



An  
Bord  
Pleanála

**Board Order**  
**ABP-314599-22**

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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Offaly County Council**

**Planning Register Reference Number: PL2 22/329**

**Appeal** by Xiao Fan Chen of Clara Road, Tullamore, County Offaly and by Michael and Yvonne Bracken of Sonas Cottage, Clara Road, Tullamore, County Offaly and by others against the decision made on the 22<sup>nd</sup> day of August, 2022 by Offaly County Council to grant subject to conditions a permission to Tullamore Vita Stilo Limited trading as Capital Homes care of Kenny Lyons and Associates of Block 6, Central Business Park, Clonminch, Tullamore, County Offaly in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of existing dormer type dwelling house, detached domestic garage and all other existing structures to facilitate a construction entrance providing construction access to the previously granted Redwood Residential Development currently under construction (planning register reference numbers 19/39 and 21/174), all at Clara Road, Tullamore, County Offaly.

## **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**

It is considered that, subject to compliance with the conditions set out below, the proposed creation of a construction access along a speed controlled section of a regional road within the town of Tullamore, to serve development currently under construction, which has sub-optimal construction access, would facilitate the construction of residential development on appropriately zoned land, would not unduly impact on pedestrians or other users of the public road, would not seriously injure the amenities of residents in the vicinity, and 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, 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 development hereby permitted shall be for a period of five years from the date of this Order. At the end of the five-year-period the construction access shall be removed, and the site reinstated to the satisfaction of the planning authority, unless permission for its retention has been obtained.

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

3. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority details of gates, fencing and hoarding for securing the site during the operational phase of the construction access. This shall include a two metre high boundary screening along the adjoining residential properties from the front building line to the rear of the site.

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



4. (a) A linear drainage channel shall be installed across the existing vehicular entrance to be discharged to a soakaway within the site or adjacent watercourse. No surface water shall be allowed to discharge onto the public road/footpath from the development, or to discharge onto the property of others. Soakaways within the site shall be designed, installed and maintained in accordance with BRE Digest 365.
- (b) No construction vehicles shall park on the public road during construction works. No loading or unloading shall be permitted on the public roadway. The road network shall remain unaffected by the construction works at all times.
- (c) All necessary measures shall be taken by the developer to prevent any spillage or deposition of clay, dust, rubble or other debris, whether arising from vehicle wheels or otherwise, on the adjoining and/or adjacent public road and footpath network during the course of the construction works.
- (d) Any damage to roads, footpaths or other public property caused by the development shall be made good to the satisfaction of the planning authority's district engineer.
- (e) Any works which are to be carried out from the public roadway and/or footpath shall be subject to a grant of a licence by Tullamore Municipal District.
- (f) All wastes arising from/at the proposed development shall be managed in accordance with the Waste Management Act 1996, as amended.
- (g) Wheel washing facilities are to be provided for any vehicles exiting the site prior to entry onto the public roadway.

- (h) Tactile paving and drop kerbs shall be installed across the new entrance in accordance with Transport Infrastructure Ireland standards for uncontrolled crossings.
- (i) Prior to commencement of development, the developer shall arrange for the re-location of the existing ESB pole along the front boundary. The re-location shall not disimprove existing sightlines and the costs associated with the re-location shall be borne by the applicant/developer.

**Reason:** In the interest of traffic safety.

- 5. (a) All development work shall be carried out in accordance with 'Recommendations for Site Development Works for Housing Areas issued by the Department of the Environment and Local Government in October, 1998.
- (b) All surface water generated shall be collected and disposed of within the proposed site to the nearest pre-existing surface water drain, if available, or to an on-site soakaway.
- (c) Storm surface water shall not, under any circumstances, be allowed to enter the mains wastewater network.
- (d) All wastes arising from/at the proposed development shall be managed in accordance with the Waste Management Act 1996, as amended. While awaiting removal, all waste materials shall be stored in designated areas protected against spillage or leachate run-off.
- (e) The noise at the nearest noise sensitive location shall not exceed an Leq,1h value of 55 dB(A) during the period 0800 to 2000 hours or an Leq,15 min value of 45 dB(A) at any other time.



- (f) Audible tonal or impulsive components shall be minimised at any noise sensitive location.
- (g) The developer shall take reasonable measures to mitigate any environmental nuisance (noise and dust) which may arise during construction. Construction shall take place during working hours 0800 to 1830 Monday to Friday and 0800 to 1330 hours on Saturdays, only unless otherwise authorised by the planning authority.

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



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**Joe Boland**

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

Dated this *28<sup>TH</sup>* day of *November* 2023