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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Tipperary County Council**

**Planning Register Reference Number: 18/600932**

**Appeal** by Gerry Connors of O'Connor's Bar, John Street, Carrick-on-Suir, County Tipperary against the decision made on the 2<sup>nd</sup> day of May, 2019 by Tipperary County Council to grant subject to conditions a permission to H2 Properties Limited care of MBPIM Architecture of 1 Market Square, Enniscorthy, County Wexford in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Retention of variations and omissions made under planning register reference number 10/560004, including omission of jet wash and roil-over car wash, new fuel pump and air/water service island, steel bollards to road side boundary in lieu of low wall, fuel vent stacks repositioned in alternative location on southern boundary, car park layout variation on eastern end of site, provision of household fuel store north of rear car park, alterations to south and east elevations of main building, part use of ground floor space as restaurant/café, additional floor space to first floor level in lieu of terrace, amendments to storage compound at rear, pedestrian gate on southern boundary in lieu of sliding gate, omission of glazed element over island canopy, building and on-site signage and placing of air conditioning

units mounted at roof level behind stone screen at Texaco/Spar Service Station, John Street, Carrick-on-Suir, County Tipperary. The proposed development was revised by further public notices received by the planning authority on the 10th day of April, 2019.

## **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 permitted development on the site and to the nature, scale, design, character and layout of the development proposed for retention, it is considered that, subject to compliance with the conditions set out below, the development to be retained would not adversely impact on the amenities of adjoining properties. The retention of the development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 8<sup>th</sup> day of March, 2019, 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 and the development shall be retained and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Water supply and drainage arrangements, including the disposal of surface water and the management of fats, oils and greases, shall comply with the requirements of the planning authority for such works and services.

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

3. All surface water, including discharge from outflow pipes, shall be collected and contained within the site boundaries and shall not discharge onto neighbouring properties or onto the public road.

**Reason:** In the interest of protecting adjoining amenities and property.

4. The parking bays shall be clearly delineated in thermoplastic markings on the ground in perpetuity and shall be reserved solely for the parking of vehicles and shall not be used for the storage of materials, goods or other matter associated with the proposed development. Circulation aisles shall be kept clear at all times.

**Reason:** In the interest of the proper planning and sustainable development of the area.

5. (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, 1hour value of 55 dB(A) during the period 0700 hours to 1900 hours from Monday to Sunday inclusive.
  - (ii) An Leq, 1hour value of 50 dB(A) during the period 1900 hours to 2300 hours from Monday to Sunday inclusive.
  - (iii) An Leq, 15 minutes value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.
- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

Procedures for the purpose of determining compliance with these limits shall be submitted to, and agreed in writing with, the planning authority within one month of the date of this Order.

**Reason:** To protect the residential amenities of property in the vicinity of the site.

6. 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 within three months of 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.

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**Dave Walsh**

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

**Dated this            day of            2019.**