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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Tipperary County Council**

**Planning Register Reference Number: 19/600957**

**Appeal** by Slievenamon Residents Association and others care of Bluett O'Donoghue Architects of Number 2 John Street, Kilkenny against the decision made on the 22<sup>nd</sup> day of October, 2019 by Tipperary County Council to grant subject to conditions a permission to John Clancy care of DH Ryan Architects of 1 Liberty Square, Thurles, County Tipperary in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of four in total, three bedroom, two-storey terraced dwellinghouses with entrances on to Slieve Na Mban Meadows (Slievenamon Meadows), and pedestrian entrances on to Davis Road, demolition of boundary wall, new public footpath, street light, boundary walls/fences, connection to mains water supply, connection to mains sewer and mains storm water drain, solar panels on the roof of those dwellinghouses and all associated site works, at number 12 Sarsfield Street, Slieve Na Mban Meadows (Slievenamon Meadows), Davis Road, Thurles, 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 planning history and the diverse pattern of development in the area, to the R1 Opportunity Sites zoning of the proposed development site, to policy HSG 3 on urban densities objectives in the Thurles and Environs Development Plan 2009-2015 (as varied), and to national policies including National Policy Objective 35 of the National Planning Framework, adopted by the Government, which seeks to increase residential density in settlements, through a range of measures including infill development, the Board considered that the proposed development was an appropriate infill development that would provide a satisfactory standard of residential amenity for future occupants, would not seriously injure the visual and residential amenities of the area, would be acceptable in terms of pedestrian and traffic safety, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board agreed with the planning authority that the proposed infill development was an efficient and sustainable development on residential zoned land in keeping with local and national policy objectives. In particular, the Board considered that the proposed development was in accordance with National Policy Objective 35 of the National Planning Framework which provides for increasing density in settlements through infill development.

Having regard to the Inspector's second proposed reason for refusal, the Board considered the design and layout of the proposed houses relative to the existing established pattern of development in the area and to adjacent residences, and were satisfied that the density of the proposed development was appropriate for the area and that given the relative distances to adjoining properties that the design and scale of the four dwellings would not be overbearing and would, therefore, not seriously injure the residential amenities of adjoining properties.

## **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 An Bord Pleanála on the 13<sup>th</sup> day of December, 2019, 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:
  - (a) the northernmost dwelling unit shall be amended such that the two windows to the north eastern ground floor elevation, serving the living room, shall be omitted and replaced with a bay window to match that proposed to the ground floor kitchen/dining room.
  - (b) all proposed bathroom windows shall be glazed in obscured glass and opening sections shall be restricted to top hung picot.

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

**Reason:** In the interests of visual and residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All pitched roofs of houses shall be slate-grey or blue-black in colour, including ridge tiles.

**Reason:** In the interest of the visual amenities of the area.

4. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

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.

6.
  - (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
  - (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

**Reason:** In the interest of public health.

7. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of pedestrian safety.

8. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

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

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal 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 interests of visual and residential amenity.

10. All rear gardens of dwellings shall be bounded by concrete block walls, 1.8 metres in height, suitable capped and rendered, on both sides. All boundary walls visible from public areas shall be also appropriately capped and rendered. The proposed post and rail fencing to the northernmost units is not permitted, and shall be replaced with XO type fencing, hedging or similar. The proposed boundary treatment, using concrete post and timber panel fences, or any other form of timber fencing, shall not be used for any rear/side garden boundaries.

Details of all proposed boundary treatments both within and bounding the site shall be submitted to, and agreed in writing with the planning authority prior to commencement of development

**Reason:** To ensure the provision of durable boundary treatment in the interest of the residential amenity of future occupiers of the development.

11. Proposals for a naming and house numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

12. Site development and building works shall be carried out only between the hours of 0800 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.

13. The construction of the 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 intended construction practice for the development, including traffic

management, noise management measures and off-site disposal of construction/demolition waste.

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

14. The proposed development shall make provision for the charging of electrical vehicles. All of the in-curtilage car parking spaces serving the dwellings shall be provided with electrical connections to the exterior of the house to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation.

15. 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, 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 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 of the development.



16. 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.

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**Maria FitzGerald**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board**

**Dated this            day of            2020**