



An
Bord
Pleanála

Inspector's Report PL28.247697

Development	Retain brewery at upper floor level, retain alterations to height of preparation room. Permission for alterations to brewery. Removal of extension at lower ground. Construction of one and half storey extension.
Location	The Cotton Ball, 18 Old Youghal Rd., Mayfield, Cork
Planning Authority	Cork City Council.
Planning Authority Reg. Ref.	16/37071.
Applicant(s)	Jack Lynch
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant(s)	Ciaran and Eileen Delaney and Nora Horgan
Observer(s)	None
Date of Site Inspection	08.02.2017
Inspector	Fiona Fair.

1.0 Site Location and Description

The appeal site (stated 0.18 ha) is that of the 'Cotton Ball Bar', public house, located at the corner of Kerry Road and Old Youghal Road, Mayfield, County Cork. The buildings have frontage onto the two roads. On site surface car parking is located to the south of the site with vehicular entrance, off Kerry Road. A fenced off yard area is located to the rear of the buildings along the western site boundary, it contains a storage shed and keg storage area.

The main public house and lounge area is located at ground and first floor of the main building, with a bar area and off license to the front accessed off Old Youghal Road. A microbrewery, developed in 2013, is situated beneath the lounge, accessed from the rear of the premises, beers, stouts and ales are brewed on the premises.

An outdoor, terrace area, accessible from the first floor lounge, is located at upper ground floor to the rear of the premises along the western boundary. A single storey structure, formerly in use as a smoking area, currently used for storage, and which is proposed on the plans and drawings submitted, to be retained as 'brewery store', is located along the western boundary of the upper level terrace area. This structure finished in corrugated metal cladding has temporary plywood in place of double doors to its northern elevation. At the time of my site inspection the structure and the terrace area were in use for purposes of storage and means of escape, no tables or chairs were present and the area did not appear in use as a smoking area.

To the rear of the brewery store, an external stairwell gives access to the lower / ground floor rear yard. It runs along the western boundary of the site. The western boundary with number 21 Old Youghal Road, the appellant's property, comprises a high block boundary wall which ranges in height from some 2m – 4.2m. The corrugated iron roof of the 'brewery store' to be retained is currently built right up to and higher than the boundary wall.

The surrounding area is primarily residential, with terraced houses running along both Old Youghal Road and Kerry Road. The rear garden of number 21 Youghal Road, a mature terraced cottage, runs along the western boundary, the rear garden of number 11 Springfield Estate bounds the south western corner of the site and number three Kerry Road abuts the southern site boundary. The rear gardens of two dwellings numbers 18 and 19 Old Youghal Road, in the ownership of the applicant abuts the northern boundary of the site.

2.0 Proposed Development

- Retention permission is sought for
 - a one storey brewery store to upper ground level to the South West boundary,
 - alterations to the height of a preparation room to lower ground level,
- Permission is sought for
 - alterations to a one storey brewery store at upper ground level to the South West boundary,
 - removal of an existing one storey extension to the South East elevation at lower ground level,
 - construction of a new one and a half storey extension to the South East elevation at lower ground level
 - associated site works

3.0 Planning Authority Decision

3.1. Decision

Planning permission was Granted subject to 13 number conditions. Conditions are summarised as follows:

Condition 1. Standard condition

Condition 2: Within one month of the date of this permission the use of the 'Brewery Store' structure and the adjoining open terrace area shall cease as a seating / smoking area. All associated tables and chairs shall be removed.

Condition 3. Within 6 months of the date of this permission the alteration works proposed to the 'Brewery Store' shall be completed.

Condition 4. Within 12 months of the date of this permission the existing unauthorised one storey extension to the rear of the property shall be removed and the proposed new timber fencing shall be provided.

Condition 5. Imposes noise restrictions during operation of the premises

Condition 6. Imposes noise restrictions during construction period.

Condition 7. Relates to construction management and disposal of waste.

Condition 8. Relates to waste management

Condition 9, 10, 11 & 12. Relate to traffic safety, surface water and drainage

Condition 13. Development contribution

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Planning Report: The planning report supports the draft decision to grant planning permission. The proposal is considered reasonable subject to conditions.

3.2.2. Other Technical Reports

- Drainage: No objection subject to condition
- Roads (Planning) No objection subject to condition
- Environment Department: No objection subject to condition

3.2.1. Other Reports

- Irish Water: No objection subject to condition.

3.3. Prescribed Bodies

3.4. Third Party Observations

Letters of objection have been submitted. Issues raised are similar to those raised in the third party appeal, summarised in detail below.

4.0 Planning History

- 4.1. **Reg. Ref. TP15/36587** Permission Granted by the planning authority subject to 7 number conditions for construction of an ancillary brewery tank store to the rear of the existing building. However, the draft decision was appealed by a third party and the application was Withdrawn.
- 4.2. **Reg. Ref. TP13/35706** Permission Granted for construction of an ancillary store room to the rear of the existing building and associated works.
- 4.3. **Reg. Ref. TP13/35588** Permission Granted to convert a section of the existing basement storage area into a Micro-Brewery and associated site works.
- 4.4. **Reg. Ref. 06/30782** Permission Granted for the construction of a new emergency exit at the north (front) face and a raised smoking area to the south (rear) face of the Cotton Ball Bar & Restaurant.

Condition 2 states: No permission is granted for the raised smoking area.

Reason: In the interests of residential

- 4.5. **Reg. Ref. 04/29078 / PL28.211092:** Permission Refused for Retention of existing telecommunications equipment comprising of 4 no. panel antennae, 1 no. link dish and 3 no. equipment cabinets at The Cotton Ball, Kerry Road, Mayfield, Cork Retain

Having regard to the pattern of development in the area, it is considered that the proposed development, incorporating the enclosure of antennae in mock chimney disguises above the roof of a prominent premises at an elevated location, by reason of scale, height and bulk, would be excessive in proportion, obtrusive in public views and would detract from the architectural features, visual amenities and character of the premises. The proposed development would, therefore, seriously injure the

amenities of the area and would be contrary to the proper planning and sustainable development of the area.

4.6. **Reg. Ref. TP 01/36307** Permission Granted to alter existing elevations of windows, door opening and stairs permitted under TP 98/21869

4.7. **Reg. Ref. TP 98/21869** Permission Granted to extend and refurbish the existing bar and lounge.

4.8. **Enforcement**

The planners report, on file, refers to **Enforcement File E 7673**. Which it is stated relates to a) an unauthorised raised smoking area, b) the extension permitted under TP 13/35706 which has not been constructed in accordance with the permitted drawings and c) the unauthorised shed / store constructed to the rear (south) of the property.

5.0 **Development Plan**

The site is governed by the policies and provisions contained in the Cork City Development Plan 2015-2021.

The site is zoned ZO 4 Residential, Local Services and Institutional Uses with the objective 'to protect and provide for residential uses, local services, institutional uses and civic uses having regard to employment policies outlined in Chapter 3'.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

An appeal was received from Ciaran and Eileen Delaney and Nora Horgan it is summarised under the following headings:

Planning History & Enforcement Proceedings

- This is the second appeal within 9 months – PL246180 having been withdrawn by the applicant before the Board made a decision.
- Two warning Letters were issued by Cork City Council to the applicant.
- Copy of letters attached from Cork City Council to Ciaran Delaney dated 27/05/2016 and 31/05/2017 re warning letters E7673 (noncompliance with condition 1 of TP 13/35706 and unauthorised attachment of air handling equipment to the roof of The Cotton Ball) and E7674 (unauthorised free standing sign to front of 19 Old Youghal Road) sent to owner of 19 Old Youghal Road Mayfield Cork.
- No planning permission has been granted for the bottling plant or a Keg room
- The City Council have to date failed to proceed with enforcement action
- Request that a condition be attached which restricts the applicant from changing the use of any of the rooms from the purposes delineated on the drawings submitted without a further planning permission.
- No confidence that the applicant will comply with conditions of planning
- Why has the planner stated in recent relevant planning history that planning had been granted for a raised smoking room to the south (rear) face of the Cotton Ball Bar and Restaurant when in fact it had been rejected? (13/35588)
- Planning History set out by the council does not refer to PL28.211092
- There is 100% success rate for commercial planning permission retentions within Cork City Council – questionable.
- Request that the Board utilise the powers granted under section 35 of the Planning and Development Act 2000

Negative Impact Upon Residential Amenity of adjoining Dwellings

- The three sided brewery store is used as a smoking area
- Concern with respect to alterations to boundary wall – structural stability and visually. No consent has been given for alterations to the party boundary.

- Concern with respect to security breaches to adjoining residential property, personal safety issues and devaluation of property
- The appellant's property has been used as an escape route for thieves trying to make good their escape, from the brewery.
- Times of operation of the Brewery are of concern and should be conditioned
- Noise Impact – no noise monitoring protocols
- No restriction on delivery hours
- Conditions need to be put in place, if permission is granted, regarding the times of deliveries, collections and movements in the Cotton ball car park on Kerry Road
- Concern with regard to displacement of car parking spaces to the rear during construction period.
- The Microbrewery is contrary to residential zoning
- There is an industrial park less than 1 Km away
- Lack of engagement with residents has been raised as a concern by local councillors in the council chamber.

Traffic

- Car parking congestion
- People park on the concrete plinth in front of the bar – safety hazard to pedestrians

Visual Amenity

- Corrugated metal cladding is unsightly
- Contrary to residential zoning objective and to the character of the old village of Mayfield
- The metal cladding and roof structure to the boundary wall is unsightly

Unauthorised Use

- The brewery store is used as the smoking room which was specifically refused planning permission under 06/30782

- Unclear why the council allow the applicant to continue to use the structure which was the subject of a warning letter for a purpose that they themselves stated in a previous application would injure residential amenity
- Condition 2 of the notification of decision to grant cannot be justified.
- The structure is not a one storey building
- What is the output / intended brewing capacity of the Brewery?
- Concern with respect to incremental expansion of the microbrewery originally set up to produce artisan beers for the clientele of the Cotton Ball pub
- Expanding brewery at this location is in breach of the zoning objective
- Appears from SuperValu webpage that the applicant's business is currently expanding (in advance of planning permission been confirmed).

Health and Safety

- Safety concern in the event of an incident in the brewery
- Concern with regard to the number of tanks stored and the possible increase in the number of tanks stored.
- Beer production in a residential area is of concern.
- The Fire Department should be consulted
- Implications for residents / members of the public in the event of an incident.
- No measures in place for bunding in event of chemical spills
- Concern of contamination to drainage system
- What engagement took place with EPA
- No odour control measure in place
- Similar smaller scale development, on foot of Reg. Ref. 20101119, by Wexford County Council, permission was refused on grounds of negative impact to amenity.

Appeal accompanied with:

- Correspondence between the applicant and Cory City Council with respect to alterations to permitted development
- Excerpts from Planning History associated with the site
- Extract from SuperValu website
- Photographs

6.2. Planning Authority Response

Response received, however, the planning authority have no further comments to make.

6.3. Applicant Response

6.3.1. A response was submitted by Cunnane Stratton Reynolds on behalf of the applicant, Mr. Jack Lynch., it is summarised as follows:

- Accept that unauthorised development has taken place and that the applicant has sought retention for same.
- Concerns raised are not valid grounds of appeal as they relate to enforcement issues and procedural issues
- The grounds of appeal are unclearly stated
- The public house has been in operation at this location for generations
- Consent was given in 2013 for microbrewery – the use provides for manufacturing, sale, distribution and on site bottling of branded beers.
- The site operation is of modest scale – no constant bottling
- The website extracts from SuperValu are misleading
- Contended nuisance issues raised with respect to bottle deliveries is misrepresented, noise is simply as a result of normal drinks deliveries and associated trading / functions that occur on the site and not as a result of the microbrewery.

- Applicant regrets the alterations and other developments put in place which were not in compliance with planning permission.
- Alterations to permitted planning permissions were not anticipated to either warrant planning, to be de Minimis or were done in the belief that neighbours were agreeable to same
- Civil issues with respect to the western boundary wall are noted. These works were not intended to cause offence and were done in the belief that they were agreed to by the neighbouring property owner.
- It is proposed to address concerns by alteration of the roof profile to allow for a pitched roof arrangement as expressed in Drg 03.04 by FOUREM Architects.
- Smoking shelter has been removed and replaced with a 'brewery store'. This is not a three sided structure. The eastern side of the structure has doors.
- Do not accept that the retention of structure or proposed development would lead to security issues for adjoining property
- Use is a commercial use in an established commercial site that pre dates planning legislation
- To consider the use inconsistent with the zoning is unreasonable. Objective 15.1 of the City Development Plan 2015 – 2021 Non-Conforming Uses applies.
- The appellant incorrectly implies that the smoking area proposed under TP 06/30782 has been reapplied for under this application. That smoking area was in a completely different location than that which was omitted under this current consent.
- The planning regulations suggest that only 'a brief description of the nature and extent of the development' is required as part of the notices. The application provided for the retention of the 'bottle store' above the 'bottling room' and a change in the height to the 'preparation room' also below the 'brewery store'. The space and room is therefore within terms of consent issued by Cork City Council as they include the ancillary access routes, fire escapes etc., as ancillary spaces. The overall site is also within the red line

area of the application as described in the OS Maps submitted and therefore the overall approach as applied for by the applicant is consistent with the Brudle ruling with respect to 'red line' area's and the appropriate planning unit.

- The Cotton Ball is a successful and long standing business it provides vital local employment and the micro brewer business is only a small component of the business. The diversification on site is both complementary to the public house and off licence trade while reflecting a need to diversify so as to survive.

7.0 Assessment

7.1. I consider the key issues in determining this appeal are as follows:

- **Principle of the Proposed Development**
- **Unauthorised Use of Structures on The Site**
- **Impact Upon Visual Amenity.**
- **Impact Upon Residential Amenity of Adjoining Property**
- **Appropriate Assessment (AA)**

7.2. Principle of the Proposed Development

The Cotton Ball Public House, has been in the Mayfield area for generations, founded in the latter part of the 1800's. In late 2013 the Cotton Bar Brewing Company was established following consent on foot of Reg. Ref. TP13/35588 to convert a section of the existing basement storage area into a Micro-Brewery and associated site works.

The third party have appealed the decision of Cork City Council to grant permission for retention of works and for additional works, as set out in detail in section 2.0 of this report above. The appellant argues that the proposed 'brewery store' has been used as a smoking area and that a grant of permission, for the proposed development, would facilitate an expansion of the brewery. It is contended that

expanding the brewery would be contrary to the zoning objective ZO 4 'Residential, Local Services and Institutional Uses'.

The first party submits that the, permitted, micro brewing use is an ancillary activity on the site. That the use permitted provides for, of modest scale, manufacture, sale, distribution and on site bottling of artisan beers and that the product is sold both on and off site. It is submitted that there is no constant bottling on-going on site and that the use of the upper ground floor area as a smoking terrace has ceased.

The provision and protection of residential uses and residential amenity is a central objective of the ZO 4 zoning. However, clearly the principle of a commercial use in this location has been established, in that the public house predates planning legislation and permission was granted for a microbrewery. Regard is also had to the urban nature of the surrounding environment. In this regard Objective 15.1 Non-conforming uses is of relevance. It states: 'Where uses exist as non-conforming uses it is the policy of the City Council to facilitate their continued operation provided they do not seriously detract from the zoning objectives for the area or from residential or other amenities'.

It was evident from my site visit that the scale of the microbrewery is modest in nature. I carried out my site visit on a Wednesday at approx. mid-day, there were two staff working in production within the micro-brewery, no bottling, deliveries or distributions was in operation. It was evident from my site visit that the manufacture, sale, distribution and on site bottling is of a modest scale and ancillary to the main use of the site as a public house. Therefore, I see no reasonable justification to refuse permission for the removal of an existing one storey extension to the south east elevation at ground level and its replacement with a new one and a half storey extension to be used as a tank room. Also I see no impediment to retention of alterations to the height of the preparation room as proposed.

However, I have concern with respect to the retention of and alterations to the so called 'brewery store' at upper ground level to the western boundary. This area is

only accessible via the external stairwell along the western boundary and via the first floor lounge area. It directly abuts the rear garden of the appellants dwelling to its west.

The applicant does not deny that until recently the metal clad structure and the upper ground outdoor terrace area was used as a smoking terrace. At the time of my site visit, seating and tables were not in place, and the use as a smoking area appears to have ceased. The structure itself, with makeshift ply wood door, was not in any particular use, however, given the wooden planks stored within, possibly as a wood work general maintenance room.

I note the proposed intended use of the structure as a 'brewery store' and I accept that public houses / microbreweries and associated activities by their very nature tend to generate impacts not associated with other commercial uses such as outdoor smoking, odour, noise, hours of operation etc, which have the potential to significantly impact upon amenity. While cognisance is had to the long standing and permitted nature of the overall use on the site, given that protection of residential amenity is a central objective of the ZO 4 zoning and that there is ample room for the business to expand / for storage to the rear / south of the site, I am of the opinion that the location of the 'brewery store' is unsuitable and recommend that retention and alteration of this structure be refused planning permission. Cognisance is had to:

- the upper level location of the structure
- proximity to the rear garden of the residential property to its west,
- the height and metal clad nature of the structure
- accessibility issues and
- possible noise associated with the structure

7.3. Unauthorised Use of Structures on The Site

The appellants have raised concern with respect to unauthorised uses on the site, in particular the smoking area at upper ground level adjoining their rear garden boundary, previous noncompliance with conditions of permission and boundary

issues, in particular the raised height of the western party boundary wall. I note the concern with respect to incremental expansion of the microbrewery and that no permission was ever granted for the bottling room.

I consider that some of the points referred to by the appellants concern enforcement matters that are beyond the remit of the Board and are, therefore, irrelevant to this appeal. Issues with respect to alterations to the party boundary wall is a civil matter. In this regard I would note that Section 34 (13) of the Planning and Development Act, 2000, as amended, states that a person shall not be entitled solely by reason of a grant of planning permission to carry out development on land where they have no sufficient legal interest.

From my site visit it is clear the unauthorised use of the upper level terrace area and structure as a smoking area has ceased.

I note the established and permitted use of the overall site. The planners report attached to TP 13/35588 (under which permission granted for conversion of a section of the existing basement storage area into a microbrewery and associated site works) states; 'that the extent of the proposed microbrewery is 52.47 sq. m'. From the plans submitted it is evident that the area associated with the microbrewery is well in excess of 53 sq. m, regard being had to the subject application for retention permission.

Enforcement matters come within the sole remit of the planning authority. The subject permission relates, solely, to the structures and uses detailed / described in the public notices associated with the subject development, therefore, I recommend that should permission be forthcoming from the Board that a specific condition be attached detailing the specific nature and use of any planning permission, as per condition 2 of my recommendation.

7.4. Impact Upon Visual Amenity.

The proposed 'preparation room' roof to be retained and the 'brewery store' to be retained are not visible from the Old Youghal Road or from Kerry Road. The proposed 'tank room' would be visible from the car park and Kerry Road.

The 'preparation room' is visible from the car park to the south and from the neighbouring rear gardens to the west. The 'brewery store' is visible from the west only.

I note the amendments proposed to the roof of the 'brewery store', however, in light of my fundamental issues with the use and location of a 'brewery store' at this upper level location, I consider that such amendments, which I agree would go some distance to ameliorating the visual impact are irrelevant. I would also have concern with respect to the corrugated metal cladding finish and consider same, visually obtrusive, when viewed from rear gardens to the west.

I consider that retention of alterations to the height of the existing preparation room, which is finished in blockwork with a flat roof, situated off the western party boundary and lower than the height of the host buildings is acceptable in principle and would not be visually obstructive so as to give rise to refusal of permission.

I consider that the proposed corrugated metal cladding finish of the 'tank room' is unacceptable and should permission be forthcoming that a condition be attached which requires that the external wall finishes of the proposed 'tank room' structure be render finish of a uniform colour, a sample of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

I note the new closed board timber fencing proposed to secure the tank room and yard area to the rear of the public house and brewery and new timber clad gates. The boundary treatment faces east and is visible from the car park and Kerry Road. While the first party submits that the fencing will replace existing unsightly palisade fencing, I noted from my site inspection that wooden fencing has been erected outside of palisade fencing which remains in place and is visible above and below the wooden panelling. This is not in accordance with the plans and drawings submitted.

I consider that the timber fencing and gates, as proposed on the drawings submitted, are aesthetically pleasing and preferable to the unsightly palisade fencing. I therefore recommend that permission be granted for this work.

7.5. Impact Upon Residential Amenity of Adjoining Property

The appellant has raised concerns with respect to odour, noise control measures, noise from deliveries, health and safety hazard, fire hazard, security hazard, hours of operation and displacement of car parking spaces.

As stated above, it is accepted that, by its nature the public house use and associated related uses tend to generate impacts which have the potential to significantly impact upon amenity. Regard is had to the ZO 4 zoning of the site, the long established and permitted use on the site and proximity to residential dwellings to the west. The principle of a public house and microbrewery use in this location has been established, currently there appears to be no restrictions in terms of hours of operation or deliveries / distribution times to from the site. I note the conditions attached to the draft decision to grant planning permission, under the current application, TP 16/37071, in particular Condition 5 which imposes noise restrictions during operation of the premises, Condition 6 which imposes noise restrictions during construction period and Condition 7 which relates to construction management and disposal of waste.

The subject application relates, only, to the 'brewery store', 'preparation room', 'tank room', demolition and boundary treatment. I am of the opinion that the 'brewery store' to be retained and altered has the most potential to impact upon the residential amenity of the adjoining garden to the west. Given my recommendation that the 'brewery store' not be permitted, I consider that negative impact to residential amenity would be eliminated.

It is my opinion that the proposed development, subject to condition, will not generate any significant adverse impacts to amenity in the vicinity. I evidenced no noise, odour, car parking or delivery issues during my site visit. The car park and yard area to the rear of the site is used for deliveries and distribution purposes, it is of sufficient size and distant from adjoining residential properties. I tend to accept the first party's submission that general impacts / contended nuisance, that the

appellants complain of, are as a result of normal drinks deliveries and associated trading / functions associated with the Cotton Ball public house.

It is my opinion that the proposed development, subject to condition, will not generate any significant adverse impacts to amenity in the vicinity.

7.6. Appropriate Assessment (AA)

The closest European Sites are the Cork Harbour SPA (site code 004030) and the Great Island Chanel cSAC (site code 001058).

The planning report on file concludes that having regard to the location of the proposed development site relative to these European sites and related watercourses and to the nature and scale of the proposed development it is considered that the proposed development would not affect the integrity of the European sites referred to above. Accordingly, it is considered that appropriate assessment is not required.

Overall I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development, the availability of public services, and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

8.0 Recommendation

I recommend that the decision of the planning authority be upheld and planning permission and retention be Grant to the proposed development, subject to condition omitting the upper level 'brewery store'.

9.0 Reasons and Considerations

Having regard to the provisions of the Cork City Council Development Plan 2015 – 202, to the land-use zoning of the site 'ZO 4' – 'Residential, Local Services and Institutional Uses', the existing and permitted use on the site and to the nature, form, scale and design of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would be compatible with the zoning and would not adversely affect the residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be Retained, carried out and completed in accordance with the plans and particulars lodged with the application, 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. This permission relates solely to:

(a) Retention of alterations to the height of a preparation room,

Permission for:

(b) Removal of an existing one storey extension to the South East elevation,

(c) Construction of a new 'tank room'

(d) New close boarded timber fencing and timber clad gate.

(e) No permission is granted for the upper level 'brewery store' structure. Within one month of the date of this permission the 'Brewery Store' structure shall be fully removed.

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

3. Prior to the commencement of development the developer shall submit a revised drawing clearly demarcating the following for the written agreement of the planning authority:

(a) The external wall finishes of the proposed 'tank room' structure shall be render finish of a uniform colour, a sample of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity

4. 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 and services.

Reason: In the interest of public health.

5. (a) The construction of the development shall be managed in accordance with a Construction Environmental 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 demolition and construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

(b) Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 09.00 to 14.00 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 the interests of public safety and residential amenity

6. 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 and for the ongoing operation of these facilities for each house shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the 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.

7 No additional advertising signs, symbols, flags, emblems or logos shall be erected externally on the buildings or anywhere on site whether or not such signs would constitute exempted development or not without a prior grant of planning permission. No internally illuminated or neon signage shall be permitted.

Reason: In the interest of visual amenity and in the interest of the proper planning and sustainable development of the area.

8. The noise level shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at the nearest noise sensitive location that being the adjoining rear garden of the residence to the west of the appeal site between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit 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.

9. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Fiona Fair

Planning Inspector

01.03.2017