

An  
Bord  
Pleanála

**Board Direction**  
**BD-016091-24**  
**ABP-316310-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 11/04/2024.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the land use zoning objectives of the site as set out in the Tipperary County Development Plan 2022-2028 and the Clonmel Local Area Plan 2024-2030, the existing infrastructure serving the site and its proximity to the town centre, it is considered that, subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the surrounding area, would be acceptable in terms of public health and would not give rise to the creation of a traffic hazard. Therefore, the proposed development would be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment**

The Board considered the proposed development was in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, the Board concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Lower River Suir SAC

(code 00217), or any other European site, in view of the site's Conservation Objectives, and an Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on the following:

- The distance of the proposed development from the European Site and lack of any ecological connections.
- The urban and brownfield nature of the existing site.

### Conditions

1.	<p>The Development shall be carried out and completed in accordance with the plans and particulars lodged with the application received by Tipperary County Council on 30/06/2022, as amended by the plan and particulars received as further information on 23/01/2023 and clarification of further information on 02/03/2023 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Full details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted and agreed in writing with the planning authority prior to commencement of development. In default of agreement the matters in dispute shall be referred to An Bord Pleanala for determination.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
3.	<p>The opening hours of the family entertainment centre shall be between 1000hours to 2200 hours Monday to Saturday and between 1230 hours and 2200 hours on Sundays and Bank Holidays.</p> <p><b>Reason:</b> In order to protect the residential amenities of property in the vicinity.</p>

4.	<p>Prior to commencement of any works associated with the development, the developer shall submit a Traffic Management Plan (TMP) for the construction phase of the development for the written agreement of the planning authority. The agreed TMP shall be implemented in full during the course of construction of the development and shall incorporate the following:</p> <ul style="list-style-type: none"> <li>(a) Details of on-site car parking facilities for site workers during the course of construction;</li> <li>b) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;</li> <li>c) Measures to obviate queuing of construction traffic on the adjoining road network;</li> <li>d) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site works;</li> <li>e) Provision of parking for the existing hotel during the construction period;</li> </ul> <p><b>Reason:</b> In the interest of road safety.</p>
5.	<p>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 and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
6.	<p>The recommendations in the Road Safety Audit (Stages 1 &amp; 2) shall be submitted on plans for the written agreement of the planning authority prior to commencement of the development. Post Construction Stages 3 and 4 of the RSA shall be submitted to the Planning Authority for their written agreement.</p> <p><b>Reason:</b> In the interest of orderly development.</p>



7.	<p>Prior to commencement of the development a Mobility Management Plan (MMP) shall be submitted to and agreed in writing with the planning authority. This shall provide incentives to encourage the use of public transport, cycling, walking and car pooling by staff employed in the development to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management company of the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.</p> <p><b>Reason:</b> In the interest of encouraging the use of sustainable modes of transport.</p>
8.	<p>A minimum of 10% of the proposed car parking spaces shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fit out of charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of sustainable transportation.</p>
9.	<p>Parking for the development shall be in accordance with a detailed car parking layout which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development. The layout shall provide for:</p> <p>(a) 247 standard sized parking spaces [which shall not be less than 2.4 by 4.8 metres],</p> <p>(b) 12 number of spaces shall be reserved for persons with impaired mobility. These spaces shall be located as close as possible to the entrance of the development. The layout, dimensions and markings for these spaces shall be in accordance with the guidance set out in the document "Building for Everyone- a Universal Design Approach" (National Disability Authority),</p> <p>(c) Circulation aisles with a minimum width of 6metres,</p>

	<p>(d) Lining or other method of demarcation of the individual spaces.</p> <p><b>Reason:</b> To ensure a satisfactory parking layout in the interest of pedestrian and traffic safety and that the development is accessible to all users.</p>
10.	<p>A minimum of twenty bicycle parking spaces(some to be covered) shall be provided to serve the proposed development. Prior to the commencement of development, the layout and demarcation of these spaces shall be submitted for the written agreement of the planning authority. Failing agreement, the details shall be submitted to An Bord Pleanála for determination. The bicycle parking spaces shall be provided prior to the development being opened for business.</p> <p><b>Reason:</b> To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.</p>
11.	<p>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.</p> <p><b>Reason:</b> 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</p>
12.	<p>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.</p> <p><b>Reason:</b> In the interest of public health.</p>
13.	<p>Prior to the commencement of development, the developer shall enter into a Connection Agreement(s) with Uisce Eireann to provide for a service connection(s) to the public water supply and wastewater collection network.</p> <p><b>Reason:</b> In the interest of public health and to ensure adequate water/ wastewater facilities.</p>

14.	<p>All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground.</p> <p><b>Reason:</b> In the interest of visual amenity</p>
15.	<p>a) Proposals for the building and site lighting, including lighting type, fitting detail and illumination to be submitted for the written agreement of the planning authority prior to commencement of the development.</p> <p>b) Any site lighting shall be directed inwards towards the proposed development site. Direction and intensity shall be adjusted as required by the planning authority. The developer shall provide directional hoods or other cut off devices to ensure that the lights do not shine onto adjoining property, or shine so as to provide a hazard to users of public road.</p> <p>c) No signs, symbols, nameplates or other advertisements shall be erected externally on the building, without the prior written agreement of the planning authority.</p> <p><b>Reason:</b> In the interest of amenity and public safety.</p>
16.	<p>Certified 'As constructed' drawings (scale 1:500) showing the 'constructed' development including the location of services, cables, ancillary equipment, the lines of watermain levels, gradients, manhole positions of foul or storm water sewers as constructed shall be submitted to the Planning Authority.</p> <p><b>Reason:</b> In the interest of orderly development.</p>
17.	<p>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</p>




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 Contribution Scheme made under Section 48 of the Act be applied to the permission.

**Note:** The Board noted the provisions of Section 34(13) of the Planning and Development Act 2000 wherein 'a person shall not be entitled solely by reason of a permission under this section to carry out development'.

**Board Member**



**Date:** 17/04/2024

Joe Boland