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**Planning and Development Acts 2000 to 2017**

**Planning Authority: Offaly County Council**

**Planning Register Reference Number: PL 2/16/394**

**Appeal** by Tony and Breeda Said care of Sean Lucy and Associates Limited of 23E Lough Sheever Corporate Park, Mullingar, County Westmeath against the decision made on the 20<sup>th</sup> day of April, 2017 by Offaly County Council to grant subject to conditions a permission to David Dunne care of DK Design Services of Ballykeenaghan, Tullamore, County Offaly in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** (a) Retention of site works as completed consisting of removing of top soil and placing of hardcore/hard standing over site area and removal of roadside hedge and replacement with earthen embankment and screen planting, and (b) permission for construction of new site entrance and associated site works for the storage of commercial vehicles/plant machinery pertaining solely to applicant's business, all at Killurin, Killeigh, County Offaly.

**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 proposed development and the development proposed for retention, the planning history of the lands in the vicinity of the site and the policy SSP-15(c) which seeks to facilitate appropriately scaled commercial development within Stráids, as set out in the Offaly County Development Plan 2014-2020, it is considered that the proposed development and the development proposed for retention, subject to compliance with the conditions set out below, would not seriously injure the amenities of residential property in the vicinity and would be satisfactory in terms of traffic safety and convenience. The proposed development and the development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that, having regard to the information available to it on the nature of the operation for which retention of planning permission is sought, and given the nature and scale of the proposed development, the planning history of the lands in the vicinity of the site and the development plan policy SSP-15(c) which seeks to facilitate appropriately scaled commercial development within Stráids, the proposed development would not seriously injure the amenities of residential property in the vicinity. The proposed development would also be satisfactory in terms of traffic safety and convenience.

## 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 26<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 and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. The hardstanding area shall not be rented or sold separately from the adjoining dwellinghouse.

**Reason:** In the interest of orderly development.

3. The hardstanding area shall be used solely in connection with the storage of commercial machinery vehicles/plant machinery pertaining to the applicant's business on the adjoining lands.

**Reason:** In the interest of orderly development.

4. Surface water from the site shall not be permitted to drain onto the adjoining public road.

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

5. 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 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 within three months from the date of this order.

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

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

**Dated this          day of    2017**