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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Tipperary County Council**

**Planning Register Reference Number: 19601420**

**Appeal** by James Murphy, Michael Ormond and Nora Ormond care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny against the decision made on the 23<sup>rd</sup> day of June, 2020 by Tipperary County Council to grant subject to conditions an outline permission to Niall Cloona care of Kenneth Hennessy Architects Limited of Anglesea House, Anglesea Street, Thurles, County Tipperary in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Outline permission for the demolition of existing single storey dwelling and construction of three number, one and a half storey, four bedroom houses, vehicular entrance, roadway and associated site development works, including site boundaries and connection to services. Main Street, Kilsheelan, County Tipperary. Further public notices were received by the planning authority on the 29<sup>th</sup> day of May, 2020.

## **Decision**

**GRANT** outline 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 town/village centre zoning objective for the area and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. This grant of outline permission is in respect of development as indicated in the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 1<sup>st</sup> day of May, 2020, except as may otherwise be required in order to comply with the following conditions. No development is authorised on foot of this grant of outline permission and no development shall be undertaken until a grant of permission consequent on this outline permission is received.

**Reason:** In the interest of clarity.

2. This outline permission relates solely to the principle of the development on this site and the plans and particulars to be lodged for permission consequent on this grant of outline permission shall include the following information and comply with the following requirements:
  - (a) The finished ground levels and finished floor levels of the proposed units shall be as indicated on the plans received by the planning authority on the 1<sup>st</sup> day of May, 2020.
  - (b) Details of the design, scale and height of all proposed residential units including proposals to protect the privacy and amenity of existing adjacent properties.
  - (c) Unit Number 1 at the southern end of the site shall be single storey with a maximum height of 6.5 metres above the proposed ground level in this part of the site.

- (d) A detailed landscaping and boundary treatment plan for the entire site. Blockwork walls shall be developed/retained along the western, northern, eastern and southern site boundaries. Where blockwork walls are proposed or existing blockwork boundaries are proposed to be retained such walls shall be a minimum of two metres in height from reduced ground levels and shall be capped and rendered where open to public view.
- (e) An Invasive Species Management Plan shall be submitted.

**Reason:** In the interest of clarity and to define the subject matter for consideration at permission consequent stage.

3. All surface water runoff from roofs, driveways and paved areas shall be collected and disposed of within the site. No surface water runoff shall be discharged to the public sewer, to the public road or to adjoining properties.

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

4. No development shall take place until the developer has entered into water and wastewater connection agreements with Irish Water.

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

5. 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 at permission consequent stage or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

6. 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 at permission consequent stage 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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**Terry Prendergast**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2020.**