



An  
Bord  
Pleanála

**Board Order**  
**PL 92.248370**

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**Planning and Development Acts 2000 to 2017**

**Planning Authority: Tipperary County Council**

**Planning Register Reference Number: 16600775**

**Appeal** by Siobhán Burke care of W.O. Morrissey and Son Architects of Thomas Street, Clonmel, County Tipperary against the decision made on the 31<sup>st</sup> day of March, 2017 by Tipperary County Council to grant subject to conditions a permission to Conor Breen care of Aidan Kelly of Molough, Newcastle, Clonmel, County Tipperary in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of (i) extension to existing commercial building to incorporate workshop, storage and office spaces. Partial demolition of existing garage space to modernise existing building with east elevation with parapet detail, (ii) increase the commercial compound area for the storing of plant and machinery, (iii) wastewater treatment plant and polishing filter, (iv) relocation of existing wash bay to new location and (v) upgrading of existing entrance and all associated site works. Retention is also required for road signage. All at Freaghduff, Cashel, County Tipperary.

## **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 nature of the development proposed, which is required in connection with the existing agricultural business and its location in a rural area and the planning history of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed for retention would not seriously injure the amenities of the area or the residential amenities of adjoining property, would not be prejudicial to public health and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out, completed and retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 26<sup>th</sup> day of January, 2017 and the 7<sup>th</sup> day of March, 2017, 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, completed and retained in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. No advertisement or advertisement structure other than those shown on the drawings submitted with the application shall be erected or displayed on the building or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

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

3. Details of the materials, colours and textures of all the external finishes to the proposed building 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 disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard -
  - (a) uncontaminated surface water run-off shall be disposed of directly in a sealed system, and
  - (b) all soiled waters shall be directed to a storage tank. Drainage details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of environmental protection and public health.

5. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 23<sup>rd</sup> day of August, 2016, and in accordance with the requirements of the document 'Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)' – Environmental Protection Agency, 2009. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (b) Within three months of the first occupation of the proposed development, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the Environmental Protection Agency document.

**Reason:** In the interest of public health.

6. Surface water shall not be permitted to drain onto the adjoining public road.

**Reason:** In the interest of traffic safety.

7. Prior to commencement of development, the roadside boundary shall be set back behind the required sight triangle, the sight triangle is taken from a point 4.5 metres back from the road edge at the centre of the proposed access to a point 90 metres in both directions, at the nearest road edge.

**Reason:** In the interest of traffic safety.

8. Any proposed lighting shall be erected by a suitably qualified lighting specialist and the lighting directed and cowled such as to reduce light scatter outside the boundaries of the site.

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

9. The hours of operation shall be between 08.00 hours and 20.00 hours Monday to Saturday inclusive in the summer season (1<sup>st</sup> day of April to 30<sup>th</sup> day of September) and between 09.00 hours and 18.00 hours Monday to Saturday in the winter season (1<sup>st</sup> day of October to 31<sup>st</sup> day of March). The development shall not operate on Sundays or public holidays.

**Reason:** In the interest of the residential amenities of property in the vicinity.

10. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:
- (i) An LAeqT value of 55 dB(A) during the period 0800 to 1900 hours from Monday to Saturday inclusive.
  - (ii) An LeqT value of 50 dB(A) at any other time. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics – Description and Measurement of Environmental Noise.

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

11. No vehicles operationally associated with the development shall at any time be parked on the roadside fronting the site. All loading/unloading activities and turning movements associated with the site operations shall be undertaken within the site. No large machinery shall be parked along the northern boundary of the site.

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

12. Waste oils/fluids/batteries and discarded machinery parts shall be properly stored on site in a defined waste collection area and shall be properly disposed of by specialist contractors at frequent intervals.

**Reason:** In the interest of public health.

13. All service cables associated with the proposed development (such as electrical, telecommunications and television) shall be located underground.

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

