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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Tipperary County Council**

**Planning Register Reference Number: 19/600477**

**Appeal** by Bernie Reidy of 33 Albert Street, Clonmel, County Tipperary against the decision made on the 28<sup>th</sup> day of August, 2019 by Tipperary County Council to grant subject to conditions a permission to Tipperary Islamic Cultural Centre care of Will McGarry and Associates of 15 Mary Street, Clonmel, County Tipperary in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Demolition of the existing structure and construction of a new two-storey community building including all associated site development works, access and egress, and parking, all at Irishtown, Clonmel, County Tipperary.

**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 pattern of existing and permitted development in the area, to the relevant provisions of the current Development Plan for the area, including the zoning provisions for the site, to the existing building form on site and to the scale, layout and design of the proposed new building, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of adjoining properties, would be an appropriate type and scale of development at this location, and would be acceptable in terms of pedestrian and traffic safety and convenience. 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 to the planning authority on the 2<sup>nd</sup> day of August, 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

No permission is granted for the demolition of number 86 Irishtown, the three-storey building located with the subject site.

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

2. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to that as specified in the lodged documentation, unless otherwise authorised by a prior grant of planning permission.

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

3. 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 the commencement of development.

**Reason:** In the interest of the visual amenities of the area.

4. (1) Prior to the commencement of development, details of the surface treatment of and access area within the site shall be submitted to, and agreed in writing with, the planning authority.
- (2) The proposed parking and circulation area as shown on the application documentation shall be used solely for the purpose of vehicle access and parking and shall not be used for the storage of materials, goods or other waste associated with the development.
- (3) The proposed car parking spaces shall be clearly delineated with markings.

**Reason:** In the interest of pedestrian and traffic safety and of orderly development.

5. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

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

6. (1) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.
- (2) Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.

7. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

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

8. 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.

9. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
  - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site,  
and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

- 10. Prior to the commencement of development, full details of the lighting of the building and the site shall be submitted to, and agreed in writing with, the planning authority. The agreed details shall be implemented prior to the opening for use of the proposed development.

**Reason:** In the interest of orderly development and the protection of the amenity of the area.

11. Prior to the commencement of development, full details of all works to the public footpaths required to accommodate the development, if any, shall be submitted to, and agreed in writing with, the planning authority and the agreed works shall be undertaken at the expense of the developer.

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

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**Chris McGarry**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2020.**