



---

**Planning and Development Acts 2000 to 2018**

**Planning Authority: Offaly County Council**

**Planning Register Reference Number: 18/358**

**Appeal** by Joe and Mary Conway care of Sean Lucy and Associates Limited of 23E Lough Sheever Corporate Park, Mullingar, County Westmeath and by Arden Heights Residents Association care of MAHBD Building Design Limited trading as ABBD of Clonshanny, Clara, County Offaly against the decision made on the 18<sup>th</sup> day of December, 2018 by Offaly County Council to grant subject to conditions a permission to Joe Bergin care of Chancery Group Construction Consultancy of 6 Chancery Lane, Tullamore, County Offaly in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a new single storey building approximately 131 square metres in size by approximately 4.4 metres high, containing a static swimming pool, dressing rooms and ancillary facilities, located within the rear garden space of the existing dwelling site, including all associated site works, with access through the existing dwelling site entrance. All at 11 Arden Heights, Tullamore, 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, scale and proposed use of the development, and the location of the subject site within the existing Arden Heights estate, together with the pattern of development in the area and the zoning afforded to the site in the Tullamore Town and Environs Development Plan 2010-2016, extended to 2020, the Board is satisfied that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of servicing, traffic safety and would not seriously injure the existing visual or residential amenities of properties in the vicinity. The proposed development would, therefore be in accordance with the proper planning and sustainable development of the area.

## 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 22<sup>nd</sup> day of November, 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. The proposed pool facility shall be operated and occupied solely as part of the existing dwelling on the site and shall not be sold, let or otherwise transferred save as part of the dwelling. No other commercial use shall be carried out on the site without the benefit of a further planning permission.

**Reason:** To restrict the use of the site in the interest of residential amenity and the proper planning and sustainable development of the area.

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

**Reason:** In the interest of public health.

4. No on-street customer or staff parking is permitted.

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

5. Prior to commencement of development, details of signage shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interests of visual and residential amenity.

6. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at any point along the boundary of the site shall not exceed:-
  - (i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.
  - (ii) An Leq,15 min value of 45 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 the interests of public health and residential amenity.

7. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

**Reason:** In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the extended dwelling and in the interest of the amenities of the area.

8. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

9. Landscaping and boundary walls shall be constructed prior to the operation of the pool facility.

**Reason:** In the interest of residential amenity.

10. The hours of operation for the pool facility shall be 0900 hours to 1800 hours Mondays to Fridays, excluding public and bank holidays, and between 1000 hours and 1300 hours on Saturdays.

**Reason:** In the interest of residential amenity.

11. 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.

---

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

**Dated this            day of            2019.**