



Planning and Development Acts 2000 to 2020

Planning Authority: Tipperary County Council

Planning Register Reference Number: 20/488

Appeal by Andrew Burke on behalf of Western Road Housing Estate of Knockrue, Western Road, Clonmel, County Tipperary against the decision made on the 10th day of July, 2020 by Tipperary County Council to grant subject to conditions an outline permission to Elaine O'Brien care of Kenneth Hennessy Architects Limited of Angelsea House, Anglesea Street, Clonmel, County Tipperary in accordance with plans and particulars lodged with the said Council:

Proposed Development: Subdivision of existing site and outline permission for a one and a half storey dwelling with access through public green space from Western Road and all associated site boundary and site development works on a site at Haywood Road, Clonmel, County Tipperary.

Decision

GRANT outline 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 residential zoning objective for the site and the pattern of development in the area, it is considered that, subject to compliance with conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. This grant of outline permission is in respect of development, as indicated in the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. No development is authorised on foot of this grant of outline permission and no development shall be undertaken until a grant of consequent on this outline permission is received.

Reason: In the interest of clarity.

2. This outline permission relates solely to the principle of the development on this site and the plans and particulars to be lodged for permission consequent on this grant of outline permission shall include the following information and comply with the following requirements:
- (i) Existing and finished ground levels and finished floor levels of the proposed and permitted units on the appeal site and adjoining site to the north east shall be clearly indicated on the Site Plan and in section drawings running north east – south west through the site.
 - (ii) Details of the design scale and height of the proposed dwelling including proposals to protect the privacy and amenity of existing adjacent properties.
 - (iii) The permitted dwelling on the site shall be a storey and a half design with a maximum height of 7.5 metres above finished ground level in that part of the site.
 - (iv) A detailed landscaping and boundary treatment plan for the entire site.
 - (v) Details of the treatment of the boundary between the appeal site and the site to the north west in the ownership of the first party, and that to the south east, including details of any retaining structures shall be submitted.

Reason: In the interest of clarity and to define the subject matter for consideration at permission consequent stage.

3. All surface water runoff from roofs, driveways and paved areas shall be collected and disposed of within the site. No surface water runoff shall be discharged to the public sewer, to the public road or to adjoining properties.

Reason: In the interest of public health.

4. No development shall take place until the developer has entered into water and wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

5. 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 at permission consequent stage 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 2020