



An
Bord
Pleanála

Inspector's Report PL92.248370.

Development

Extension to existing commercial building and compound area, partial demolition of garage, waste water treatment system, relocate wash bay upgrade existing entrance and retain existing sign.

Location

Freaghduff, Cashel, Co.Tipperary.

Planning Authority

Tipperary County Council.

Planning Authority Reg. Ref.

16/600775.

Applicant(s)

Conor Breen.

Type of Application

Permission and Permission for Retention.

Planning Authority Decision

Grant.

Type of Appeal

Third Party v. Grant

Appellant(s)

Siobhan Burke.

Observer(s)

None.

Date of Site Inspection

22nd June 2017.

Inspector

Susan McHugh.

1.0 Site Location and Description

- 1.1. The appeal relates to a site which has a stated area of 1.0 hectares and is located within a rural area in the townland of Freaghduff. The site is located approx. 2.5km to the north of Cashel and approx. 2.4km west of junction 7 on the M8 motorway in County Tipperary. The appeal site is accessed from the L1303 Cashel to Ardmayle Road, and extends across the road to include an existing business sign located opposite the site.
- 1.2. The site comprises an existing house and Breen Farm Machinery (BFM) enterprise that provides sales and services for agricultural machinery and plant. The site also contains domestic storage buildings and a timber enterprise.
- 1.3. The existing commercial buildings comprise three elements, the workshop, office, sales area and stores. They are located to the rear and side of the existing house and are visible from the public road. The existing workshop the largest of the three buildings has a pitched roof with a ridge height of approx. 6m. It steps forward of the adjoining buildings by approx. 5m. and includes two large metal double doors and advertising along its eastern elevation. The building is stepped off the northern boundary by approx. 1m to the front and increasing to approx. 3m further back.
- 1.4. The store and sales area are in a single storey building with a pitched roof and ridge height of approx. 4m. Adjacent to this are the existing offices which are located in a narrow two storey building with a ridge height of 6m. The southern elevation of this building includes a separate entrance door with windows at ground and first floor.
- 1.5. The area along the northern boundary of the site is defined by a 3m high wall and is used for display of agricultural machinery. Visitor parking is located close to the entrance to the offices along the rear wall of the neighbouring property to the south. There is an existing wash bay area to the southern side of these commercial buildings.
- 1.6. The concrete forecourt area extends to the west and southern parts of the site and is used for the outdoor storage and display of agricultural machinery. There are a number of additional sheds similarly used for storage of agricultural machinery.
- 1.7. Staff car parking is located along the south western perimeter of the hard standing compound area, allowing an open area for commercial vehicles to enter and turn.

The hard standing compound area to the south east is used for the storage and processing of timber logs.

- 1.8. The landscape in the vicinity is pastoral in character with agriculture being the predominant use. Settlement in the area consists of one off housing fronting onto the road network and a number of farmsteads.
- 1.9. There are five residential properties located to the south of the appeal site, and another to the north which is the home of the third party appellant.

2.0 Proposed Development

2.1.1. Permission is sought for the following;

- The construction of an extension to each of the existing commercial buildings (gross floor area 759 sq.m.) to include workshop, storage and office spaces. The proposed works will have a gross floor area of 532 sq.m. and are located to the rear of the existing buildings.
- It is proposed to extend the area of the overall site to include a portion of the existing field to the rear of the existing commercial buildings to accommodate the extension and compound.
- Along the eastern elevation It is proposed to demolish the front portion (gross floor area of 70 sq.m,) of the existing workshop that currently steps forward of the adjoining sales area and stores and office building.
- It is proposed to modernise the existing buildings which will comprise a new east elevation across all three buildings. The parapet will be approx. 7.8m in height and will include a new glazed entrance to the workshop, and advertising. It is noted that there are no details in relation to finishes, but would appear to comprise a low brick skirting and panelling.
- Along the southern elevation it is proposed to extend the existing two storey office building by approx. 8.4m in length essentially duplicating the existing elevational treatment and ridge height of approx. 6.5m with separate entrance door and windows at ground and first floor. This will provide for a canteen and toilets at ground floor and a conference room at first floor accessed from the existing first floor offices.

- The southern elevation of the extended store and workshop will extend for approx. 18.6m and have an eaves height of 7.26m and overall ridge height of 9.1m. It will include a roller door.
- The rear west facing elevation of the extended workshop will have a width of 26.9m and include three large roller shutter doors.
- The north elevation of the proposed extension will similarly extend for 18.6m have an eaves height of 7.26m and an overall height 9.1m. There is a single door located at the western end of the extended workshop.
- It is proposed to increase the commercial compound area to the rear of the existing workshop for storing of plant and machinery.
- Provision of waste water treatment plant and polishing filter on extended site area to the rear of the existing workshop.
- Relocation of existing wash bay currently located in the yard area behind the offices. To the extended compound area to the west and rear of the extended workshop.
- It is proposed to widen the existing entrance and replace the existing boundary wall with a curved low wall and railing.
- Retention permission is also sought for existing road signage which is located opposite the site.

2.1.2. The application for the proposed development is accompanied by the following:

- Cover Letter – Describes the development.
- Letter of consent from owner to erect directional sign.
- Waste Water Treatment System – Details and Site Characterisation Form.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission 31st March 2017 subject to 15 conditions including:

- Condition 1. Compliance with plans and particulars.
- Condition 2. No additional signage to be erected.
- Condition 3 and 13. Surface water discharge requirements.
- Condition 4. Waste water treatment system to be installed within 3 months.
- Condition 5. Vehicular entrance drainage and levels.
- Condition 6. Roadside boundary setback and required sightlines.
- Condition 7. Lighting requirements to avoid lightspill.
- Condition 8. Hours of operation.
- Condition 9. Noise level requirements.
- Condition 10. Parking, loading/unloading of vehicles restrictions.
- Condition 11. Waste materials and waste collection requirements.
- Condition 12. Undergrounding of cables.
- Condition 14. Maintain roadway clear of material during construction.
- Condition 15. Section 48 contribution.

3.2. Planning Authority Reports

3.2.1. The **1st Senior Executive Planner's** report dated **12/10/2016** is the basis for the Planning Authority decision. It includes:

- Planning history, development plan provisions, objections submitted and reports received.
- Principal of development - is assessed under section 5.6.3 Non Conforming Uses of the South Tipperary County Development Plan 2009.
- Overlooking - Concern in relation to overlooking from larger vehicles of the adjoining property to the north to be addressed by requiring that this area be used for the display of lower machinery or plant that does not extend above the level of the boundary wall.

- Overshadowing and overbearing - Concern in relation to the impact of the proposed extension to the existing building on the adjoining property to the north.
- Notes that the constrained nature of the site which has developed incrementally and the removal of some existing buildings or rationalisation of uses on site may free up space to better accommodate a growing agri-machinery enterprise.
- Noise - Considers that the proposal will result in the main repair workshop and serving access doors being located within the new extension, and access doors will open onto the rear of the extension. This will give rise to an operational improvement and may serve to mitigate noise. Recommend a noise report.
- Design - Changes to the façade will improve the building appearance to the roadway.
- Traffic hazard – Proposals to improve sightlines and clarity on whether the development will increase traffic to and from the site required.
- Non-compliance with conditions of PI Ref 12/294 are being addressed under TUD-14-019.
- Water Supply and Waste Water Disposal – no issues and details submitted are acceptable.
- Surface water - drainage plan details from hard standing compound and new building have not been shown.
- Environmental Impact Assessment (EIA) – The proposed development is not a prescribed Class of development for which EIA is required.
- Appropriate Assessment (AA) – AA has been screened out.
- Flood Risk – The site is not within any flood risk area.
- Signage – Modest and acceptable.
- On 12/10/2016 a request for further information in relation to 5 items was sought in accordance with the Planner's recommendation.

3.2.2. The **2nd Report** dated **20/02/2017** following further information, and **3rd Report** dated **30/03/2017** following clarification included:

- Residential Amenity – Significant reduction in overall height and scale of proposed extension which is considered to significantly reduce the potential for impact on the adjoining property. Shadow modelling supports this.
- Overlooking - Revised proposals to remove all larger machinery from the display area to the north.
- Noise – Acoustic report prepared by Damian Brosnan Acoustics demonstrated that noise levels did not exceed the prescribed levels as set out in the condition of the 2012 permission. Double skin insulated cladding to both the existing and proposed structure will reduce noise by 10db. Revised proposal to move the access to the workshop to the rear and thereby reducing associated noise escaping to adjoining properties.
- Sightlines – Revised proposals demonstrate that 90m sightlines can be achieved, but did not include a letter of consent to carry out works to 3rd party lands. This was requested by way of clarification and submitted and considered acceptable.
- Traffic Movements – Details submitted and there will be no increase in traffic to the site.
- Surface Water – revised proposals submitted but did not include a letter of consent to carry out works to 3rd party lands. This was requested by way of clarification and submitted and considered acceptable.

3.2.3. **Other Technical Reports**

The **Environment Section** in a report dated 10/10/16 recommends further information and requests a report from an acoustic expert detailing existing noise levels at the facility and mitigation measures proposed.

The **District Roads Engineer** in a report recommends no objection.

3.3. Prescribed Bodies

Irish Water in a report dated 5th October 2016 recommends no objection.

3.4. Third Party Observations

Objections to the proposal received by the PA have been forwarded to the Board and are on file for its information. The issues raised are comparable to those in the 3rd Party appeal summarised in section 6 below.

4.0 Planning History

PA Ref. 15/600765 Permission for retention granted October 2015 for change of use of existing domestic yard and shed for the storage and processing of timber logs. Applicants Conor and Philip Breen.

PA Ref. 12/294 Permission for retention granted July 2013 for

- (1) retention of a domestic open shed as constructed
- (2) the retention of the extension as constructed to commercial garage
- (3) the retention of the change of use as constructed of the existing residential area to an extension of the commercial compound for the storing of plant and machinery
- (4) the retention of the change of use as constructed of agriculture lands to an extension of the commercial compound area for the storing of plant and machinery
- (5) the retention of the compound perimeter concrete block wall as constructed.

Enforcement:

TUD-14-019 Relates to unauthorised development of timber enterprise.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The **South Tipperary County Development Plan 2009** as varied refer. The site is zoned objective 'Ag' which seeks 'To provide for agricultural needs and to protect and enhance rural amenity'.

Enterprise/Employment/workshop is a use that is not permitted within areas zoned for agriculture. A number of relevant policies include:

5.1.2. Policy ED9: Enterprise in the Open Countryside

'It is the policy of the Council to support and facilitate the provision and/or expansion of appropriate small scale rural enterprise in the open countryside within residential sites and in vacant or derelict buildings. Development proposals will be required to meet the following criteria:

- a) *The development shall not have an adverse impact on the residential, environmental and rural amenity of the area.*
- b) *Any new structure shall be of a scale appropriate to the size of the site, and be sited and designed to ensure it does not detract from the rural setting and landscape character of the area.*
- c) *The development shall comply with the development management standards set out in Chapter 10.*

Where the enterprise or activity develops to a scale that is inappropriate by virtue of activity or size in its rural context, the Council will seek to encourage its re-location to a more suitable location on zoned land within towns and villages'.

5.1.3. Policy ED10: Non Conforming Uses

'It is the policy of the Council, where commercial/industrial enterprises exist as non-conforming but long established uses, to support their continued operation and expansion provided such does not result in; loss of amenity to adjoining properties, adverse impact on the environment, visual detriment to the character of the area or creation of a traffic hazard.'

5.2. Policy TI12: Noise Emissions

'It is the policy of the Council to ensure that new development does not result in significant noise disturbance and to ensure that all new development are designed and constructed to minimise noise disturbance in accordance with the Noise Action Plan 2013, the Development Management Standards set out in Chapter 10 and relevant standards and guidance that refer to noise management.'

5.3. Policy LH3: Protection of Views of Scenic Value

'It is the policy of the Council to protect and enhance views identified in Appendix 4: Listed Views in Tipperary, and views to and from lakelands and waterways. The Council will not permit development which would obstruct or have a significant adverse impact on these views.'

5.4. Natural Heritage Designations

The Lower River Suir SAC (Site Code 002137) is located is located approx. 2km to the west.

6.0 The Appeal

6.1. Grounds of Appeal

The 3rd Party appeal was submitted by W.O. Morrissey & Son Architects on behalf of Siobhan Burke. The grounds of the appeal can be summarised as follows:

- Residential amenity – The development as proposed is not appropriate within a rural residential settlement and will have an adverse impact on residential amenity. The extension of the existing building on the northern boundary will be overbearing and result in overshadowing. The extension could be relocated to the south in order to mitigate this impact.
- Intensification of use – The proposal would represent a significant intensification of use, and that there is already a timber fuel operation on the

southern part of the site which results in noise and additional traffic. A further intensification of use would conflict with Policy Econ 9: Non-Conforming Uses.

- Noise and light emissions – Refers to Policy TI12: Noise Emissions, and notes that the noise report submitted appears inadequate and does not address the issue of noise from dynamic testing. Condition no. 9 should reduce the prescribed noise levels.
- Contrary to Policy – The proposal does not meet the criteria in relation to residential and rural amenity as set out in Policy ED9 Enterprise in the Open Countryside and Policy ED10: Non-conforming uses.
- Amenity and preservation of views – The hours of operation should be further restricted. The development will have a serious adverse impact on the view of the Rock of Cashel as viewed from Ardmayle Road and thereby contrary to Policy LH3.
- Sightlines and roadside parking – It is most important that requirements in relation to the relocation of the roadside boundary as set out in Condition 6 in order to achieve adequate sightlines.
- Compliance with previous planning conditions – The applicant was previously required under planning ref. 12/294 to regularise the planning status of the portacabin on site, but it remains on site.
- Landscaping – A comprehensive boundary treatment plan is required to comply with Policy 10.14. in order to screen the parked machinery from view.
- Loading and unloading – Refers to Policy 10.9.6, and condition no. 10 of the permission which would need to be strengthened to prohibit parking on the roadside fronting the site.
- Amended Conditions – Requests that in the event of a grant conditions requiring the relocation of the proposed extension to a less obtrusive position and to incorporate enhanced conditions to restrict noise, vibration, overlooking and other nuisance both to her property and to the amenity of the general area.

6.2. Applicant Response

A response to the appeal was submitted by Agri Design and Planning Services ADP, on behalf of the applicant.

6.3. Intensification of use

- It is submitted that there is no intensification of use, that the applicant hopes to purchase land to the rear of his existing commercial building to accommodate farm machinery which has increased in size. The existing workshop is cramped and he wishes to modernise the existing complex as required by his corporate sponsor.
- The applicant is mindful that the existing garage is adjacent to neighbouring dwelling houses and has decided to move the garage workshop space to the rear of the proposed extension, which will greatly reduce the noise level from the existing garage.
- All machines will enter the proposed garage space from the rear of the proposed building which will reduce engine and working noise. It will be moved 33m from the nearest neighbouring dwelling. Only display machinery and tractors will be located to the front of the building. Letter of support from other adjacent neighbouring houses.

6.4. Noise and light emission

- The timber fuel operation is a totally separate business from Breens Farm Machinery. The applicant has no involvement in this business although they share a common entrance.
- A noise assessment of Breens Farm Machinery was carried out on site in November 2016 by Damian Brosnan Acoustics and noise levels did not exceed 55Db Noise level specified by condition 7 of the planning permission 12/294.

- Dynamic testing takes place once or twice a week, in the rear yard which is located 100m from the appellants' house. The noise report demonstrates that Breen Farm Machinery is in full compliance with noise level specification.

6.5. Non-Conforming Use

- The business has been in operation for over 40 years, and is an agriculture based business serving farmers in the rural community.
- The proposed extension will be the same colour and finish as the existing shed on site.

6.6. Views

- The Rock of Cashel is not visible travelling south from Ardmayle, so the proposed development will not interfere with a view.

6.7. Sightlines

- The applicant has permission from the owner of the land to the north where the sightline needs to be improved to achieve a sightline of 90m, and this work will be carried out once the final grant or permission is approved.

6.8. Compliance with previous planning conditions

- The portacabin has since been sold and the applicant plans to lease a portacabin as required for machinery shows.

6.9. Landscaping / storage of machinery

- It would be impossible to store all the machinery that Breens Farm Machinery has indoors, it is very large and requires a lots of space for storage and display. Agricultural machinery has been displayed in this area since the business was founded in 1976. The applicant was not aware of the appellants concerns as no issues were raised in her previous submission on the last planning application in 2012.

6.10. Loading and unloading

- There is a turning circle for articulated lorries in the main machinery yard which is seldom used and another in the rear yard beside the staff parking area. The one to the rear of the main yard is well away from the neighbouring dwelling and reduces the impact on residential amenity. Directional signage for HGV lorries is located on site and delivery drivers are advised before arriving not to stop on the public road and to use the turning area and unloading area within the Breen's Farm Machinery yard.

6.11. Conclusion

- The applicant is providing local employment to eighteen people at this site and his business is an integral part of the local rural community in the Tipperary area.
- Letters of support from other adjacent neighbouring houses, locally supported clubs and organisations, letter from The Irish Farming association and a letter from the applicant were submitted.

6.12. **Planning Authority Response**

No further response.

7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Non- Conforming Use / Intensification of Use.
- Residential Amenity
- Noise and Hours of Operation
- Sightlines / Roadside Parking

- Visual Amenity
- Appropriate Assessment

7.2. Non-Conforming Use / Intensification of Use

- 7.2.1. It is important to state from the outset that the applicants have an authorised commercial undertaking on site comprising, a farm machinery sales and repair business. When permission was sought in 2012 under PA Ref. 12/294 to regularise development on site, an existing shed and yard area were permitted for domestic use only. Subsequently retention permission for change of use of the existing domestic yard and shed for the storage and processing of timber logs was granted in October 2015 under PA Ref. 15/600765.
- 7.2.2. The current application while including the area of the development permitted under PA 15/600765 does not provide any detail in relation to this development or use. From my inspection of the site I observed that this area was in use for the storage and processing of timber logs, however I do not propose to comment on this in my assessment. I consider any issues in relation to the non compliance with PA 15/600765 is outside the scope of assessment on the current application.
- 7.2.3. The appellant contends that the current application constitutes an intensification of the existing commercial uses on site.
- 7.2.4. The area of the existing buildings is stated as being approx. 798sqm. The proposed extensions to the rear of the existing workshop, stores and offices was reduced in scale by way of further information by approx. 110sqm giving a stated total area of 423sqm. This was achieved by reducing the width of the extended stores area by approx. 61sqm. However, it is unclear as to where the remaining reduction in floor area has been achieved. It is also noted that while the initial proposal was to demolish approx. 70 sqm of the existing workshop garage along the eastern elevation it was subsequently retained in revised drawings submitted in response to the further information request. I would therefore dispute the reference on revised drawing no. 03R submitted by way of information that the overall floor area has been reduced by the stated 20%. This is also supported by the reference to the total new area stated on original drawings as 1,260sqm as compared with the revised drawings with a stated total new area as 1,221sqm. I consider that the proposed

extensions constitute a significant scale of development and I consider the drawings submitted misleading. Notwithstanding I do not consider that the proposed development constitutes an intensification of use.

- 7.2.5. I noted on inspection of the site that significant areas on site were used for the outdoor display and storage of agricultural machinery and I consider it more desirable that they be stored indoors. The applicant has justified his proposal on the basis that it will not result in an intensification of use as it is intended to modernise the existing facilities on site. I am satisfied that the proposed works will provide modern facilities to facilitate larger machinery and provide improved accommodation for existing staff. I consider that the overall site has the capacity to accommodate the proposed extension and that the existing agricultural related uses are located in an appropriate location in the rural area which it serves.

7.3. Residential Amenity

- 7.3.1. The appeal site is located to the south of the appellants dwelling house who has expressed concern in relation to overshadowing and overbearing impacts of their property.
- 7.3.2. The proposed development was modified by way of further information to reduce the height of the proposed parapet along the eastern elevation from approx. 7.8m to 6.6m.
- 7.3.3. The overall ridge height of the extended workshop was reduced by 2m to 7m. The applicant submitted shadow modelling which demonstrated that the existing building gives rise to shadows in October, November and December and January which does impact of the property to the north. However, the existing building height will be maintained and I consider that the proposed extension will not give rise to excessive overshadowing and with the consequent reduction in height and overall massing will also reduce the overbearing impact. I am satisfied that the extension to the existing workshop will not give rise to serious injury of residential amenity.
- 7.3.4. The appellant also has concerns in relation to commercial vehicles on display inside the entrance along the northern boundary with their property. I would note that the existing boundary wall is approx. 3m in height and on the day of my site inspection smaller diggers were parked and on display. The applicant has also proposed

increasing the height of the common boundary wall. I consider that this area should be maintained for display of smaller machinery only.

7.4. Noise and Hours of Operation

7.4.1. The appellant has raised concerns in relation to noise and notes that the noise report submitted appears inadequate as it does not address the issue of noise from dynamic testing. The appellant has requested that Condition no. 9 should reduce the prescribed noise levels.

7.4.2. An assessment of the existing operations on site was submitted by Daminan Brosnan Acoustics. It notes that the request for further information no. 2 requested that mitigation measures proposed would ensure compliance with noise limits detailed in the previous application (PI Ref 12/294). Condition no. 7 of that permission required;

‘ a) the noise levels generated during the operation of the proposed development to be retained shall not exceed 55dB L_{A,r,T}; when measured at the nearest noise sensitive location between 0800 hours and 1900 hours on Monday to Saturday or shall not exceed 50dB L_{A,r,T}; at any other time.

b) the noise mitigation measures contained in the report prepared by Dixon Brosnan Noise and Ecology consultants and submitted as further information shall ne implemented.’

7.4.3. The report notes that the nearest noise sensitive receptor is the appellants house to the north, and that the assessment was carried out of normal operations during a day of regular working practices at the site boundary. The assessment concludes that noise levels did not exceed the prescribed levels as set out in Condition no. 7 of the parent permission.

7.4.4. The report notes that the proposed double skin insulating cladding to existing and proposed structures will reduce noise levels by 10db. In addition, the area of the building closest to the appellant’s house will become a display area and the workshop area will be relocated further away from the adjoining property.

- 7.4.5. It is also proposed to move the access to the workshop to the rear and the associated noise escaping from any door, or movement of vehicles in and out of the workshop will now be relocated 50-60m away from the dwelling.
- 7.4.6. The report further notes that the increased yard space to the rear will allow vehicles visiting the site or being delivered to the site to move away from the existing access to the front of the workshop and offices.
- 7.4.7. The report also recommends noise mitigation measures be employed during the construction period.
- 7.4.8. I concur with the assessment in the noise report, and am satisfied that the applicant has made a genuine attempt to address the issue of noise on site. I am satisfied that the proposed works and revised arrangements on site will have a positive impact in terms of noise and nuisance on the adjoining property. I am also satisfied that the proposed development is in accordance with Policy T112 as it has been designed and to minimise noise disturbance.
- 7.4.9. From my site inspection mid-morning I did not witness any excessive noise from the existing works on site. Notwithstanding the above I do not however consider it reasonable to require the reduction in permitted noise levels, and recommend that the same levels stipulated in the parent permission apply.
- 7.4.10. I am also of the opinion that the operational hours which distinguish between summer and winter season as stipulated in condition no. 8 are reasonable and adequate in safeguarding the residential amenities of property in the vicinity.

7.5. Sightlines / Roadside Parking

- 7.5.1. It is proposed to upgrade the existing vehicular entrance, and the applicant was requested to demonstrate that adequate sightlines could be achieved. I am satisfied that the applicant has demonstrated that 90m sightlines as required can be achieved in both a north westerly and south easterly direction. There was evidence from my inspection that the ditch to the north which had been obstructing the view had already been cut back. I am satisfied that subject to a condition in relation to the relocation of the roadside boundary as proposed that the proposal is acceptable.

- 7.5.2. The appellant raised concerns in relation to road side parking and loading and unloading of vehicles.
- 7.5.3. I noted the area for road side parking located in front of the site, but saw no evidence on the day of site inspection that this area was being used for parking. I also consider that the arrangements proposed for turning movements for delivery vehicles within the site should help to address this issue also.
- 7.5.4. I am satisfied that a condition which prohibits road side parking is adequate to address the concerns of the appellant.

7.6. Visual Amenity Protected Views

- 7.6.1. The appellant contends that development will have a serious adverse impact on the view of the Rock of Cashel as viewed from Ardmayle Road and thereby is contrary to Policy LH3.
- 7.6.2. Views towards the Rock of Cashel from Ardmayle Road are identified as View no. 2 Scenic Views and Route within Landscape Character Area 4 River Suir Central Plain. The landscape character assessment report notes that in the context of landscape sensitivity and capacity that this is a high capacity/low sensitivity, Class 1 Landscape i.e. Change or Development is generally acceptable.
- 7.6.3. From my site inspection I did observe a view of the Rock of Cashel looking south along the Ardmayle Road which will be screened by the proposed development. I note that this particular view is a long distant view along a windy section of road which has mature hedgerows. I do not consider the loss of this view to have a serious adverse impact, and consider that the landscape is robust in character and is capable of absorbing change without significant detriment.

7.7. Appropriate Assessment

- 7.7.1. There are no designated European sites in the vicinity. Having regard to the nature and scale of the development proposed, being an extension to existing facilities, and to the nature of the receiving environment, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a

significant effect individually or in combination with other plans or projects on a European site.

7.7.2. **Other Issues**

7.7.3. The existing sign to be retained is considered modest in scale and is acceptable.

7.7.4. The proposed waste water treatment system is considered acceptable.

8.0 **Recommendation**

8.1. I recommend that planning permission should be granted subject to conditions for the reasons and considerations as set out below.

9.0 **Reasons and Considerations**

Having regard to the nature of the development proposed, which is required in connection with the existing agricultural business and its location in a rural area, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the amenities of the area, would not be prejudicial to public health and would, be in accordance with the proper planning and sustainable development of the area.

10.0 **Conditions**

1. The development shall be carried out and retained in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on 26th January 2017 and 7th March 2017 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 develop 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. No advertisement or advertisement structure other than those shown on the drawings submitted with the application shall be erected or displayed on the building or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of permission

Reason: In the interest of visual amenity.

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

Reason: In the interest of visual amenity.

4. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard-
 - (a) uncontaminated surface water run-off shall be disposed of directly in a sealed system, and
 - (b) all soiled waters shall be directed to a storage tank. Drainage details shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

Reason: In the interest of environmental protection and public health.

5. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on 23rd August 2016, and in accordance with the requirements of the document 'Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)' – Environmental Protection Agency 2009. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing

with, the planning authority prior to commencement of development.

(b) Within three months of the first occupation of the proposed development, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

6. Surface water shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of traffic safety.

7. Prior to commencement of development the roadside boundary shall be set back behind the required sight triangle, the sight triangle is taken from a point 4.5m back from the road edge at the centre of the proposed access to a point 90m in both directions, at the nearest road edge.

Reason: In the interest of traffic safety.

8. Any proposed lighting shall be erected by a suitably qualified lighting specialist and the lighting directed and cowled such as to reduce light scatter outside the boundaries of the site.

Reason: In the interest of residential amenity and traffic safety.

9. The hours of operation shall be between 0800 hours and 2000 hours Monday to Saturday inclusive in the summer season (1st April – 30th September) and between 0900 hours and 1800 hours Monday to Saturday in the winter season (1st October -31st March). The development shall not operate on Sundays or public holidays.

Reason: In the interest of residential amenity in the vicinity.

10. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:-
- (i) An LAeqT value of 55dB(A) during the period 0800 to 1900 from Monday to Saturday inclusive.
 - (ii) An LAeqT value of 50dB(A) at any other time. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10dB(A) above background levels at the boundary of the site.

(b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics – Description and Measurement of Environmental Noise.

Reason: To protect the residential amenities of property in the vicinity of the site.

11. No vehicles operationally associated with the development shall at any time be parked on the roadside fronting the site. All loading/unloading activities and turning movements associated with the site operations shall be undertaken within the site. No large machinery shall be parked along the northern boundary of the site.

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

12. Waste oils/fluids/batteries and discarded machinery parts shall be properly stored on site in a defined waste collection area and shall be properly disposed of by specialist contractors at frequent intervals.

Reason: In the interest of public health.

13. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interest of visual and residential amenities.

14. 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.

Susan McHugh
Planning Inspectorate

28th June 2017