



An
Bord
Pleanála

Board Order ABP-317837-23

Planning and Development Acts 2000 to 2022

Planning Authority: Tipperary County Council

Planning Register Reference Number: 2311

Appeal by John Bannon of Main Street, Templemore, County Tipperary against the decision made on the 28th day of July, 2023 by Tipperary County Council to grant subject to conditions a permission to Lisgorm Services Limited (Rosaleen Dwyer) care of Leslie Colton Engineering and Architectural Services of "Underhill", Rathmore, Stradbally, County Laois in accordance with plans and particulars lodged with the said Council.

Proposed Development: Change of use of existing disused public house to creche on the ground floor and from residential to creche on the first and second floors to include the following: (a) demolition/removal of existing internal walls, external fire escape stairs, walls and roof from existing sheds, existing flat roof to rear, (b) construction of extension to rear to provide proposed fire escape stairs and lift, (c) construction of new internal walls, (d) change of use of existing shed 1 to staff area, (e) change of use of existing shed 2 to toddler/sleeping area, (f) change of use of existing shed 3 to after school recreational area, (g) construction of extension to link existing building to shed 2, (h) block up existing door way and create new door opening on east elevation and (h) erect proposed signage and all associated site works at Main Street, Templemore, County Tipperary as revised by the further public notices received by the planning authority on the 5th day of July, 2023.

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 Development Plan 2022-2028 and the Templemore and Environs Development Plan 2012, as extended, to the town centre zoning objective, to the existing vacant buildings on the proposed development site, and to the protection of the Main Street/Patrick Street Architectural Conservation Area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the existing residential amenities, would not have an adverse impact upon the character of the area and would not be prejudicial to public health. 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 29th day of March, 2023, the 28th day of April, 2023 and the 12th day of June, 2023, 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 childcare facility shall not operate outside the period of 0700 to 1900 hours Monday to Friday inclusive, and shall not operate on Saturdays, Sundays or public holidays.

Reason: In the interest of residential amenity.

3.
 - (a) Details of all finishes and fenestration shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
 - (b) Details of all external shopfront/building signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
 - (c) No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

Reason: In the interests of visual and built heritage amenity.

4. Prior to the commencement of development, the applicant shall submit for the written agreement of the planning authority, proposals for the safety barrier to be erected on Bank Street, including elevational drawings, details of materials and a site layout plan indicating the proposed location.

Reason: In the interest of orderly development.

5. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

6. The proposed demolition and construction works shall be supervised by a Structural or Civil Engineer, or appropriately qualified individual, who, upon completion of the works, shall submit confirmation to the planning authority that the works have been certified and signed off by such individual.

Reason: In the interest of orderly development.

7. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

8. Water supply and drainage arrangements, including the attenuation and 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.

9. Prior to the commencement of development, the developer shall submit a Construction Environment Management Plan for written agreement with the planning authority, to include details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.

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

10. 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 and 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.

11. 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 James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this *24th* day of *May*, 2024