



Planning and Development Acts 2000 to 2018

Planning Authority: Tipperary County Council

Planning Register Reference Number: 18/600105

Appeal by Tom and Minnie Comerford care of Andrew Hersey Planning of Claremount, Clarecastle, County Clare against the decision made on the 12th day of November, 2018 by Tipperary County Council to grant subject to conditions a permission to O'Dwyer Steel care of Fortress Planning of Canopy Street, Cashel, County Tipperary in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention for change of use from store to paint shop, single-storey open store, steel sheeted localised boundary fence and permission for construction of an infill paint/drying shop and extension of the CNC building, and all associated works at Garryduff East, Dundrum, County Tipperary, as amended by the further public notice received by the planning authority on the 17th day of October, 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 village centre location, and the long established light industrial use on the subject site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area, would be in accordance with Policy ED10 of the South Tipperary Development Plan 2009 (as Varied) for the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, 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 19th 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. Water supply and drainage arrangements for the site, 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 interest of environmental protection and public health.

3. Site development building works and site operational works shall be carried out only between the hours of 0800 to 1830 Mondays to Fridays inclusive, and not at all on Saturdays, Sundays and public holidays. Deviation from these times will 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.

4. During the operational phase of the proposed development (0830 to 1900 hours), the noise level from within the boundaries of the site measured as noise sensitive locations in the vicinity, shall not exceed
 - (a) an Leq, 1h value of 55 dB(A) during 0800 to 1830 hours Monday-Friday, and
 - (b) an Leq, 15 min value of 45 dB(A) at any other time.

Night time emissions shall have no tonal component.

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

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

5. The development shall include the following measures in accordance with plans and particulars outlined in the Noise Emission Assessment Report submitted as further information on the 19th day of September, 2018:
- provision of additional steel liner/material wool batt linings to the south-east and south-west external walls,
 - provision of acoustic roller shutter doors in the south-west façade,
 - provision of neoprene surfacing on all support elements that steel is stacked on both inside and outside the warehouse, and
 - the side door located along the south-western elevation of the proposed workshop extension shall remain closed during operations on site except during times of maintenance/repair to the machinery.

Reason: To safeguard the amenities of adjoining property.

6. No fans, louvres, ducts or other external plant other than those shown on the drawings hereby permitted shall be installed, unless authorised by a prior grant of planning permission.

Reason: In the interest of visual amenity.

7. A soundproof 2.5 metres wall shall be provided along the south-eastern boundary in accordance with drawing number 17FPC045-05 submitted to the planning authority on the 19th day of September, 2018 prior to the commencement of the construction of the extension to the CNC building.

Reason: In the interest of residential amenity.

8. 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 it 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 within three months from the date of this order, 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 2019.