



An
Bord
Pleanála

Board Order
ABP-318708-23

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 22/06851

Appeal by John Piper care of John MacCarthy and Partners of 16 Mary Street, Cork against the decision made on the 20th day of November, 2023 by Cork County Council to grant subject to conditions a permission to Gerard Collins care of OLS Consulting Engineers and Project Management Limited of 3 Saint Patrick's Place, Bandon, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: (a) The construction of three number commercial/light industrial units with ancillary office accommodation and (b) all associated site works at Cloghmacsimon Industrial Park, Cloghmacsimon, Bandon, County Cork, as amended by the further public notices received by the planning authority on the 25th day of October, 2023.

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 location of the proposed development within an existing established industrial/business park, the 'Existing Mixed/General Business/Industrial Uses (MGB)' land use zoning objective pertaining to the site under the Cork County Development Plan 2022-2028, Objective ZU 18-10 of the said statutory plan, the separation of the proposed development to residential properties, the topography of the site and adjoining lands, the nature, scale, height, design and layout of the proposed development, and to the quality of the road network serving the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity, would not increase the risk of pluvial flooding, and would be acceptable in terms of traffic safety and convenience. 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 received by the planning authority on the 21st day of August 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 carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The units shall be used for light industrial/commercial uses only and all office use within the development shall be ancillary to the main use within each unit.
- (b) Any use associated with light industrial shall be in accordance with its definition under Article 5(1) of the Planning and Development Regulations 2001, as amended.

Reason: In the interest of clarity.

3. The units shall only operate between the hours of 0730 hours and 1800 hours Monday to Friday and 0800 hours to 1300 hours on Saturdays.

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

4. Details of the proposed external finishes to the proposed building including details in respect of colour, texture and materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. The attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

6. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann to provide for a service connection to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

7. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
- (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system. No surface water runoff from the site shall be discharged to the public road or to adjoining properties.

Reason: In the interest of public health.

8. During the operational phase of the proposed development, the noise level shall not exceed:
- (a) 55 dB(A) rated sound level between the hours of 0700 to 1900,
- (b) 50dB(A) between the hours of 1900 and 2300, and
- (c) 45 dB(A) 15min Leq, at all other times, as measured at the nearest noise sensitive location.

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

9. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment and the amenities of properties in the vicinity.

10. Site development and building works shall be carried out between the hours of 0800 to 1800 hours Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

11. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness, these details shall be placed on the file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of proper planning and sustainable development.

12. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including noise and dust management measures, the maintenance of a four metre buffer zone along the northern boundary and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and amenity.

13. Prior to commencement of the development, the developer shall submit to, and agree in writing with, the planning authority, a revised site layout plan detailing car parking and bicycle parking provisions.

Reason: In the interest of traffic safety.

14. Details of any proposed external lighting shall be submitted to the planning authority for written approval prior to commencement of the development. Any external lighting shall be directed and cowled away from residential properties such as to reduce, as far as possible, the light scatter over adjacent houses and gardens.

Reason: In the interest of residential amenity.

15. All goods, including raw materials, manufactured goods, packaging, crates etc. shall be stored or displayed only within the units.

Reason: In the interest of visual amenity.

16. The developer shall control odour emission from the units in accordance with measures including extract duct details, which can 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.

17. (a) A landscaping scheme for the northern part of the application site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This boundary treatment scheme shall provide a single line of screening along the northern boundary, consisting of shrubs and hedging of indigenous species. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works.

- (b) 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.
- (c) Planting shall be maintained at a maximum height of two metres.

Reason: In order to screen the development, in the interest of visual amenity.

19. (a) All retaining walls on the site shall be designed and constructed to an engineer's specification and the construction shall be overseen by an engineer.
- (b) Prior to commencement of the development, the developer shall submit to the planning authority for written acknowledgement, evidence from the developer's engineer of his/her written approval of the method of construction of the retaining walls along the south and north boundaries. The construction shall not affect the structural stability of the existing boundary wall along the northern boundary during both the construction phase and at any time after the works are completed.

Reason: To ensure the structural stability of the existing boundary wall is not affected by the works and protection of adjacent properties.

20. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the completion of landscaping proposals, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any plants on the site or the replacement of any such plants which die, are removed or become seriously damaged or diseased within a period of five years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To secure the protection of trees on the site.

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.



Tom Rabbette

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 30th day of Dec 2024.