

An
Bord
Pleanála

Board Order
ABP-319489-24

Planning and Development Acts 2000 to 2022

Planning Authority: Tipperary County Council

Planning Register Reference Number: 2360394

Appeal by Jimmy Kao and Ling Mee Wong care of Fortress Planning of Canopy Street, Cashel, County Tipperary against the decision made on the 15th day of March, 2024 by Tipperary County Council to refuse permission for the proposed development.

Proposed Development: Construction of a dwelling, access, boundary walls, and connection to services and all associated works, all at Ashwell's Hill, Deerpark Road, Cashel, 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.

Reasons and Considerations

Having regard to the planning history relating to the larger site at Ashwell's Hill, the zoning objective for the area as set out in the Tipperary County Development Plan 2022-2028, the Cashel and Environs Development Plan 2009 and the established pattern of development in the wider area, it is considered that, subject to compliance with the conditions set out below, the proposed development would provide for an acceptable form of development, would not seriously injure the amenities of the area, would not be out of character with existing residential property in the vicinity, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 21st day of February, 2024, 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 proposed 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, details of all external finishes, including the dwelling and boundary walls, shall be agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

3. The windows serving bedroom 4 in the east-facing elevation, and the walk-in wardrobe in the west-facing elevation, shall be high-level windows. Details of the design of these windows shall be agreed in writing with the planning authority prior to commencement of development.

Reason: To protect the development potential of the adjoining serviced sites, and in the interest of the proper planning and sustainable development of the area.

4. All service cables associated with the proposed development (such as electrical, telecommunications and television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenities.

5. 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 and surface water management.

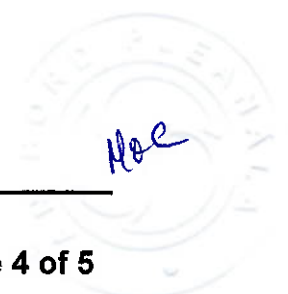
6. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

Reason: In the interest of public health.



7. The construction of the proposed 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 all intended construction practice for the proposed development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

8. 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.

Marie O'Connor
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this *22* day of *October* 2024.