. No dust, mud or debris from the site shall be carried onto the public road/footpath. The developer shall clean any spillages on the public roads arising from the development, as the need arises or when requested to do so by the planning authority.

Reason: To protect the amenities of the area and in the interests of road/traffic safety.

11. 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.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this *1st* day of *October*, 2024