

An
Bord
Pleanála

Board Order
ABP-309294-21

Planning and Development Acts 2000 to 2021

Planning Authority: Tipperary County Council

Planning Register Reference Number: 20/540

Appeal by Maria Quinlan of 81 Dun Lia, Loughtagalla, Thurles, County Tipperary against the decision made on the 4th day of January, 2021 by Tipperary County Council to grant subject to conditions a permission to Ormonde Homes (Thurles) Limited care of Brian Dunlop Architects of 15 Patrick Street, Kilkenny in accordance with plans and particulars lodged with the said Council.

Proposed Development: 63 number dwellings (consisting of 10 number two bed bungalows, 11 number two bed mid-terrace units, 14 number three bed end-terrace units, 22 number three bed semi-detached units, four number four bed semi-detached units and two number four bed detached units) along with all associated site and development works at Dún Lia, Lognafulla, Thurles, County Tipperary. Further public notices were received by the planning authority on the 2nd day of October, 2020 and the 30th day of November, 2020.

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.

Reasons and Considerations

Having regard to the zoning objective of the site in the Thurles and Environs Development Plan 2009-2015 (as varied and extended), to the settlement hierarchy and core strategy of the North Tipperary County Development Plan 2010-2016 (as varied and extended), to the planning history of the site, to the design, scale, and layout of the proposed development, to the pattern of development in the vicinity and having regard to the documentation submitted with the application and to the submission by the applicant received by An Bord Pleanála on the 5th day of April 2022, which refers to the omission of proposed house numbers 4 and 5 and the suitability of that location for the provision of a creche facility, it is considered that, subject to compliance with the conditions set out below, the proposed development would represent an appropriate residential density, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, and would comply with the relevant provisions of the Thurles and Environs Development Plan 2009-2015 (as varied and extended), the National Planning Framework, the Regional Spatial and Economic Strategy for the Southern Region 2020-2032, and the applicable section 28 Ministerial planning guidelines. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 significant further information plans and particulars submitted on the 2nd day of October 2020, and by clarification of further plans and particulars submitted on the 30th day of November, 2020, 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) Dwellings numbers 4 and 5 and on-street parking spaces numbers 5, 6, and 7 shall be omitted and replaced with a childcare facility in accordance with condition number 3 below.
 - (b) On-street parking spaces numbers 66-72 shall be omitted and replaced with landscaped grass verge and the bicycle store relocated from the rear of dwelling number 36. The rear boundary wall of dwelling number 36 shall be extended to align with that of dwelling number 35.

- (c) On-street parking spaces numbers 73-76 and 84-93 shall be omitted and replaced with public open space, and a footpath along the southern boundary of the public open space area aligning with the footpath on the opposite (eastern) side of the road junction.
- (d) A footpath between the bicycle store at the western boundary of the public open space area aligning with the footpath on the opposite (northern) side of the area.

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 the proper planning, and visual and residential amenity.

- 3. Dwellings numbers 4 and 5 and on-street parking spaces numbers 5, 6, and 7 shall be omitted. Within twelve months of the date of this Order, a separate planning application shall be lodged to the planning authority for a childcare facility on that part of the site thereby released.
Allowance can be made, as necessary, for on-street parking and/or set-down area to the front (north) of the childcare facility within the part of the site thereby released.

Reason: In the interest of the residential amenities of the area.

4. Details of the materials, colours, and textures of all the external finishes to the proposed development shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/ marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

6. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any dwelling.

Reason: In the interests of amenity and public safety.

7. 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.

8. 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.

9. 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:

- (a) use of the existing entrance in the northwest corner of the site as the primary entrance point for construction traffic unless otherwise agreed with the planning authority,
- (b) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,
- (c) location of areas for construction site offices and staff facilities,
- (d) details of site security fencing and hoardings,
- (e) details of on-site car parking facilities for site workers during the course of construction,

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- (f) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
- (g) measures to obviate queuing of construction traffic on the adjoining road network,
- (h) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (i) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works,
- (j) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (k) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,
- (l) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil,
- (m) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains, and

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- (n) a record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

10. Site development and building works shall be carried out only between the hours of 0700 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 amenities of properties in the vicinity.

11. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs, shall be in accordance with all relevant provisions as outlined in the Design Manual for Urban Roads and Streets.

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

12. All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses 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.

13. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual amenity.

14. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled and/or contoured, as applicable, soiled, seeded, and landscaped in accordance with the landscape plans and report submitted to the planning authority with the application, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

15. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) details of all proposed hard surface finishes including materials for footpaths, kerbing and road surfaces within the development,
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings,
- (c) details of proposed street furniture, including bollards, lighting fixtures and seating,
- (d) details of proposed boundary treatments at the perimeter of the site, including wall/fence heights, materials, and finishes, and
- (e) 1.8 metre high concrete post and timber panel fence or concrete block walls between the rear gardens of proposed dwellings.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme. If any tree or plant dies or is otherwise lost within a period of five years, it shall be replaced with a tree or plant of the same species, variety and size within the planting season following such loss.

Reason: In the interest of visual amenity and to safeguard the amenities of properties in the vicinity.

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16. Prior to the commencement of any house or duplex unit 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, as amended, 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.

17. 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.

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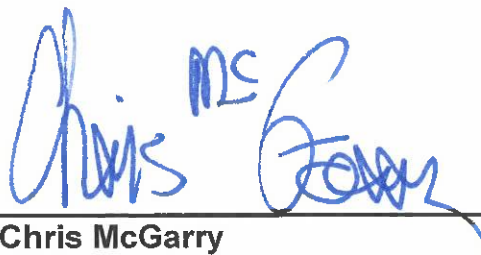
19. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.

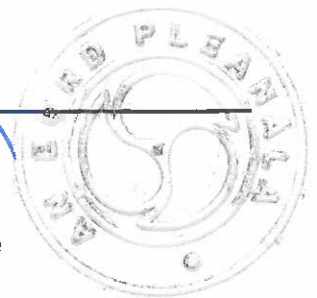
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20. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of traffic calming measures necessitated to be undertaken, erected, and installed within the existing taken in charge Dún Lia estate to serve the development. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.



Chris McGarry
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.



Dated this 17th day of August 2022.