

Planning and Development Act 2000, as amended

Planning Authority: Tipperary County Council

Planning Register Reference Number: 2560301

APPEAL by Subgero Limited against the decision made on the 22nd day of January 2026 by Tipperary County Council to refuse permission for the proposed development.

Proposed Development: Retention of the as constructed surface water infrastructure including attenuation tanks, pipework and manholes as laid, where they differ from the approved sewer layout, footpaths within the green area, boundary screen walls around the sides and rear of houses 18–22, which vary from the approved drawings, and Permission for alterations to the approved site development works, namely increasing the approved width of footpaths and parking bays from 1.5 metres to 1.8 metres and general revisions to the public lighting layout, roads, paths and parking to improve the site layout, at Schoolhouse Row, Portroe, County Tipperary as amended by the revised public notices received by the planning authority on the 16th day of October, 2025 and the 17th day of December, 2025. (This development was originally approved under planning register reference number 02/510694, appeal reference number PL 22.202431 but not completed.)

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 nature and scale of the proposed development and the development proposed to be retained, the site location within the settlement boundary of Portroe on lands zoned Existing Residential, the planning history at the site and the pattern of development in the area, and the provisions of the Tipperary County Development Plan 2022-2028, in particular Objective SO14 of the Settlement Plan for Portroe, set out in Volume 2 Settlement Guide and Settlement Plans, which aims to look at options for the renewal or regeneration of the Schoolhouse Row development, it is considered, subject to compliance with the conditions set out below, that the proposed development and development proposed to be retained would make a positive contribution to the provision of housing in the area, would eliminate the unsightly nature of the unfinished estate, would not have an adverse impact on the amenities of adjoining properties or the surrounding area, would be acceptable in terms of surface water management and traffic and pedestrian safety and would generally accord with the provisions of the Tipperary County Development Plan 2022-2028. The proposed development 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 Commission considered the entirety of the information on file including the information submitted with the appeal and the planning history of the site. The Commission noted the updated topographical survey submitted (drawing number 25:199-001), the location of the trial holes on site as evidenced in the photographs submitted in Section 9.6 of the EOB Management Services Report, and the Inspector's assessment that the infiltration test is indicative of fast and effective water movement and that the soil is suitable for infiltration drainage. Having regard to the previous grant of permission whereby surface water arrangements, consisting of a soak pit in the northern area of the site, were considered satisfactory, the Commission considered that the lack of some details pertaining to the surface water arrangements was not a reason for refusal in itself and could be addressed by way of condition.

Having regard to the previous grant of permission, the Commission noted and agreed with the Inspector's assessment of the car parking and access arrangements and the impacts on traffic; however, the Commission considered that the proposed vehicular access to the school was unnecessary and had not been justified and attached condition number 2(b) accordingly.

Conditions

1. The development shall be retained, 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 the planning authority on the 26th day of September, 2025, and on the 16th day of October, 2025, 2nd day of December, 2025 and 17th day of December, 2025 and the plans and particulars received by An Coimisiún Pleanála on the 18th day of February, 2026, 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. (a) All car parking bays and footpaths shall be provided as per the drawings received by An Coimisiún Pleanála on the 18th day of February 2026. All footpaths shall be 1.8 metres in width.
- (b) The vehicle entrance connecting the site to the school shall be omitted.

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

Reason: In the interests of clarity and traffic safety.

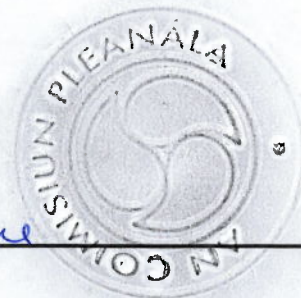
3. (a) Drainage arrangements including the attenuation and disposal of surface water, shall be completed and retained as per the plans and particulars received by An Coimisiún Pleanála on the 18th day of February, 2026 and shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, details regarding the location and size of the attenuation tank and infiltration area shall be submitted to the planning authority for agreement.
- (b) Prior to the commencement of development, the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures

have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interests of public health and surface water management.

4. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday 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 property in the vicinity.



Mary Gurrie

Mary Gurrie

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this *23* day of *June* 2026