



Planning and Development Acts 2000 to 2018

Planning Authority: Tipperary County Council

Planning Register Reference Number: 17/601276

Appeal by Nora Maher and Mary Maher care of William Gleeson of 14 Mitchel Street, Thurles, County Tipperary against the decision made on the 8th day of October, 2018 by Tipperary County Council to grant subject to conditions a permission to Action Enterprises Limited care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny in accordance with plans and particulars lodged with the said Council.

Proposed Development: Change of use, alteration (including part demolition to the rear) and extension of two number attached and interlinked two-storey roadside buildings with retail on part of the ground floor and residential elsewhere to provide Health Service Executive medical, health and social services facilities and ancillary uses (the two buildings are protected structures, RPS Reference Number 61-22312061), demolition of all former bakery buildings and associated structures to the rear of the aforementioned roadside buildings and a derelict roadside storage building and barn to the east; erection of a two-storey extension to the rear of the aforementioned roadside buildings (protected structures RPS Reference Number 61-22312061) to provide further Health Service Executive medical, health and

social services facilities, general practice, floor space for non-allocated private healthcare consultancy, meeting rooms, administrative offices, staff accommodation, receptions and ancillary uses; erection of an attached single storey pharmacy shop unit at the south-east corner of the community primary healthcare building; external works to the structure including roof plant and signage; new pedestrian and vehicular entrance off Mitchel Street, parking, circulation, external amenities (including landscaping), lighting, signage, sub-station/switch room, bin store and all associated services with connections to public services and all associated site works. All at Mitchel Street, Thurles County Tipperary. Further public notices were received by the planning authority on the 13th day of September, 2018.

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 land use zoning objectives for this site as set out in the Thurles and Environs Development Plan 2009-2015, the site's town centre location, the pattern of development in the area and the design and nature of the proposed development, 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 of property in the vicinity, would integrate with existing development in the area in a satisfactory manner, would be acceptable in terms of traffic safety and convenience, and would be in accordance with the provisions of the Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Having regard to the information on file including the document entitled Natura impact statement and to the Inspector's assessment which is noted, the Board is satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European Site, in view of the sites' conservation objectives.

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 13th day of September, 2018, 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. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The following requirement shall be complied with:

A Variable Message Sign (VMS) shall be installed adjacent to the roadside boundary such that it is visible to approaching traffic. The sign shall display information on the availability of car parking spaces within the site.

Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of orderly development.

4. The proposed development shall comply with the following requirements:

- (a) Any alterations to the public roadway including the provision of indented car parking shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All agreed works shall be at the developer's expense.
- (b) The developer shall undertake to implement the measures included in the Mobility Management Plan. A mobility manager shall be employed to oversee the implementation of the Mobility Management Plan and shall liaise regularly with the Mobility Management Section of the planning authority. The Mobility Manager shall proactively engage with the planning authority regarding the implementation and review of the Mobility Management Plan, the preparation of reports as detailed under (c) below and the setting of specific targets for reduction of private car use and staff parking.

- (c) No later than six months post occupancy, a car parking review shall be undertaken and the results submitted to the Mobility Management Section of the planning authority. This review shall monitor the allocation and use of car parking spaces by staff and visitors both on and off-site. This review shall inform discussions with the planning authority regarding reducing the overall level of staff car parking available on site over time in the interest of reducing commuting by private car.

Reason: In the interests of traffic management, sustainable travel and sustainable development.

- 5. The developer is required to employ a suitably qualified archaeologist, licensed under the National Monuments (Amendments) Acts 1930-2004, to monitor all topsoil stripping and ground disturbances associated with the development.
 - (a) No groundworks/construction works shall take place in the absence of the archaeologist and four weeks written notice regarding commencement of works on this site shall be submitted to the Department of Culture, Heritage and the Gaeltacht in advance of works commencing.
 - (b) Monitoring shall take place to the uppermost archaeological horizons only - where they survive. Should archaeological material be found during the course of the archaeological monitoring, the archaeologist shall stop work on the site pending further advice from the Department of Culture, Heritage and the Gaeltacht with regard to further archaeological mitigation and revisions to the archaeological method statement.

- (c) All features found shall be hand-cleaned and clearly visible for photographic purposes.
- (d) The developer shall be prepared to be advised by the Department of Culture, Heritage and the Gaeltacht with regard to any necessary mitigating action, for example, redesign to allow for preservation in situ, and/or excavation. The developer shall facilitate the archaeologist in recording any material found.
- (e) The Department of Culture, Heritage and the Gaeltacht and the planning authority shall be furnished with a report describing the results of monitoring within three months of completion of ground works.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

- 6. No additional signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

7. Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

9. 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 and demolition waste.

Reason: In the interests of public safety and residential amenity.

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

11. Prior to commencement of development, the developer shall submit, and obtain the written agreement of the planning authority to, 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, and for the ongoing operation of these facilities.

Reason: To provide for the appropriate management of waste and, in particular, recyclable materials, in the interest of protecting the environment.

12. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

13. All access and parking arrangements, including any alterations to the public road, shall comply with the detailed requirements of the planning authority for such works and services, and details in regard to the proposed relocation of the existing pedestrian crossing shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Costs associated with all such works shall be borne by the developer.

Reason: In the interest of traffic safety and to ensure a proper standard of development.

14. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of orderly development and the visual amenities of the area.

15. The site shall be landscaped in accordance with the landscaping scheme submitted with the planning application, including implementation of all tree protection measures to ensure preservation of the trees identified for retention. Landscaping proposals shall be completed before the building is first made available for occupation.

Reason: In the interest of visual amenity.

16. Prior to the commencement of development, the developer shall carry out a bat survey to determine if bats are present in the structure or trees to be felled. This survey shall be undertaken by a suitably qualified bat specialist/ecologist and the results of the survey shall be submitted to the planning authority and the Department of Culture, Heritage and the Gaeltacht. The developer is advised that all bat species are protected by the Wildlife Amendment Act, 2000, as amended, and are listed in Annex IV of the European Union Habitats Directive. If any bat species are found to be roosting at the site, a derogation license must be obtained from the Wildlife Licensing Unit of the National Parks and Wildlife Service of the Department of Culture, Heritage and the Gaeltacht prior to commencement of development.

Reason: To protect the natural heritage of the area.

17. 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.

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

Dated this day of 2019.