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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Tipperary County Council**

**Planning Register Reference Number: 18601348**

**Appeal** by Elaine McWeeney and others of 82 Springfort Meadows, Limerick Road, Nenagh, County Tipperary and by Bartley and Marion Ryan care of P.J. Brett and Associates of Tirol House, Tyone, Nenagh, County Tipperary against the decision made on the 10<sup>th</sup> day of January, 2019 by Tipperary County Council to grant subject to conditions a permission to Singland Homes Limited care of Healy Partners Architects of The Mill, Glenworth Street, Limerick in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of 22 number houses, consisting of 12 number by four bedroom/two-storey houses, eight number by four bedroom/two-storey houses and two number by two bedroom/single storey houses and all associated site works. The development will be within four number existing vacant plots, (i) Plot A incorporating existing site numbers 25, 26, 27, 28, 29 and 30, (ii) Plot B incorporating existing site numbers 18 and 19, (iii) Plot C incorporating existing site numbers 43, 44, 45 and 46, Plot D incorporating existing site numbers 112, 113, 114, 115, 116, 117, 118, 119,

120, 121 and 122 and all associated ancillary site works at Springfort, Limerick Road, Nenagh 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.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to the zoning of the site for residential development within the Nenagh Town and Environs Development Plan 2013-2019, the infill nature of the proposed development, and the design and layout of the proposed scheme, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience 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. The proposed development shall be amended as follows:

Houses numbers 112-119 inclusive within Plot D (eight houses in total), shall be omitted from the proposed development.

Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of protecting the residential amenity, of adjacent properties to the north, from undue levels of overshadowing, due to the proximity of houses numbers 113, 114, 117 and 118 to the mutual boundary with those properties, and in the interest of visual amenity.

3. Water supply and drainage arrangements, including the 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.

4. The road network serving the proposed development (including turning bays, junctions, parking areas, footpaths and kerbs) shall comply with the detailed standards of the planning authority for such road works.

**Reason:** In the interests of amenity and of traffic and pedestrian safety.

5. No house within Plot A shall be made available for occupation until such time as the roads and footpaths to serve this part of the development have been completed to the written satisfaction of the planning authority.

**Reason:** In the interests of orderly development and traffic safety.

6. 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, and agreed in writing with, the planning authority.

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

7. Prior to commencement of development, proposals for a numbering scheme shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of orderly development.

8. Prior to the making available for occupation of any house within Plot A, a public lighting layout shall be submitted to, and agreed in writing with, the planning authority, and the public lighting shall be installed and operational to the requirements of the planning authority.

**Reason:** In the interests of orderly development and traffic and pedestrian safety.

9. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

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

10. 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 housing in accordance with the requirements of section 94(4) and section 96(2) and 3 (Part V) 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 in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála 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 for the area.

11. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance 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 An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

12. 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 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.

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

**Dated this            day of            2019.**