



Planning and Development Acts 2000 to 2018

Planning Authority: Tipperary County Council

Planning Register Reference Number: 18/600626

Appeal by William Mitten care of Michael Hyland of Carragaun, Cahir, County Tipperary against the decision made on the 11th day of December, 2018 by Tipperary County Council to grant subject to conditions a permission to Patrick Hally care of Ed Walsh Architects of The Square, Cahir, County Tipperary in accordance with plans and particulars lodged with the said Council:

Proposed Development: 'Concrete Fair' commercial fabrication facility to include retention permission for existing fabrication workshop, permission for the following proposed developments to include extension to fabrication workshop, storage shed, office and staff facilities and foul water treatment system and percolation area, reconfiguration of entrance and road boundary and all necessary services and site works, all at Lisnamuck and Commons-Entire West, Clonmel, County Tipperary, as revised by the further public notice received by the planning authority on the 16th day of November, 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 nature of the development proposed, to its location in a rural area and to Development Plan policy, it is considered that, subject to compliance with the conditions set out below, the proposed development for retention and new development proposed 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 be acceptable 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.

Conditions

1. The development shall be carried out, retained and completed 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, retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The alterations to the existing hedgerow to the north-west of the vehicular entrance shall not be implemented with the existing hedgerow remaining unchanged.

Reason: In the interests of visual amenity and rural character.

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. 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.

5. The hours of operation shall be between 0700 and 1900 hours from Monday to Saturday. The development shall not operate on Sundays or public holidays.

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

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

Reason: In the interest of traffic safety.

7. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority and in accordance with the requirements of the document "Wastewater Treatment Manual: Treatment Systems for Small Communities, Business, Leisure Centres and Hotels", issued by the Environmental Protection Agency (current edition). 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 operation of the wastewater treatment system, 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 EPA document.

Reason: In the interest of public health.

- 8. (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: In order to protect the amenities of property in the vicinity.

9. (a) Dust deposition as a result of site activities shall not exceed the TA luft standard of 350mg/m²/d measured as an average over 30 days. The developer shall provide suitable equipment and implement all reasonable measures to ensure that a dust nuisance is not caused on public roads or that property in the locality of the development is not adversely affected by dust.
- (b) The applicant shall undertake dust monitoring as and when required by the planning authority and in accordance with an agreed monitoring methodology.

Reason: To protect the amenities of adjoining properties.

10. 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 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.

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

Dated this day of 2019.