



Planning and Development Acts 2000 to 2020

Planning Authority: Tipperary County Council

Planning Register Reference Number: 19600962

Appeal by Hugh, Dan and Mary Ryan care of D.H. Ryan Architects of 1 Liberty Square, Thurles, County Tipperary and by Others against the decision made on the 19th day of June, 2020 by Tipperary County Council to grant subject to conditions a permission to Anner Hospitality Limited care of Fortress Planning of Canopy Street, Cashel, County Tipperary in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a single-storey patio lounge extension (south/southwest), a new terrace area with covered dispense bar counter and barbeque area, alterations and realignment to the on-site vehicular driveway, alterations to the car parking areas, alterations to the garden amenity including proposed new gazebo and all associated works at Anner Hotel, Dublin Road, Thurles, County Tipperary. Further public notices were received by the planning authority on the 10th day of January, 2020.

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 provisions of the Thurles Town and Environs Development Plan 2009 - 2015 (as varied) and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of the land use zoning objective, and existing use, of the site, and would not seriously injure the residential or visual amenities of the area. 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 2nd day of December, 2019 and the 30th day of April 2020, 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. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. 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 the following:
 - (a) A plan to scale, of not less than 1:250, showing –
 - (i) existing trees/hedgerows/shrubs specifying which are proposed for retention,

- (ii) the measures to be put in place for the protection of these landscape features during the construction period, including tree protection measures,
 - (iii) details of boundary treatments at the perimeter of the site, including heights, materials and finishes, and detail of the appropriate closure of any gaps which may exist in the perimeter,
 - (iv) the species, variety, number, size and locations of all proposed trees and shrubs,
 - (v) details of screen planting,
 - (vi) details of roadside/street planting, and
 - (vii) hard landscaping works, specifying surfacing materials, furniture and finished levels.
- (b) A separate, larger-scale plan shall be provided, showing specific identified trees to be retained along the western and south western boundaries adjacent to the realigned internal access roadway. Proposals to replace any trees to be removed shall be provided.
- (c) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment, and
- (d) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of clarity and residential and visual amenity.

4. (a) The outdoor barbecue, outdoor bar area and external terrace area shall not be used after 22.00 hours on any night.
- (b) The bifold doors to the lounge extension shall be fully closed at 22.00 hours every night.
- (c) Prior to the first use of the external terrace area, the developer shall submit a Noise Management Plan for the written approval of the planning authority. This shall address noise limits to live acoustic or amplified music or piped music to the external patio area.

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

5. 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.

6. (a) Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 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.
- (b) 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 traffic management, noise management measures and off-site disposal of construction waste.

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

7. Exterior/public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

8. 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 waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

9. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle (EV) charging stations/points. Proposals relating to the installation of electrical vehicle ducting and charging stations/points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transport.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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.

Dave Walsh

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

Dated this day of 2020