



Planning and Development Acts 2000 to 2020

Planning Authority: Tipperary County Council

Planning Register Reference Number: 20/125

Appeal by Peter and Sarah Baker care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny and by Andrew Lummis and Deirdre O'Leary care of David Mooney Town Planning Consultant of Main Street, Cloughjordan, County Tipperary against the decision made on the 24th day of July, 2020 by Tipperary County Council to grant subject to conditions a permission to the said Peter and Sarah Baker in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of the following: (1) change of use of portion of existing dwelling to wedding venue together with four number wedding guest bedrooms to first and second floor, (2) temporary wedding marquee, (3) temporary kitchen and ancillary temporary storage portacabins, (4) bar/barbeque area, (5) toilet block ancillary to marquee/bar areas, (6) change of use of existing outbuilding to two number offices and utility and three number guest bedrooms to the first floor together with alterations to existing elevations, (7) change of use of existing barn building to civil ceremony room together with ancillary workshop, (8) change of use of portion of land to use as a camp site for portable one room shepherds' huts, (9) toilet/shower block ancillary to shepherds' huts, (10) two number commercial

polytunnels ancillary to wedding venue, (11) one number polytunnel ancillary to dwelling and (12) parking, bin storage and all ancillary works at Cloughjordan House, Cloughjordan, County Tipperary. (The works occur within the curtilage of and are part of a protected structure, RPS reference S456).

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: -

- (a) the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of the Arts, Heritage and the Gaeltacht in October, 2011,
- (b) the policy of the planning authority as set out in the North Tipperary County Development Plan 2010-2016 (as varied), to support the conservation of protected structures,
- (c) the established and permitted commercial uses on the site, and
- (d) the conservation and acoustic expert reports submitted as part of the planning documentation,

it is considered that, subject to compliance with the conditions set out below, the development proposed for retention would not seriously injure the amenities of the area, would respect the character and integrity of the Protected Structure and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained and carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 7th day of July 2020, 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. (a) Planning permission for the marquee, bar and barbeque area, ancillary toilet block, kitchen and storage portacabins, shepherds' huts accommodation and ancillary sanitary block shall apply for a period of three years from the date of this Order.
- (b) Details relating to the removal of the temporary structures shall be submitted to, and agreed in writing with, the planning authority at least one month before the date of expiry of this permission, unless planning permission is granted for their retention for a further period.

Reason: To enable the impact of the development to be re-assessed, having regard to changes in technology and design during the specified period.

3. Noise mitigation and management measures as set out in the Entertainment Noise Assessment Report by iAcoustics, as submitted to the planning authority on the 13th day of February 2020, shall be implemented in full within six months of this grant of planning permission. Written confirmation of the implementation of the full range of noise mitigation measures shall be submitted to the planning authority within this time period. These mitigation measures shall be maintained permanently, or as long as the wedding venue use continues on site.

Reason: In order to protect the amenities of residential property in the vicinity having particular regard to the nuisance potential of low frequency sound emissions during night-time hours.

4. At the end of the three year period, the developer shall provide for the following: -
 - (a) The appointment of a Grade 1 Conservation Architect accredited by the Royal Institute of the Architects of Ireland, who shall manage and monitor the removal of the temporary structures from the site and ensure adequate protection of the historic fabric during those works.
 - (b) The submission of details of all finishes and of all existing original features to be retained and reused where possible, including interior and exterior fittings/features, joinery, fenestration, plasterwork, etc.

All repair/restoration works following the removal of the temporary structures shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in October, 2011. The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

Reason: To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

5. Any works to the protected structure, shall be carried out under the supervision of a Grade 1 Conservation Architect accredited by the Royal Institute of the Architects of Ireland.

Reason: To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

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.

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

Dated this day of 2021.