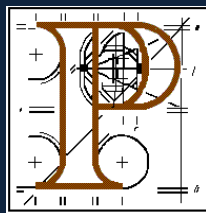


# An Bord Pleanála



## Inspector's Report

**Site Address:** Ballytrasna, Lissarda, Macroom, Co. Cork.

**Proposal:** Extension to industrial building and installation of roof mounted solar panels.

### Planning Application

Planning Authority: Cork County Council

Planning Authority Reg. Ref.: 15/6058

Applicants: Automated Systems and Controls Ltd.

Type of Application: Permission

Planning Authority Decision: Grant

### Planning Appeal

Appellant: Mr. and Mrs. Denis Delaney

Type of Appeal: 3<sup>rd</sup> party -v- grant

Observers: None.

Date of Site Inspection: 29<sup>th</sup> May 2016

**Inspector:** G. Ryan

## **1.0 SITE**

- 1.1 The subject site is located in a rural area of northwest County Cork, approximately 8km southeast of Macroom. The site is located within a small complex of three industrial buildings, which I will refer to in this report as the 'West', 'Middle' and 'East' buildings. The subject building is the West building and is occupied by Automated Systems and Controls Ltd., who manufacture electrical control panels. The East building is occupied by Erneside Engineering Ltd., a mechanical engineering company which also manufactures steel products on site for a range of construction and industrial projects. The middle building appears to be largely offices associated with an energy development company.
- 1.2 The site is accessed off an unmarked local country road some 500m off the N22 (Cork-Killarney) National Route. The site is partially visible from the N22.
- 1.3 A concrete yard and parking surround the buildings and the site itself has a perimeter palisade fence and some landscaping. The site is generally flat, although the surrounding topography falls to the south.
- 1.4 There are three existing houses located opposite the site on the northern side of the local road, and planning permission was recently granted for a solar farm directly opposite the appeal site (PL04.244539). The site adjoins the rear boundaries of two dwellings to the south, with Lissarda Manor which offers guest accommodation and retreat (yoga, meditation etc.) further to the southeast. The stated area of the site is 2.08ha, and the existing gross floor space of buildings [West building only] is given as 1,391m<sup>2</sup>.

## **2.0 PROPOSAL**

### **2.1 BROAD OVERVIEW**

- 2.1.1 It is proposed to construct an extension onto the West building of 551m<sup>2</sup>, extending the building to the west along the axis of its double portal framed structure. This represents an increase of just under 40%.
- 2.1.2 It is proposed to mount solar panels on the two south facing slope of the entirety of the roof structure of the extended building.
- 2.1.3 The existing workshop on site is served by a septic tank and percolation area. The application in the first instance proposed to continue this arrangement (amended subsequently by way of further information). Water is provided by way of a well, and surface water is to continue to be discharge to a new soakaway.

## 2.2 FURTHER INFORMATION REQUEST AND RESPONSE

2.2.1 Prior to issuing a decision, the planning authority sought further information on 8 points, which can be summarised as follows, along with the response from the applicant.

Planning authority request	Applicant's response
1. Requests details as to nature of business on site.	The processes involved in designing and manufacturing the components are outlined.
2. Why is the extension needed?	The proposed extension is intended to add much needed storage facilities and accommodate additional floor space for the existing electrical switchgear manufacturing workshop.
3. Are additional staff required.	It is proposed to increase the number of staff from 28 to 34.
4. Requests storage tank and associated equipment for firefighting.	Revised drawings to this effect included. [subsequent unsolicited further information provided additional details relating to the associated pumping equipment].
5. Requests details of wastewater infrastructure on site.	Includes Site Suitability Assessment report. A new wastewater treatment system is now proposed.
6. As above, regarding percolation area.	[see above]
7. Request details of the surface water disposal system.	It is proposed to dispose of surface water via a new Klargester Bypass Separator and then to a new soakaway.
8. Requests details about the number/size of solar panels and rationale.	384 panels are proposed. Refers to broad objectives on the issue of renewable energy.

Table 1

### **3.0 SUMMARY OF REPORTS TO THE PLANNING AUTHORITY**

#### **3.1 DEPARTMENTAL REPORTS AND EXTERNAL CONSULTEES PRIOR TO THE FURTHER INFORMATION REQUEST**

##### **3.1.1 Fire Officer**

3.1.2 It would appear that a storage tank for fire-fighting water along with associated pumps and hydrants that were proposed for the original construction in 2001 have not been provided. Recommends that the above be provided prior to commencement of the new extension. This should be requested by way of further information.

##### **3.1.3 Irish Water**

3.1.4 No objection subject to conditions.

##### **3.1.5 Area Engineer**

3.1.6 No objections subject to conditions.

##### **3.1.7 Environmental Report**

3.1.8 There are 3 separate buildings on site which house 3 separate companies. Automated Systems and Controls Ltd. designs and makes electrical control panels and has approximately 25 employees. ASC is served by a septic tank and there is a separate septic tank for the other two premises. There is no petrol interceptor on site.

3.1.9 Noise levels seemed quite low on site. References noise complaints.

3.1.10 Requests further information on the issue of wastewater treatment.

#### **3.2 REPRESENTATIONS**

Objections were submitted on behalf of the current appellants, and from the following parties.

- Stephanie Larkin and Michael O'Donovan, with an address at Moneygoff, which is around 15km to the southwest.
- Denis Buckley, also of Moneygoff.

The matters raised in these objections are largely reflected in the appeal grounds summarised in section 6.1 below. Other matters of note can be summarised as follows.

- The applicant has failed to provide adequate information regarding the processes undertaken on site.

- Traffic Safety.

### **3.3 PLANNING OFFICER'S FIRST REPORT**

The issues raised in the planning officer's report can be summarised as follows The report contains a number of photographs of the site.

- 3.3.1 The site is not in a 'Natura Site Screening Zone'. The report 'screens out' for Appropriate Assessment'.
- 3.3.2 The site is partly visible at points along the N22 and is visible from other vantage points across the landscape to the south.
- 3.3.3 It is stated that there would be no additional employees and no additional traffic generated.
- 3.3.4 Recommends further information on 8 points

### **3.4 SENIOR EXECUTIVE PLANNER'S FIRST REPORT**

- 3.4.1 Concurs with planning officer's recommendation.

### **3.5 DEPARTMENTAL REPORTS AND EXTERNAL CONSULTEES FOLLOWING THE FURTHER INFORMATION RESPONSE**

#### **3.5.1 Environment Report**

- 3.5.2 No objections subject to conditions.

### **3.6 PLANNING OFFICER'S SECOND REPORT (FOLLOWING THE FURTHER INFORMATION RESPONSE)**

- 3.6.1 Notes the Environment Report. States that the Fire Officer has considered the further information response and required changes<sup>1</sup>.
- 3.6.2 The applicant has responded to the further information request to the satisfaction of the planning authority.
- 3.6.3 Having regard to the location of the site within an established industrial park, there is no objection. Recommends a grant of permission subject to 10 conditions. Provides a calculation for Development Contributions.

### **3.7 SENIOR EXECUTIVE PLANNER'S SECOND REPORT (FOLLOWING THE FURTHER INFORMATION RESPONSE)**

- 3.7.1 Concurs with planning officer's recommendation.
- 3.7.2 Recommends a grant of permission subject to 11 conditions.

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<sup>1</sup> The absence of a written report to this effect was queried by the board. The planning authority in response state that there is no report on file from the Fire Offer post the further information request.

## 4.0 PLANNING AUTHORITY DECISION

The planning authority decided to grant permission subject to 11 conditions, many of which could be considered 'standard' conditions. Others of note can be summarised as follows.

3&4 Requires a landscaping plan and boundary treatment.

## 5.0 HISTORY

### 5.1.1 On the subject landholding

PA Ref. 98/3590	Permission <b>granted</b> to Michael Murnane for construction of workshop for the fabrication of electrical panels with offices & stores & installation of septic tank
PA Ref. 99/5839	Permission <b>granted</b> to Michael Murnane for extension to electrical panel workshop
PA Ref. 03/2285	Permission <b>granted</b> to Michael Murnane for mechanical workshop and office
PA Ref. 04/9687	Permission <b>granted</b> to Mid Cork Electrical for change of use from warehousing to offices, construction of extension to existing office building and retention of changes to office building.
PA Ref. 08/8087	Permission <b>granted</b> to Michael Murnane for extension to existing electrical workshop.
PL04.244779 (PA Ref. 14/06777)	Permission <b>granted</b> to Erneside Engineering Ltd. for extension of workshop comprising demolition of 3 storage buildings and construction of extension to southern elevation. [this refers to the 'East building within the subject landholding]

### 5.1.2 On a site to the north of the local road, to the north of the site

PL 04.244539 (PA Ref. 14/06644)	Permission <b>granted</b> to Reeve Wave Ltd. for a solar PV panel array consisting of up to 5,400sq.m of solar panels on ground-mounted steel frames.
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## 6.0 POLICY

### 6.1 CORK COUNTY COUNCIL DEVELOPMENT PLAN

The site is located on unzoned land outside of any settlement boundary and within the 'Greater Cork Ring Strategic Planning Area'. It is within a 'Rural Area Under Strong Urban Influence' and is a short distance outside the Greenbelt associated with Macroom.

The following objectives are relevant:

#### **EE 4-4: Industry**

*Promote the development of industry in appropriate locations through the Local Area Plans with:*

- *Good access for heavy goods vehicles to the National Road network without the need to travel for long distance through urban areas;*
- *Access to public transport and facilities for walking and cycling; and*
- *Generally low environmental sensitivity.*

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#### **EE 9-1: Business Development in Rural Areas**

*The development of appropriate new businesses in rural areas will normally be encouraged where:*

- *The scale and nature of the proposed new business are appropriate to the rural area, and are in areas of low environmental sensitivity.*
- *The development will enhance the strength and diversity of the local rural economy,*
- *The proposal will not adversely affect the character and appearance of the landscape,*
- *The existing or planned local road network and other essential infrastructure can accommodate extra demand generated by the proposal,*
- *The proposal has a mobility plan for employees home to work transportation,*
- *Where possible the proposal involves the reuse of redundant or underused buildings that are of value to the rural scene;*
- *The provision of adequate water services infrastructure; and*
- *Provision of a safe access to the public road network (See Objective TM 31: National Road Network (c) and (d)).*

Table 6.1 sets out the **Employment Hierarchy** for the county. Macroom is at the 3<sup>rd</sup> level. 'Rural Areas' are at the 5<sup>th</sup> level, with the overall strategy being as follows.

*Support agriculture, fishing & food processing sectors.*

*Encourage rural diversification (especially tourism but also on and off farm employment activities such as processing of agricultural produce, manufacturing of crafts and specialist farming) and support innovation in indigenous enterprise.*

The site is located within an area designated as **High Value Landscape**, associated with the River Lee valley. Objective GI6-1 applies and seeks in general to protect the visual and scenic amenities of such areas.

## **7.0 GROUNDS OF APPEAL**

### **7.1 BACKGROUND**

7.1.1 The 3<sup>rd</sup> party appeal was submitted by Mr and Mrs Denis Delaney, with an address at Curragh, Lissarda, which is a townland immediately abutting the site to the southeast. It might be reasonable, on the basis of the contents of the appeal, to assume that they live in one of the two houses to the immediate south of the subject site.

### **7.2 APPEAL GROUNDS**

- 7.2.1 The landscaping is unclear as to what species the trees would be, or their spacing. It might take years for these trees to grow to a height that would result in the appellants regaining some privacy.
- 7.2.2 The proposed solar panels would be an eyesore, including from the N22.
- 7.2.3 Surface water drainage and flooding is a concern.
- 7.2.4 Working hours are not stipulated. The issue of noise during construction and operation has not been addressed.
- 7.2.5 The appeal is accompanied by pictures of flooding on local roads.
- 7.2.6 The appeal includes a copy of their objection to the planning authority, which covers largely similar grounds to the appeal. Other points of note include that this is not a commercial area, that there could be glare from the solar panels towards the N22, and the cumulative effects of planning applications in the vicinity.



## **8.0 SUMMARY OF RESPONSES**

### **8.1 PLANNING AUTHORITY**

8.1.1 The planning authority have not responded to the matters raised in the appeal.

### **8.2 FIRST PARTY RESPONSE TO THIRD PARTY APPEAL**

8.2.1 A response submitted by McCarthy Keville O’Sullivan on behalf of the applicant counters the grounds of the appeal.

8.2.2 On the issue of construction hours and noise, as raised in the appeal, the response suggests that conditions as per Condition 8 and 5 of PL04.244779 could perhaps be applied.

## **9.0 ASSESSMENT**

Having inspected the site and reviewed the file documents, I consider that the issues raised by this appeal can be assessed under the following broad headings:

- Principle of development
- Visual impact
- Noise and residential amenity
- Traffic and wastewater
- Screening for Appropriate Assessment

### **9.1 PRINCIPLE OF DEVELOPMENT**

9.1.1 The site is located on unzoned and unserviced land outside any serviced settlement. The Cork County Development Plan 2014 seeks to concentrate new economic and employment development primarily within the main towns of the County, and the Employment Hierarchy set out in Table 6.1 seeks to locate small and medium industry in the City and towns, with support for agriculture, fishing & food processing sectors in rural areas (Objectives EE 4-4, E-E 9-1). In my opinion, the subject premises as it stands does not perform well against current development plan policy, or indeed any set of sound planning principles.

9.1.2 There is, however, a long history of permissions for fabrication workshops and similar uses on this site, stretching back to 1998 (see Section 5.0 above). I would have serious concerns about a ‘new build’ facility at this location, or indeed a significant extension. However, the proposed extension is of such a scale – a 40%<sup>2</sup>

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<sup>2</sup> And considerably less than this figure for the overall 3-building scheme.

increase on the existing building footprint - that I do not consider, on balance, that a refusal of permission is warranted in this instance. I note the recent precedent set in respect of the East building under PL04.244779.

## **9.2 VISUAL IMPACT**

- 9.2.1 The proposed extension would be contiguous with the existing built form. The site is not particularly visible from the N22, even though it is close to the road, and elevated above it.
- 9.2.2 I note the proposals for landscaping. I consider these to be appropriate and adequate. On balance, I considered that the proposed development is acceptable in terms of visual impact.

## **9.3 NOISE AND RESIDENTIAL AMENITY**

- 9.3.1 I note that this use is long established at this site. I consider that subject to conditions on this topic, as per those attached by the planning authority, the proposed development would be acceptable on the issue of noise and general disturbance.

## **9.4 TRAFFIC AND WASTEWATER**

- 9.4.1 While the proposed development would involve some intensification of use on the site, and consequently, an intensification of use of the nearby junction with the N22, I do not consider that an undue level of significant additional traffic movements would arise.
- 9.4.2 I do not consider that the solar panels represent any significant threat to motorists from glint and glare. The angle of the roof planes onto which the panels would be located are very shallow, and it is proposed to mount the panels directly to these surfaces.
- 9.4.3 Initially, the applicant had proposed to use an existing septic tank. By way of further information, this proposal was amended such that a replacement system is now proposed, along with an interceptor for the surface water system. I consider this aspect of the proposal to be acceptable.
- 9.4.4 On the basis of the information presented, I do not consider that there is any significant likelihood that the proposed development would result in additional flooding in the area.

## **9.5 SCREENING FOR APPROPRIATE ASSESSMENT**

- 9.5.1 I note the screening exercise undertaken by the planning authority.
- 9.5.2 The site is around 5km east (downstream) of 'The Gearagh' SAC (Site Code: 000108)

- 9.5.3 Potential likely effects are runoff to groundwater of potential pollutants. Using the source-pathway-receptor model, and considering the proposed wastewater treatment system on site, I do not consider that the proposed development would be likely to impact on the qualifying interests of the Natura 2000 sites.
- 9.5.4 It is reasonable to conclude that on the basis of the information available, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and in particular specific site 'The Gearagh' SAC (Site Code: 000108) in view of that site's conservation objectives and an appropriate assessment (and submission of a NIS) is not therefore required.

## **10.0 CONCLUSION AND RECOMMENDATION**

Based on the above, I recommend that permission be granted on the basis of conditions similar to those applied by the board under PL04.244779, as informed by the conditions applied by the planning authority in this instance.

## 11.0 REASONS AND CONSIDERATIONS

Having regard to the planning history of the site, to the nature and scale of the proposed development, and to the existing established use of the site for industrial purposes, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would not be likely to result in flooding in the vicinity. 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 on the 22<sup>nd</sup> day of December 2015, the 7<sup>th</sup> day of January 2016, and the 26<sup>th</sup> day of January 2016, as modified by 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 extension hereby permitted shall be jointly occupied as a single unit with the existing workshop and shall not be sold, let or otherwise occupied except as part of the existing unit. The combined unit shall be used solely for the purposes of light engineering or manufacturing. No additional floorspace shall be formed by means of internal horizontal division within the building hereby permitted unless authorised by a prior grant of planning permission.

**Reason:** In order to control the intensity of development in the interest of residential amenity.

3. The external finishes of the proposed development shall be the same as those of the existing building in respect of colour and texture.

**Reason:** In the interest of visual amenity.

4. The site shall be landscaped in accordance with the landscaping scheme to be submitted to the planning authority for agreement, and this landscaping scheme shall be carried out and completed prior to first occupation of the proposed development. This scheme shall include details of boundary treatments.

**Reason:** In the interest of visual amenity.

5. (a) Noise levels emanating from the proposed development when measured at noise sensitive receptors shall not exceed 55 dB(A) (30 minute Leq) between 0800 hours and 2200 hours, and shall not exceed 45 dB(A) (15 minute Leq) at any other time. Measurements shall be made in accordance with I.S.O recommendation R.1996/1 "Acoustics – Description and Measurement of Environmental Noise, Part 1: Basic Quantities and Procedures". If noise contains a discrete, continuous tone, (whine, hiss, screech, hum etc.), or if there are distinctive impulses in the noise (bangs, clicks, clatters or thumps), or if the noise is irregular enough in character to attract attention, a penalty of + 5db(A) will be applied to the measured noise level and this increased level shall be used in checking compliance with the specified levels.

(b) Procedures for the purpose of determining compliance with these limits shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

6. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of the methods and locations to be employed for the removal and disposal of any asbestos material.

**Reason:** In the interest of sustainable waste management.

7. 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, construction-related car parking and construction-related traffic arrangements.

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

8. Site development and building works shall be carried out between the hours of 0800 hours and 1900 hours Monday to Friday inclusive and between 0800 hours and 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviations from these times shall 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.

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

**Reason:** To ensure adequate servicing of the development and to prevent pollution.

10. 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.

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G. Ryan  
Planning Inspector  
16<sup>th</sup> May 2016