

An
Bord
Pleanála

Board Direction
BD-016254-24
ABP-316776-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/05/2024.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the location of the site within Nenagh which is identified as a 'Key Town' in the Tipperary County Development Plan 2022-28 and designated for new housing growth, the zoning of the site for residential development within the Nenagh and Environs Local Area Plan 2024-2030, the infill nature of the proposed development and the provision of existing infrastructural services, access and amenities available to the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be detrimental to the residential amenities of the area, would be acceptable in terms of traffic safety and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out 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. That the lands (c.800m² in area) in the applicant's ownership located to the north west of the site (as indicated in blue on the 'Proposed Site Plan' Drg. No. 201 by Healy Partners Architects) shall be provided as public open space in conjunction with the development. Prior to commencement of the development, landscaping and maintenance details for these lands shall be submitted to and agreed in writing with the planning authority and thereafter such details adhered to until taken-in-charge by the local authority.

Reason: In the interest of residential amenity and sustainable development.

3. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed houses, shall be submitted to the planning authority for written agreement. The use of a varied render and brick shall be incorporated into the palette of materials.

Reason: In the interest of orderly development and the visual amenities of the area.

4. Surface water only shall be discharged to the surface water sewer. Surface water run off shall not be allowed to discharge onto the public road or to adjoining properties.

Reason: In the interest of public health, traffic safety and to protect the interests of other parties.

5. Prior to the commencement of each house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

6. (i) Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) relating to noise and vibration shall be submitted to and agreed in writing with the planning authority. The CEMP shall include a site location map showing the nearest noise sensitive locations, give details of the predicted noise and vibration impact in addition to proposed mitigation measures. The CEMP and noise abatement measures shall comply with the recommendations of BS 5228, 'Code of Practice for Noise and Vibration Control on Construction and Open Sites'. The noise sensitive locations shall be taken to be the nearest residential buildings unless otherwise agreed in writing with the planning authority.
- (ii) Site development and building works shall be carried out only between the hours of 0800 to 1800 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 and in the interest of public safety.

7. During development works, the developer shall ensure that material from the site is not spread or deposited on the public roadway and shall maintain the roadway in a clean, tidy and safe condition. Any damage to or interference with the roadside drainage shall be made good without delay at the developers expense, to the satisfaction of the Local Authority.

Reason: To prevent a traffic hazard or nuisance form such material

8. All service cables associated with the proposed development shall be run in underground ducts. In this regard, ducting shall be provided to facilitate the provision of gas, electricity, telecom, television, street lighting, broadband and other utility infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

9. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

10. Public lighting shall be provided in accordance with the scheme submitted with the application to the satisfaction of the planning authority.

Reason: In the interests of amenity and public safety.

11. Ducting shall be provided for all in-curtilage car parking spaces in order to facilitate the installation of EV charging points/stations at a later date. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles and in the interest of sustainable transport.

12. The developer shall enter into water and wastewater connection agreements with Uisce Éireann, prior to commencement of development.

Reason: In the interest of public health.

13. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates, shall enter into an agreement in writing with the planning authority, in relation to the provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

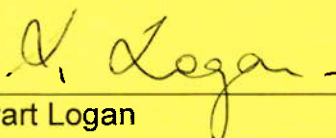
14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to the Board for determination.

Reason: To ensure the satisfactory completion of the development.

15. 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 the 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 the Board 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.

Board Member


Stewart Logan

Date: 14/05/2024

Note: In making its decision the Board considered the Nenagh and Environs Local Area Plan 2024-30 which came into effect on 25th March 2024 and also the *Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities* issued under s.28 of the Planning and Development Act, 2000, in January 2024.

The Board noted the Inspector's recommendation that proposed House No.18 be omitted from the development on the grounds of a substandard separation distance of proposed first floor windows from the existing dwelling to the north. However, the Board considered that the separation distance proposed was sufficient and appropriate under SPPR1 of the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities and that the omission of the unit was therefore not warranted.