



An  
Bord  
Pleanála

Board Order  
ABP-312963-22

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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Tipperary County Council**

**Planning Register Reference Number: 21/1691**

**Appeal** by Benny Forte care of Will McGarry and Associates, Consulting Engineers of 15 Mary Street, Clonmel, County Tipperary against the decision made on the 24<sup>th</sup> day of February, 2022 by Tipperary County Council to refuse permission.

**Proposed Development:** (a) Partial demolition of the existing shed and (b) construction of a dwellinghouse, garage, entrance and all associated site development works at Albert Street, 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.**

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## Reasons and Considerations

Having regard to the zoning objective, the design, layout and small scale of the proposed development, and the existing pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, in terms of overlooking, overbearing or overshadowing impacts, and would be satisfactory in the context 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. 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 received by the planning authority on the 3<sup>rd</sup> day of February, 2022, 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. The proposed development shall be amended as follows:

The dwelling shall be repositioned two metres to the north on the site.

A revised site plan showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity.

3. 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.

4. The developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann (formerly Irish Water) prior to commencement of development.

**Reason:** In the interest of orderly development.

5. Site development and building works shall be carried out only 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 will 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.

6. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and, if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

**Reason:** To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

7. 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 access arrangements for construction traffic, noise management measures and off-site disposal of construction/demolition waste.

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

8. All public service cables associated with the proposed development (such as electrical, television, telephone and broadband cables) shall be located underground within the site.

**Reason:** In the interests of visual and residential amenity, and of sustainable development.

9. 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 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.



**Eamonn Patrick Kelly**

**Member of An Bord Pleanála**

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

Dated this *18* day of *May* 2023