



An
Bord
Pleanála

Board Order
ABP-311207-21

Planning and Development Acts 2000 to 2021

Planning Authority: Tipperary County Council

Planning Register Reference Number: 20/1223

Appeal by Patrick Lannen of 7 The Courtyard, Church Street, Dungarvan, County Waterford against the decision made on the 5th day of August, 2021 by Tipperary County Council to grant subject to conditions a permission to Jazzberry Limited care of Fewer Harrington and Partners of Studio 14, The Atrium, Maritana Gate, Canada Street, Waterford in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of two number single storey detached dwellings (one dwelling a former shop) and the proposed construction of a new single storey pharmacy with ancillary café, provision for part first floor storage facility, replace existing combined vehicular access with two number new vehicular entrances (to include one number left turn in only drive thru facility), external canopies for both the pharmacy and ancillary café, proposed new parking, new vehicle height restrictor, new single storey bin store, proposed new boundary treatments, proposed signage and totem signage and lighting together with all other associated site works, landscaping, drainage connections, external seating, at Pill Road, Carrick-on-Suir, County Tipperary. The proposed development was revised by further public notices received by the planning authority on the 12th day of July, 2021.

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.

Reasons and Considerations

Having regard to the provisions of the Tipperary County Council Development Plan 2022-2028 and the Carrick on Suir Development Plan 2013 as amended, together with the existing cluster of healthcare facilities in close proximity to the site and the modest nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the character of the area or the amenities of property in the vicinity 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 on the 8th day of June, 2021, 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. Prior to commencement of development, a revised site layout that incorporates the following requirements shall be submitted to and agreed in writing with the planning authority -
 - (i) The pedestrian route around the building shall be clearly demarcated and bollards or other measures included to prevent parking on the pedestrian pathway.
 - (ii) Signage shall be erected at the entrance to the drive through advising of 'No Pedestrian Access' to prevent potential conflicts with pedestrians and drivers.
 - (iii) The recommendations of the Stage 1 Road Safety Audit shall be incorporated into the development design.
 - (iv) The parking spaces numbered (1) and (2) on site plan PP01 dated Oct 20 shall be omitted and replaced with secure bicycle parking incorporating Sheffield bicycle stands.

Reason: In the interest of pedestrian and traffic safety.

3.
 - (a) The proposed parking spaces for vehicles shall be clearly delineated on the ground and reserved solely for the parking of vehicles.
 - (b) The proposed turning area for service and delivery vehicles shall be clearly delineated on the ground and kept free of parked vehicles or other obstructions.

- (c) Pedestrian circulation aisles and clearways shall be kept clear at all times

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

4. Water supply and drainage arrangements, including the 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.

5. The proposed totem sign and the green cross sign on the eastern elevation shall be omitted. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority full details of all signage associated with the development, both on the proposed pharmacy and ancillary café, and at the vehicular entrance. The lighting of such signage shall be by means of concealed neon tubing or by rear illumination. No advertising structures or other projecting elements including flagpoles shall be permitted within the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

6. Details of the materials, colours and textures of all the external finishes to the proposed pharmacy and ancillary cafe shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

7. The opening hours of the development shall be restricted to 0800 to 2100 Monday to Sunday.

Reason: To protect the amenities of adjoining properties.

8. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

9. 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 noise management measures and off-site disposal of construction waste.

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

10. 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.



Stephen Brophy

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

Dated this 4th day of April 2023.