



An
Bord
Pleanála

Inspector's Report ABP-310265-21

Development	Modifications to previously permitted residential development (Previous Reg. Ref. No. 18601348 & ABP-303620-19)
Location	Springfort Meadows, Nenagh, Co. Tipperary.
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	20/1453
Applicant(s)	Singland Homes Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party v Grant of Permission
Appellant(s)	Gerry and Margaret Robinson & Ors.
Observer(s)	None
Date of Site Inspection	24.09.2021
Inspector	Anthony Kelly

1.0 Site Location and Description

- 1.1. The site is located within the Springfort Meadows housing development in the western area of Nenagh, Co. Tipperary.
- 1.2. The site comprises three separate undeveloped and fenced-off plots of land within the same cul-de-sac area of the housing development. The ground floor shells of a permitted semi-detached block of houses are located in the eastern area of Plot A and the vehicular roadway serving Plot A has not been constructed. The other houses in the cul-de-sac area are detached, semi-detached, and terraced. They all overlook a central open space area. These houses are occupied and footpaths, public lighting etc. is in situ. There are detached houses to the north of the cul-de-sac area, other houses in Springfort Meadows are to the west, there are fields to the south, and the County Council's machinery yard to the east.
- 1.3. Plot A has an area of 0.44 hectares, Plot B is 0.07 hectares, and Plot C is 0.1247 hectares.

2.0 Proposed Development

- 2.1. Permission is sought for modifications to P.A. Reg. Ref. 18/601348 / ABP Reg. Ref. ABP-303620-19 comprising an increase in the number of housing units on Plot A from 6 no. to 10 no., an increase in the number of units on Plot B from 2 no. to 3 no., and an increase in the number of units on Plot C from 4 no. to 6 no.
- 2.2. Further information was submitted in relation to the removal of the existing works from Plot A, confirmation that the rear private open space of each proposed house is a minimum 65sqm, revised proposals for external finishes to the proposed houses, and details of boundary treatments. The applicant, further to reviewing boundaries, noted the importance of retaining existing mature hedging and trees to the north west boundary of Plot A. It was proposed to reduce the width of the proposed road from 6.1 metres to 4.8 metres. The building line of the houses was moved forward, and rear open spaces increased in area. A brief report from Hutch O'Malley Consulting Engineers was also submitted with the further information response

- 2.3. Clarification of further information was submitted showing the road width increased to 5 metres from 4.8 metres.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission was granted by Tipperary County Council subject to 15 no. conditions, including surface water disposal, Irish Water connection, external finishes, construction practices and standards including a Construction Traffic Management Plan, development contributions, a bond, and Part V.

3.2. Planning Authority Reports

- 3.2.1. Three Planning Reports form the basis of the planning authority decision. The third Planning Report recommended that permission be granted. It was considered the development complies with the policies and objectives of the Nenagh Town and Environs Development Plan 2013, as varied, and does not have an adverse impact on the character of the area or the amenities of adjoining properties.

3.2.2. Other Technical Reports

Roads and Transportation/District Engineer – In relation to the original planning application, no comment was made on the proposed road layout or parking arrangements. Reinstatement required to the full width of the road surface in front of Plots B and C after connection to foul and storm drains. Wearing course specification to the front of Plot A to be agreed with the District Engineer.

On foot of the further information response, it was stated the road width should be increased to a minimum 5 metres to comply with the Design Manual for Urban Roads and Streets (DMURS).

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

3.4.1. 33 no. submissions were received by the planning authority from residents of Springfort Meadows and from the residents of one house to the north of Plot A along Limerick Road. All submissions objected to the application. The issues raised are largely covered by the grounds of appeal with the exception of the following:

- The proposed development would involve tearing up recently finished pavement and roads.
- Safety of children during construction / nuisance during construction phase.
- Traffic generation and congestion throughout the estate.
- External finishes.
- Shadowing impact / overlooking / Plot A houses should have no above ground floor rear elevation windows.
- No assessment of impact on services.
- An exemption should be granted for Part V housing.
- ABP-303620-19 refused changes to House Nos. 112-119. This decision should be applicable to all parts of the estate.
- Reduction in the value of existing houses.
- Noise pollution to Plot C from Carey's Glass factory.
- Emergency services access.
- Impact on residents' mental health.
- Contrary to the Nenagh Town & Environs Development Plan 2013-2019.
- Future anti-social issues / increase in fear of crime.

3.4.2. Seven submissions were received on foot of the further information response. The issues raised are largely covered by the original submissions received and the grounds of appeal with the exception of the following:

- A narrower road gives a denser feel to the location and is not in keeping with the aesthetics of the estate / will create a bottleneck / narrow/no footpath.

- A 2 metres high wall should be constructed from the higher finished ground level to the rear of Plot A, in advance of further development.
- Issues raised in original submissions have not been addressed.

3.4.3. Two submissions were received on foot of the clarification of further information response. The issues raised are largely covered by previous submissions received and the grounds of appeal.

4.0 Planning History

4.1. There has been a detailed planning history on the overall Springfort Meadows site. Relevant applications include:

P.A. Reg. Ref. N32/3000 / ABP Reg. Ref. PL 74.131281 – Permission was granted in 2004 for 131 no. houses (127 no. were originally sought).

P.A. Reg. Ref. 18601348 / ABP Reg. Ref. ABP-303620-19 – Permission was granted in 2019 for construction of 22 no. houses in four vacant plots at Springfort, including Plots A, B, and C subject of the current application. (This is expanded upon in Section 7.2 of this Report.)

5.0 Policy Context

5.1. North Tipperary County Development Plan 2010-2016, as varied

5.1.1. This Plan is in place until such time as a single County Development Plan is prepared for Tipperary subsequent to the preparation of the Regional Spatial and Economic Strategy (RSES). Section 1.6 (Relationship with Town Development Plans) states that Town Development Plans, including the Nenagh Town & Environs Development Plan 2013-2019, will remain the statutory plans for these areas until a review and preparation of local area plans for these towns take place.

5.2. Nenagh Town & Environs Development Plan 2013-2019, as varied

- 5.2.1. The site is in an area zoned 'Existing Residential' on the Zoning Map. The zoning objective is 'To protect and enhance existing Residential areas'. Residential development in this zoning will be generally accepted subject to normal planning practice, site suitability, and compliance with the relevant policies and objectives, standards and the requirements set out in the Plan.

5.3. Natural Heritage Designations

- 5.3.1. The closest Natura 2000 site is Lough Derg (Shannon) SPA approx. 6.3km to the north west. The closest heritage area is Lough Derg pNHA approx. 6.1km to the north west.

5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment, which is a fully serviced urban location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination stage, and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted by Gerry and Margaret Robinson, 40 Springfort Meadows and countersigned by 29 no. other residents of Springfort Meadows. The main points made can be summarised as follows:

- The decision should be reversed, and the original housing layout permitted under ABP Reg. Ref. PL74.131281 and the decision under P.A. Reg. Ref. 18601348 should be reverted to. The Council's decision overturns the conditions and layout sketch set out in the Board's decision.

- The Reasons and Considerations set out in the Board's decision on ABP-303620-19 refer to the zoning of the site, the infill nature of the development, and the design and layout, and considered it would not be detrimental to the residential amenities of the area, would not be prejudicial to public health, would be acceptable in terms of traffic safety, and would be in accordance with the proper planning and sustainable development of the area. The Council's decision conflicts with that decision in terms of density guidelines, infill development guidelines, and public open space guidelines in the Town Plan. Blocks of five and six terraced houses is of a density far in excess of what is permitted under the Plan and is out of keeping with the detached, semi-detached and three-house terraced blocks. The proposed development is detrimental to residential amenity, prejudicial to public health, not acceptable in terms of traffic safety and convenience, and is not in accordance with the proper planning and sustainable development of the area.
- The development would damage the character of the original housing layout. The proposed development pattern is out of character with the estate and the vicinity of the estate.
- It is ill-thought and appears to be based on density alone. It is not appropriate or compatible, visually.
- The provisions of the Nenagh Development Plan 2000 were applicable when the estate was developed. The site was zoned 'RL – Residential (Low Density)', 15-20 houses per hectare. The extra housing proposed will greatly exceed these density guidelines and is a 25% increase on the original density.
- The 25% increase in density will bring at least a 25% increase in extra traffic. This will create parking issues and conflict between pedestrians, cyclists, and vehicles, creating a safety hazard.
- There is only parking provision for one car per house. Vehicles will overhang the estate road to the detriment of all road users.
- There is no extra open space to facilitate the extra houses.

- Bin storage areas to the front are not in keeping with the layout of the estate, will have a detrimental impact on the character of the estate and generate environmental issues for other residents.
- 2 metres high walls at the front of house bordering the road are not in keeping with the current open plan layout.

6.2. Applicant Response

The main points made can be summarised as follows:

- A description of the site location is provided, a broad outline of the relevant planning history is set out, and the proposed development is described. In essence, the proposed development is seeking to provide 19 no. houses on lands where 12 no. houses are permitted. The 'Existing Residential' zoning of the site is noted, and various sections of the Nenagh Town & Environs Development Plan 2013-2019 are set out relating to infill development and housing. Relevant provisions of both the National Planning Framework and the Regional Spatial and Economic Strategy for the Southern Region are also referenced.
- The application relates to vacant plots in an established development in a regionally important Key Town. The planning history shows it was always intended to develop housing on these sites. There is an onus to ensure development responds to demand in number, form, and typology. The change in house type and minor increase in numbers responds to demand, respects established amenities, and takes account of national and regional policy.
- Appeal Reg. Ref. PL 74.131281 was a separate planning application for 127 no. houses, not subject of this appeal. Condition 3 stated houses along the northern boundary were to be amended by way of a separate permission so that they are single-storey to the rear. Units 25-30 of the revised application (P.A. Reg. Ref. 05/520017) relate to this appeal. An extract from the Inspectors Report for ABP-303620-19, relating to the two-storey scale of the permitted houses and overlooking issues at Plot A, is set out. The more recent consent and considerations replace those of the originally quoted permission. It is

unclear what mix of unit type the appellants wish to see as each plot has been subject of design revisions since the original grant.

- The appellants claim the decision of the planning authority conflicts with the earlier decision of the Board and contravenes density, infill development, and open space guidelines in the Town & Environs Plan. The recommended density is 20-25 units per hectare (urban fringe), and this is a guide. A density of 19 no. units per hectare is achieved (19 no. houses on a 0.994 hectare site). The proposal does not constitute high density development and it has been carefully designed. The infill development guidelines have been achieved. Terraced units are not out of keeping with the existing built form and is not an obtrusive design intervention. Terraced units do exist within the wider estate. There is similar materials and fenestration to existing units. External materials will complement existing units but with subtle contrasts to avoid complete monotony across the scheme.

The plots will have use of existing open space areas. The non-provision of additional open space was acceptable to the planning authority as there is a clear acknowledgement of the appropriate nature of the established open space while also noting the residential development was always envisioned on the sites. Public open space is generally calculated as a percentage of overall area. This is not altered. It is unclear where the appellants' claim that the development would be prejudicial to public health stems from. In the original permission the Board considered the development would not be prejudicial to public health. In terms of traffic safety, there is a minor extension of the existing road network at Plot A. Car parking at one space per unit is in line with the Town & Environs Plan.

- The estate comprises two-storey semi-detached, detached and some terraced units. There is therefore a mix of house types, while immediately to the north there are large individual houses on large plots. The new house types respect the form, scale, and materials of existing houses and the layout considers the building line, heights, and roof pitches. The design ensures integration. Open front boundaries have been maintained. There is efficient use of vacant plots. It is not accepted the pattern of proposed development is out of character or context.

- The Nenagh Development Plan 2000 cited by the appellants has been replaced and updated. The planning authority must have regard to the Plan in operation at the time of the application i.e. Nenagh Town & Environs Development Plan 2013-2019. Provisions of an out-dated plan are not applicable.
- The appellants have provided no technical evidence to support the claim that a 25% increase in density will bring at least a 25% increase in extra traffic and create a safety hazard. It is proposed to increase the number of permitted houses by seven. In amending detached and semi-detached four bed units to three bed terraced units, a reduction in parking provision has occurred in line with the car parking standards of the Town & Environs Plan (19 no. spaces required as opposed to 24 no). Access to the town centre and retail and employment locations suggest walking and cycling would be popular modes of transport. It is not accepted a conflict would arise and it is not accepted that extra traffic will automatically be generated. The District Engineer had no objection.
- Car parking is in line with the required standard. It is not accepted this will lead to vehicles 'overhanging' roads, and no evidence has been provided to suggest that such would or could occur as a result of the development proposals.
- The addition of seven houses does not warrant the provision of additional open space. A minimum 65sqm rear garden areas are provided.
- Bin storage is provided to the front, and to the rear of houses where feasible. This approach was accepted by the planning authority and it is not accepted that bin store placement will have a negative or detrimental impact.
- There are no 2 metres high walls proposed at the front of the units.

6.3. Planning Authority Response

None.

6.4. Observations

None.

6.5. Further Responses

None sought.

7.0 Assessment

The main issues are those raised in the grounds of appeal and the Planning Reports, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Zoning
- Previous Planning Application P.A. Reg. Ref. 18601348 / ABP Reg. Ref. ABP-303620-19
- Site Layout & House Design
- Residential Amenity for Occupants
- Impact on Adjacent Residential Amenity
- Appropriate Assessment

7.1. Zoning

- 7.1.1. The proposed development is located in an area zoned for residential use. Residential development is permitted in principle under this zoning in the Nenagh Town & Environs Development Plan 2013-2019, as varied. The principle of development is therefore acceptable, subject to the detailed considerations below.

7.2. Previous Planning Application P.A. Reg. Ref. 18/601348 / ABP Reg. Ref. ABP-303620-19

- 7.2.1. Given that the current application involves modifications to a previous permission, a brief summary of the previous permission is provided for clarity.
- 7.2.2. A planning application was made to Tipperary Co. Co. in November 2018 to construct 22 no. houses on four vacant plots, including the three vacant plots subject of the

current appeal application. The cover letter submitted with the application states the original site layout provided for 23 no. houses on these plots. Six houses were proposed on Plot A (four detached and a semi-detached pair), two on Plot B (a semi-detached pair), and four on Plot C (two semi-detached pairs). 10 no. houses were proposed on Plot D instead of the 11 no. permitted. The Planning Report noted that the previously permitted layout comprised three pairs of semi-detached units for Plot A whereas there has been no change to Plots B and C. Permission was granted by Tipperary Co. Co. without seeking further information.

- 7.2.3. Third party appeals were received by the Board. Permission was granted by the Board in May 2019, generally in line with the Inspector's recommendation. There was a condition relating to omission of houses from Plot D.

7.3. Site Layout & House Design

- 7.3.1. The site layout and the design of the development have been raised as a significant concern in the grounds of appeal.

Site Layout

- 7.3.2. The grounds of appeal consider the application should be refused and previously permitted layouts should be developed. The layout of the development permitted under PL 74.131281 showed the internal vehicular access road encircling the open space area that the three undeveloped plots face onto. The grounds of appeal also consider the layout permitted under ABP-303620-19 should be reverted to, though that layout had an extension of the internal access road to serve houses in the western part of Plot A. The two layouts are different. However, the fact that other layouts were previously permitted does not preclude the planning authority, or the Board, from subsequently permitting altered or modified layouts, should the altered or modified layouts be considered appropriate and acceptable.
- 7.3.3. The grounds of appeal consider that the development directly contravenes density, infill development, and open space guidelines as set out in the Nenagh Town & Environs Development Plan 2013-2019, as varied. The grounds of appeal do not specify which provisions of the Plan are directly contravened by the proposed development.

- **Density** – The relevant Plan is the Plan in place at the time of deciding on a planning application and standards that may have previously been in place under expired Plans are not applicable. Section 9.2 of the Nenagh Town & Environs Plan 2013-2019, as varied, states there is no wish to set maximum or minimum residential densities, ‘but to seek efficient and sustainable development on all residential zoned land’. In the ‘Urban Fringe’, which I consider is the relevant designation, Table 9.1 gives a guideline of 20-25 units per hectare. A specific density is difficult to provide, given the undeveloped nature of the three plots, the scale of the overall housing development, and the undeveloped nature of Plot D which formed part of P.A. Reg. Ref. 18/601348 / ABP-303620-19. Notwithstanding, if the cul-de-sac area (approx. 1.45 hectares) is taken in isolation i.e. the open space area, the three undeveloped plots, access road, and existing 17 no. houses, the density of the existing units and the 12 no. houses permitted under ABP-303620-19 would be 20 units per hectare. The density of the existing units and the 19 no. houses proposed in the current application would result in a density of approx. 24.8 units per hectare. I consider approx. 24.8 units per hectare to be a reasonable density having regard to the ‘Urban Fringe’ location, the nature of the existing cul-de-sac area, and national and regional policies which seek to consolidate and increase densities in urban areas.
- **Infill Development** – Section 9.3 of the Plan outlines the guidelines for infill development. It states site density, coverage, and open space will be considered on a site-specific basis. Permitting development to integrate with existing adjoining development is a consideration. The layout proposed under the current application reasonably permits this integration. I do not consider that terraces of three to six units, in a development where there are already terraced units, would not integrate into an established residential area. Other issues referenced in this section are addressed elsewhere in this Assessment e.g. finishes, boundary treatments, private open space, and car parking.
- **Open Space** – Two areas of open space have been provided for since the original application was permitted. The three undeveloped plots subject of this application overlook one of these open space areas. No additional open space is provided for as part of this application. I consider that the provision of houses

on plots where housing was always envisioned, and previously permitted, does not give rise to any additional demand for open space above that already provided for.

- 7.3.4. The grounds of appeal consider the proposed development would be prejudicial to public health and is not acceptable in terms of traffic safety. The reason(s) why the development would be prejudicial to public health have not been set out and I do not consider this to be applicable. I also do not accept that the layout would result in a traffic hazard. 12 no. houses were permitted on site under ABP-303620-19 and, while it is proposed to increase this to 19 no. houses, this is a low-speed environment with all vehicles being visible around the open space area. The development would be no different to any urban housing estate and would not give rise to any undue conflicts between vehicles and other road users.
- 7.3.5. The applicant's response to the grounds of appeal states that there are no 2 metres high walls proposed at the front of the units. The further information response indicates that a 900mm high brick wall is proposed between the two terraced blocks in Plot A, to the front of the building line. The response also indicates walls to the front of houses, ranging in height from 900mm to 2140mm, separating the curtilages and incorporating meter boxes and recessed bin storage. While I note the general open nature of the front areas of houses in the estate, I do not consider that these walls would be excessively obtrusive or incongruous at this location.
- 7.3.6. Further to the boundary treatment issue, I consider the request set out in one of the submissions received on foot of the further information response to be reasonable i.e. that the 2 metres high wall along the rear of Plot A be 2 metres high on the higher ground level side of the wall, and to be in situ at an early stage of construction. Boundary treatments are otherwise considered to be acceptable.
- 7.3.7. Also as part of the further information response, the applicant reduced the width of the access road serving Plot A from 6.1 metres to 4.8 metres. The planning authority's Roads & Transportation Section recommended that the width should be increased to 5 metres to comply with the Design Manual for Roads and Streets. This was addressed by way of a clarification of further information response, while retaining a 1.4 metres footpath to the proposed 10 no. terraced houses. An autotrack for a large bin truck was provided for the 5 metres width. I do not consider this width over a limited distance

will have an undue impact on vehicular traffic and the planning authority's Road & Transportation Section have no concern. Condition 5 of ABP-303619 states that no house in Plot A shall be occupied until such time as the roads and footpaths serving this area have been completed to the written satisfaction of the planning authority. I consider this to be an appropriate condition. In relation to the planning authority's Roads & Transportation Section recommended condition related to reinstatement of the estate road, I note Condition 4 of the parent permission requires the road network to comply with the detailed standards of the planning authority.

7.3.8. I consider the proposed site layout to be acceptable.

House Design

7.3.9. The grounds of appeal consider that the provision of five and six unit terraces is of a scale and density far in excess of that permitted in the Plan and is totally out of keeping with the existing mix of housing.

7.3.10. I consider the grounds of appeal overstate the impact that the terraced units will have at this location. There are already terraced units within the Springfort Meadows development, including immediately adjacent to the subject undeveloped plots. These are three-unit terraces, but there are also four-unit terraces within the overall development i.e. Nos. 69-72 and 75-78. The provision of five and six terraced blocks, therefore, is not of a type that could reasonably be considered totally out of keeping with the existing development.

7.3.11. The existing houses in the cul-de-sac have render and red brick to the front elevations and dash to the sides. The proposed two-storey houses are 98.6sqm in floor area with a height of 8.1 metres. External finishes to the proposed houses were originally render with slate/tile. There is a consistency of design in all 19 no. houses but there is a difference with the existing houses. The planning authority expressed concern in relation to the proposed external finish through the further information request. In response, brickwork was incorporated, 'so as to be in accordance with the existing surrounding dwellings'. The end-of-terrace units have brickwork on the front elevation to both ground and first floors with the mid-terrace units having brickwork at ground floor only. The revisions were acceptable to the planning authority, and I have no objection to the design of the proposed houses. I consider that final external finishes can be agreed with the planning authority by way of a compliance condition.

7.3.12. I consider the design of the proposed houses to be acceptable.

Conclusion

7.3.13. I consider the proposed development to be acceptable in terms of site layout and house design.

7.4. Residential Amenity for Occupants

7.4.1. The grounds of appeal consider the development to be excessive in scale and overly dense. One of the ways of assessing this is whether the development complies with minimum standards of residential amenity for occupants.

7.4.2. Table 5.1 (Space provision and room sizes for typical dwellings) of the 'Quality Housing for Sustainable Communities' Best Practice Guidelines (2007) published by the Department of the Environment, Planning and Local Government states that a two-storey three-bedroom/five person house should have a floor area of 92sqm. A floor area of 98.6sqm is provided. All room standards are achieved.

7.4.3. As part of the further information request, clarification in relation the private open space areas was requested. Table 9.2 (Private Open Space) of the Nenagh Town & Environs Plan 2013-2019, as varied, requires 65sqm for a three bedroom house. Site layout plans submitted in response illustrates a minimum provision of 65.5sqm. Adequate private open space is provided for each house.

7.4.4. A lack of adequate car parking has been set out in the grounds of appeal and submissions received by the planning authority. Section 9.7 of the Plan states that proposals in accordance with Table 9.5 (Car Parking Standards) will be required. This states that a house of up to three bedrooms requires one car parking space. All 19 no. houses proposed are three bedroom houses and all houses are provided with one space. Therefore, the development provides car parking in line with the standard set out in the Plan.

7.4.5. Bin storage has also been cited as a concern in the grounds of appeal. Mid-terrace units have no access to their rear garden areas. Bin storage to the front of mid-terrace units is a common feature of housing developments and I do not consider it is a significant concern in this location. A recessed space for bins has been provided.

- 7.4.6. Given the proposed houses have floor areas and private open space areas higher than the minimum required, and comply with car parking standards, I consider the level of residential amenity for occupants is acceptable and indicates the proposed development would not be excessive in density and scale.

7.5. Impact on Adjacent Residential Amenity

- 7.5.1. The grounds of appeal consider the proposed development would have an adverse impact on the wider residential amenity of the area. Some issues, such as traffic hazard, car parking, and open space, are addressed elsewhere in this Report. The proposed development involves two-storey, terraced houses on plots which were always envisaged to be occupied by housing, and the various site layouts through the planning history reflects this.
- 7.5.2. The first floor rear elevation windows on houses in Plot A, facing north, are all in excess of 11 metres from the site boundary. There is generally a distance of approx. 13 metres. The front elevation windows overlook the proposed access road and the public open space area. The orientation of the houses in Plot A is similar to that permitted under ABP-303620-19. The separation distances between the first floor rear elevation windows of houses in Plot B and the site boundary are cited as between 11.0 and 11.325 metres. Other houses in Springfort Meadows back on to this plot. A separation distance of approx. 12 metres is provided from the above ground floor rear elevation windows in Plot C to the site boundary. There are no side elevation windows proposed on any of the houses. I do not consider that undue overlooking would result from the proposed development.
- 7.5.3. Given the relatively limited two-storey height of the proposed houses, the planning history of housing on these plots, the footprint/building line of the houses in line with existing development, and the separation distances involved to both site boundaries and existing houses, I do not consider that the development would have any undue shadowing impact on existing property.
- 7.5.4. I also do not consider there would be any overbearing impact given the proposed houses are similar in scale to those existing.
- 7.5.5. In terms of general nuisance to the surrounding area during the construction period, it is inevitable that these plots would be developed. Some nuisance is to be expected

during the construction period. However, provision of a Construction Management Plan, the provisions of which would be agreed with the planning authority, would be a standard condition to ensure the nuisance is reduced as far as reasonably possible. Though no such condition was included in the conditions for ABP-303620-19, I consider it reasonable that such a condition be included, should this application be granted.

- 7.5.6. Having regard to the foregoing, and other issues such as car parking and open space provision, I do not consider that there would be any undue adverse impact on the amenity of existing residents as a result of the proposed development.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location remote from and with no hydrological pathway to any European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted subject to conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the Nenagh Town & Environs Development Plan 2013-2019, as varied, to the planning history of the site, and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would comprise reasonable modifications to the development as permitted under P.A. Reg. Ref. 18601348 / ABP Reg. Ref. ABP-303620-19, and would be acceptable in terms of site layout and design,

traffic safety, and the residential amenity of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 submitted to the planning authority on the 25th day of February 2021, and the 31st day of March 2021, 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 development shall be carried out and completed in accordance with the relevant terms and conditions of the permission granted under planning register reference number ABP-303620-19, except as amended in order to comply with the conditions attached to this permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. (i) 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.
- (ii) 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 noise management measures and off-site disposal of construction/demolition waste.

Reason: In order to safeguard the residential amenities of property in the vicinity and in the interest of public safety.

4. The 2 metres high block wall along the northern boundary of Plot A shall be constructed prior to the commencement of any other development in Plot A. The wall shall be 2 metres high measured from the higher of the ground levels to either side of the wall.

Reason: In the interest of residential amenity.

Anthony Kelly

Planning Inspector

04.11.2021