

An
Bord
Pleanála

Board Order ABP-316776-23

Planning and Development Acts 2000 to 2022

Planning Authority: Tipperary County Council

Planning Register Reference Number: 2360047

Appeal by Patrick Devenny of 68 Springfort Meadows, Limerick Road, Nenagh, County Tipperary against the decision made on the 3rd day of April, 2023 by Tipperary County Council to grant permission subject to conditions to Singland Homes Limited care of Healy and Partners Architects of The Mill, Glentworth Street, Limerick in accordance with plans and particulars lodged with the said Council.

Proposed Development: 18 number two-storey residential units, organised into six number terraces, consisting of; one number four-bed dwelling, ten number three-bed dwellings and seven number two-bed dwellings; and all ancillary site works including car parking, site boundary, drainage and site services all at Springfort Meadows, 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.

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 2022-2028 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, as amended by the further plans and particulars received by the planning authority on the 14th day of March, 2023 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 lands (circa 800 square metres in area) in the applicant's ownership located to the north west of the site (as indicated in blue on the 'Proposed Site Plan' drawing number 201 by Healy Partners Architects received by the planning authority with the planning application) 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 planning authority.

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

3. 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 prior to commencement of development. 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. (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.

6. 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 developer's expense, to the satisfaction of the planning authority.

Reason: To prevent a traffic hazard or nuisance from such material.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

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.

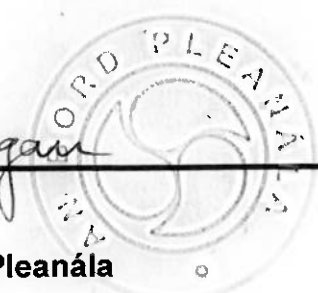
Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

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 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.

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.



Stewart Logan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 20th day of May 2024