

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Tipperary County

Planning Register Reference Number: 16/600208

An Bord Pleanála Reference Number: PL 92.247031

APPEAL by Anthony O’Gorman of 62 O’Connell Street, Clonmel, County Tipperary against the decision made on the 13th day of July, 2016 by Tipperary County Council to grant subject to conditions a permission to Martin Quigley Nenagh Limited care of James Corbett of 4 New Wellington Terrace, O’Connell Avenue, Limerick in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Change of use of premises from retail discount store to use as a coffee shop and bakery with internal alterations, external signage, external elevation alterations and associated ancillary site works at Exhibition House, 26 O’Connell Street, Clonmel, County Tipperary, which is a protected structure, (reference number, RPS 210).

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 location of the site in Town Centre zoned lands within the Primary Retail Area of Clonmel town, and to the compliance with the development standards for works to a Protected Structure, works within an Architectural Conservation Area and works within a Zone of Archaeological potential, in the Clonmel and Environs Development Plan, 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 exacerbate flooding problems in 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 20th day of June 2016, 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 developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any archaeological remains that may exist within the site.

3. A schedule and appropriate samples of all materials to be used in the external treatment of the development to include shopfront materials, signage, windows and doors, shall be submitted to and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure an appropriate standard of development/conservation.

4. No external security shutters shall be erected on any of the premises unless authorised by a further grant of planning permission. Details of all internal shutters 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. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of traffic safety.

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

Dated this day of 2016.