



Planning and Development Acts 2000 to 2018

Planning Authority: Tipperary County Council

Planning Register Reference Number: 18/600627

Appeal by Siobhan Burke care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny against the decision made on the 10th day of July, 2018 by Tipperary County Council to grant subject to conditions a permission to Conor Breen care of Agri Design and Planning Services of Molough, Newcastle, Clonmel, County Tipperary in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of (i) revised site boundary to family dwelling for additional amenity area, (ii) commercial compound area for the storing and display of plant and agricultural machinery, (iii) small storage shed. Retention for (i) boundary fence, (ii) small storage shed, (iii) first floor office and first floor storage area within existing commercial building and all associated site works. 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 to 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, 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. 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.

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

Reason: In the interest of traffic safety.

5. 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.

6. The hours of operation shall be between 0800 hours and 2000 hours from Monday to Saturday inclusive in the summer season (1st day of April to 30th day of September) and between 0900 hours and 1800 hours from Monday to Saturday in the winter season (1st day of October to 31st 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.

7. (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.

8. 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.

9. 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.

10. 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.

11. The landscaping provided for along the palisade fencing defining the machinery display area shall be maintained and supplemented with additional planting. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

12. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority and shall include the following:

- (a) the proposed hedging to landscape the boundary of the family dwelling house, and

- (b) the landscaping provided for along the palisade fencing defining the south-eastern and southern boundary of the machinery display area shall be maintained and supplemented with additional planting.

Any plants which die, are removed or become seriously damaged or diseased, within a period of one year from the date of this order, 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 order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

- 13. 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 the 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.

Maria FitzGerald

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

Dated this day of 2018.