



An
Bord
Pleanála

Inspector's Report ABP-313291-22

Development	Construction of dwelling in addition to six dwellings already granted under reference no. 201147
Location	Drangan, Thurles, Co. Tipperary
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	2261
Applicant(s)	Michael and Mary Maher
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Michael and Mary Maher
Observer(s)	None
Date of Site Inspection	23 rd of March 2023
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1. The site is located in the village of Drangan, adjacent to the L2301. Drangan is a settlement that serves the rural hinterland. It is accessed via the local road network and is to the east of Mullinahone and the N76 and to the northeast of Fethard. Thurles is some distance away to the northwest on the opposite side of the M8.
- 1.2. This is an existing site that is partially developed (original permission has expired) and is within the village boundaries and 'Village Centre' zoning. The site is currently fenced off with frontage to the local road and a laneway that serves other houses to the south. Foundations have been laid for 7no. dwellings, six of which have been approved for retention under Reg.Ref. 201147. This proposal is for the additional dwelling and the foundations have been laid as were shown on the original plans. This is close to the northwestern corner of the site. It is also close to some electric pylons (these would have to be relocated should the house be permitted).
- 1.3. There is an entrance to a farmhouse and some agricultural buildings to the north of the site. There is a stream that runs along the road frontage through these farm lands but appears to be culverted along the site frontage. Drangan Community Centre is located opposite the site. There is a green area/playground and school to the north of this.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a Detached Dwelling in addition to the 6no. dwellings granted under Reg.Ref. 201147, and all associated works.

3.0 Planning Authority Decision

3.1. Decision

On the 16th March, 2022 Tipperary County Council refused planning permission for the proposed development for the following reason:

Having regard to:

- *The density of the proposed development taken together with the development permitted under PI Ref 20/1147*
- *The limitations in the quality of private open space provision on the site and limitations in public open space provision for the overall development taking into account the development under PI Ref 20/1147*
- *The proposed access and parking arrangements which present traffic safety concerns*
- *The deficiencies in parking provision to meet the parking demands generated by the development*

It is considered, that the proposed development would conflict with Specific Objective GO1 for Drangan and Policy DM1: Development Standards of the South Tipperary County Development 2009, as varied and would not satisfy the quantitative and qualitative standards for multi-unit residential development and parking provision as set out in the South Tipperary County Development Plan 2009, as varied. The proposal would constitute an unacceptable development on this site, would generate traffic movements that would give rise to a traffic hazard and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner had regard to the locational context, planning history and policy, and noted that no submissions were received. Their Assessment included the following:

- Planning permission has been granted for the development of six houses on this site under PI Ref 201147. A seventh dwelling was proposed under PI Ref.20/1147 in the same location as the subject proposal but this dwelling was omitted and the parking arrangement amended by condition of the grant of permission due to concerns with the development density as originally proposed and traffic safety.

- The proposed development, which seeks to re-introduce this dwelling and alter the parking arrangement to that proposal under PI Ref 20/1147, is considered unacceptable for the reasons outlined above.
- They are also concerned with the physical constraints of the site, quality of residential environment provided due to the limited plot size and configuration of private open space.
- Concerns regarding the proposed design and layout and of overlooking and loss of light.
- The area occupied by the development would function better as public open space. While the quantum of public open space is shown as 16% of the site area, the site boundary includes for half of the public road width which they consider misrepresents the actual net site area.
- The parking provision proposed is inadequate.
- The proposed development has been screened as to the requirement for AA and it has been determined that AA is not required – Screening Report attached.

3.3. Other Technical Reports

District Engineer

Reference is had to previous reports relevant to PA 201147 where the 7th house was omitted from the previous permission. They note that the situation has not changed and that this site is in a lower density area in the village of Dangan. They have regard to the location of the site, the road layout and parking issues.

They refer to condition 1(c) of original permission Reg.Ref.201147 and consider the reference to the site layout (including access and parking) should be as per the original plans then submitted.

Other Reports

The Planner's Report notes that while consulted no other internal reports were received.

3.4. Prescribed Bodies

The Planner's Report notes that while consulted no reports were received.

3.5. Third Party Observations

The Planner's Report notes that none were received.

4.0 Planning History

This includes the following:

- Reg.Ref. 201147 – Permission granted subject to conditions to Michael and Mary Maher for Retention of development of land namely:- (i) the as constructed boundary walls (ii) existing as built foundations for 7no. dwellings as well as Planning Permission to (iii) complete masonry boundary walls (iv) construct 7no. dwellings (v) connection to existing foul and storm sewers as well as all other services and all associated site works.

Condition no.1 is of note, in particular 1(b) which omits house no.7 for inclusion into public open space and 1(c) which provides for the access arrangements.

- Reg. Ref. 06/554 – Permission granted subject to conditions for 7no. houses.

5.0 Policy Context

5.1. National and Regional Planning Policy

- National Planning Framework, 2018
- Regional Spatial and Economic Strategy for the Southern Region, 2019
- Design Manual for Urban Roads and Streets, 2019
- Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities, 2009
- Urban Design Manual: A Best practice Guide, 2009
- Quality Housing for Sustainable Communities – Best Practice Guidelines, 2007

5.2. Tipperary County Development Plan 2022-2028

The new Tipperary CDP 2022-2028 for the entire county of Tipperary has been made and has been adopted. This Plan provides a framework for the sustainable development of the County and includes protecting the environment and to maintaining the viability of towns, villages and rural communities throughout the county.

Section 4 provides the Settlement Strategy for the County and supports the sustainable development of towns and villages. Section 4.7 provides the Planning Policies. Policy 4-1 includes: - *Support and facilitate the sustainable growth of the county's towns and villages as outlined in the Settlement Strategy Chapter 4, thereby promoting balanced development and competitiveness, and a network of viable and vibrant settlements to support the needs of local communities.*

It provides the criteria for new development including regard to it being proportionate to the scale and capacity of the receiving settlement in terms of size, use-type and design. Regard is also had to issues of density and to regeneration, reuse and

redevelopment of existing buildings, spaces, brownfield and opportunity sites. In addition, reference is had to NRUP 02/2021 - Circular Letter: Residential Densities in Towns and Villages, Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas.

Section 5 seeks to deliver sustainable housing. This refers in Section 5-3 to new homes in towns and villages. Section 5.6 provides the Planning Policies. This includes Policy 5-5 which provides that new residential development shall meet the relevant Development Management Standards as set out in Volume 3. It refers to appropriate density in accordance with the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (DHLGH, 2009). That residential development in rural settlements shall be appropriate to the scale, character and infrastructural capacity of the settlement in which it is to be located.

Section 7 refers to Town Centres & Place Making and key aspects include:

To support towns and villages through the Settlement Strategy thus ensuring that new homes are provided in the right locations, at an appropriate scale and density.

Section 7.4, Policy 7-1 refers to the Settlement Plans set out in Volume 2 and to the incorporation of innovative design solutions for density, maximum permeability and interconnectivity, and enhancement of residential amenity.

Volume 2 provides the Settlement Plans.

Table 1.1 provides the Settlement Plan Hierarchy.

Drangan is included as a Tier 3 'Local Service Centre'.

Section 2 provides the Development Strategy. This includes that the Role of Local Service Centres is that they act as local residential and community centres and will accommodate an appropriate level of development, including housing and community services i.e. childcare, primary level education, recreation, convenience retailing etc. Chapter 4 Settlement Strategy outlines the role and function for the Service Centres.

Drangan is described as: *A small village located in the south-east of the County between Killenaule and Mullinhone. The village is characterised by older building stock of vernacular style. There are a number of buildings of historical significance within the village boundary.*

There is a wastewater treatment system, operated by Irish Water, Public water supply is available. Note is had of community facilities.

The SFRA, based on evidence available, has not identified lands within the village boundary as liable to flooding.

Objectives of note to the current application include:

GO1: To facilitate low density development proposals to meet local housing demands together with the provision of local and community services/facilities and local employment opportunities within the village/settlement boundary in accordance with the principles of proper planning and sustainable development, and the Council's 'Design and Best Practice Guidelines for Cluster Housing Schemes in Rural Villages'. Volume 3 Appendix 5 relates.

Volume 3 - Appendix 6 – Development Management Standards

Section 4.10 refers to Back-land and Infill Development as it relates to small scale development. This includes that it should align with the prevailing density and pattern of development in the immediate area, including plot sizes, building heights and proportions; not impact negatively upon residential amenities of surrounding properties such as potential loss of daylight or overlooking; not prejudice the development of adjacent infill/backland sites; and ensure adequate amenity is afforded to existing and proposed development.

Table 6.4 sets out the Minimum Car Parking Standards.

For a dwelling (up to 2 bedrooms) this is 1 space per dwelling unit, (3+ bedrooms) this is 2 spaces per dwelling unit.

Multi Residential Unit Development – this includes for visitor parking. 1or 2bed – 1 space plus 2 visitor spaces per 5 units; 3 bed or more – 2 spaces per unit plus 2 visitor spaces per 5 units.

Section 6.5.2 refers to Bicycle Parking. Table 6.5 provides the Minimum Bicycle Parking Standards i.e for residential units – 1 space per unit and 1 space per 5 units visitor/short stay parking.

5.3. Natural Heritage Designations

There are no designated sites within or proximate to the site. The Lower River Suir SAC is c. 5.3kms to the south of the site. The River Barrow and River Nore SAC is c.7.5kms to the east of the site.

5.4. EIA Screening

Having regard to the nature and small scale of the proposed development, which consists of a single dwelling located in a fully serviced, urban area, and its proximity to the nearest sensitive 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 and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

Will McGarry & Associates Consulting Engineers, have submitted a First Party Appeal on behalf of the Applicants Michael and Mary Maher, against the decision of Tipperary County Council to refuse permission for the proposed development. Their Grounds of Appeal include the following:

Planning History

- The applicants purchased the site in 2007, which then had permission for 7no. dwellings, under Reg.Ref.06554. They submitted a commencement notice and started works.
- They carried out significant development works including the completion of the foundations for all 7no. dwellings. The recession hit and all works were stopped.
- They applied for an extension of the appropriate period in 2012 and were granted this extension which expired in 2017.

- In 2020, they re-applied to get permission for 7no. units on the raft foundations already completed under the earlier permission (Reg.Ref. 201147 refers). They obtained permission for 6no. units but did not get the seventh.
- They have reapplied for a dwelling house on the raft foundations that are already constructed, and the current application has been refused by the Planning Authority and they are now appealing this decision.

Grounds of Appeal

Density

- The overall density of the site together with that granted under 201147 should permission be granted would be 7 units per 0.1738. This equates to 40 units per ha, which is in accordance with the NSS Guidelines for residential development.

Open Space

- Private and public open space standards are well above that required in the Tipperary CDP 2009.

Traffic and Access concerns

- They submit that there are no traffic concerns. The proposed design and layout is in accordance with DMURS. This application does not propose any changes from that permitted under earlier planning file Reg.Ref. 201147.

Car Parking

- The total parking requirement as per the CDP guidelines is 13no. spaces. There are 11no. spaces provided and in view of the location of the site within a village centre location there is ample parking provision to accommodate the shortfall of 2no. spaces.
- The CDP allows for this, and the applicant is willing to accept a financial contribution for the lack of provision of two spaces.

Conclusion

- The house already commenced construction in 2007 under a previously permitted planning permission, which expired in 2017.

- This permission was granted by the same CDP and nothing has changed since then.
- They request that the Board overturn the Council's decision and grant permission.

6.2. Planning Authority Response

There is no response noted on file, from the Planning Authority to the Grounds of Appeal.

6.3. Observations

None noted.

6.4. Further Responses

None noted.

7.0 Assessment

7.1. The main planning considerations relevant to this appeal case are:

- Policy Considerations
- Background
- Density, Design and Layout
- Open Space
- Access and Parking
- Appropriate Assessment

7.2. Policy Considerations

- 7.2.1. It is noted that this proposal was considered by the Council, under the South Tipperary County Development Plan 2009 (as varied) and that their Assessment includes reference to a number of policies and objectives under this plan. This has now been superseded by the policies and objectives of the Tipperary County

Development Plan 2022-2028, and those of relevance have been noted in the Policy Section above and further in the Assessment below.

- 7.2.2. Regard is had to Policy 5-5 of Volume 1 of the Tipperary CDP 2022-2028, which refers to development being of an appropriate density and quality in accordance with the 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities', 2009. Chapter 6 of these Guidelines refers to development in Small towns and villages. This includes that the scale of new residential schemes for development should be in proportion to the pattern and grain of existing development. Section 6.9 of the said Guidelines refers to 'Centrally located Sites' as having densities of 30-40+ dwellings. Edge of Centre Sites, within a range of 20-35 dwellings per ha. Edge of small town/village sites offer an alternative to the provision of single houses in surrounding unserviced rural areas where lower densities of 15-20 dwellings per ha maybe acceptable.
- 7.2.3. In addition, reference is had in Section 4.7 (Policy 4-1) of the Tipperary CDP 2022-2028 which provides the Policies relevant to Settlement Strategy. This includes reference to NRUP 02/2021 - Circular Letter: Residential Densities in Towns and Villages, Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas. The latter reiterates on the context of the densities as noted in Chapter 6 of the Guidelines above.
- 7.2.4. The National Planning Framework 2018 is of note in that it includes Objectives that support increased densities in appropriate locations. For example, in summary National Policy Objective 18b seeks to develop a programme to provides new homes in small towns and villages and serviced sites. NPO 33 seeks to *prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision*. NPO 35 seeks to increase residential density in settlements, through a range of specified measures.
- 7.2.5. The site is located within the village of Drangan. Volume 2 of the Tipperary CDP 2022-2028 provides the Settlement Plans and Drangan is included as a Tier 3 'Local Service Centre'. Reference is had to Objective GO1 relative to the provision of low-density development in the village. Note is also had to the Council's 'Design and Best Practice Guidelines for Cluster Housing Schemes in Rural Villages'. Volume 3 Appendix 5 relates.

7.2.6. The principle of development for this small housing scheme of 6no. houses on this infill site within the village boundaries has been accepted (Reg.Ref.201147 refers). Regard is had to previous planning history and conditions of previous permissions in the Background Section below. In this case the current application proposes the inclusion of one additional house (omitted in the previous permission) as an infill development as an addition to an existing approved scheme. Regard is had to the Council's reasons for refusal, and to planning policy of the current Tipperary CDP 2022-2028. It needs to be ascertained as to whether the inclusion of this house would not be detrimental to and would be in the interests of the proper planning and sustainable development of the area.

7.3. Background and Rationale

7.3.1. As has been noted in the Planning History Section above, permission was originally granted on this site in Reg.Ref. 06/554 for 7no. houses. The First Party Appeal provides that the applicants purchased the site in 2007 and submitted a commencement notice and started works. They submit that they carried out significant development works including the completion of raft foundations for all 7no. dwellings. Due to the recession all works stopped. They applied for an extension of the appropriate period in 2012 and were granted this extension which expired in 2017.

7.3.2. In 2020 they re-applied for planning permission for the 7no. units on the raft foundations already completed and all associated works. Retention permission was granted for 6no. dwellings - Reg. Ref. 201147 refers. Condition no.1 (b) omitted dwelling no.7 i.e:

This grant of permission is in respect of 6 houses only and house no.7 Type D shall be omitted and the space occupied by house/plot 7 shall be developed into public open space and landscaped accordingly.

7.3.3. The house types then proposed included Type D, 3 bed detached, 92.47sq.m. The current proposal is for a detached dwelling in a similar location and house type to that omitted in Condition no.1(b) of the previous retention permission. The details submitted with the current application do not provide a rationale for the current

application, taking into account the previous omission of dwelling no.7. The Site Layout or the Floor Plans and Elevations for this house have not been altered.

- 7.3.4. The Planning Authority considered that the proposed development which seeks to re-introduce this dwelling and alter the parking arrangement to that proposed under Reg. Ref. 201147, is unacceptable. Their reasons for refusal including relative to density, open space provision, access and parking arrangements and deficiencies in parking provision have been noted.
- 7.3.5. It is noted that the proposed dwelling occupies an area where the house was specifically omitted by condition and intended as open space within the previous permission. Regard is had to the information submitted in the First Party response to this appeal. This includes relevant to Density, Open Space provision, Traffic and Access concerns. It is of note that Condition no.1(c) Reg. Ref. 201147 is relative to access arrangements and this is also discussed further in the relevant section below.

7.4. Density, Design and Layout

- 7.4.1. A density of 36 units per ha relevant to the site was referred to in Reg.Ref.201147. This is based on a total development of 7 houses on a site area of 0.197ha. However, the First Party Appeal notes that this includes half of the public road area (as shown within the redline boundary). They submit that the effective site area is less half the public road which yields 0.1738ha (half the public road was measured at c.232sq.m). Therefore, the overall density of the site together with that granted under Reg.Ref.201147 should permission for this house be granted would be 7units per 0.1738ha. This equates to 40 units per ha, which they provide would be in accordance with the NSS Guidelines for residential development.
- 7.4.2. As noted in the Policy Section above Objectives of note relevant to the village of Drangan include GO1 – to facilitate low density development. This is not defined therein. Chapter 6 of the ‘Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities’, 2009 provides a guide to the density standards in smaller towns or villages. As noted, while lower densities maybe more appropriate in accordance with the pattern and character of other residential development in the area, this can be up to 30-40+ for more centrally located sites.

- 7.4.3. Having regard to the site location within the village boundaries, and it being a brownfield site, more centrally located, rather than an edge of town site, I would consider that while this could not be described as low density, that the addition of one detached two storey house (from 6no. permitted in the scheme to 7no.) would not be very significant in overall density terms. It will provide an additional house within this scheme on serviced lands within the village boundaries.
- 7.4.4. This proposal is to construct a two-storey detached house. It is noted that the foundations of this house have already been constructed as per an earlier permission (Reg.Ref. 06/554). Therefore, it was originally intended that this scheme be for 7no. houses. The location, layout and house type is similar to that shown in the original permission. At 92.47sq.m it would be the only detached house and have the larger floor area, in this scheme of predominantly smaller size, to include 2 and 3 bedroom semi-detached two storey houses (Reg.Ref. 201147 refers). House Type D would comply with the minimum room sizes as specified in the spatial standards in Section 5.3.2 of the Quality Housing for Sustainable Communities – Best Practice Guidelines, 2007. It is shown 7.5m to ridge height.
- 7.4.5. I would not consider the proposed dwelling to be out of character with the area. Provided similar external finishes are used it would reflect the design of the other houses within the scheme. Also, it is of note that foundations have been laid and it was originally considered to be part of the overall scheme for 7no. houses. If the Board decides to permit, I would recommend the inclusion of a condition regarding external finishes.

7.5. Open Space and Boundary Treatment

- 7.5.1. The dwelling is shown located close to the north-west corner of the site, and sited proximate to the northern site boundary (c.2.8m to 3m). The main area of private open space (c.130sq.m) is shown as a side garden area, to the west of the proposed dwelling proximate to the proposed footpath along the public road. As shown on the plans this is to be screened from the road by a high boundary wall.
- 7.5.2. Volume 3 of the Tipperary CDP 2022-2028 provides the Development Management Standards. Section 4.6 refers to General Residential Design Standards. This includes in Table 4.1 that all housing units shall have an area of private open space

behind the front building line in line with minimum size requirements i.e. 60sq.m for a 3-5 bedroomed house. In this case the area is behind the front building line provides the side garden area.

7.5.3. It is noted that there is an access lane to farm buildings to the north of the site. These buildings are further set back from the road frontage. Therefore, the rear of the house faces the farm access lane and the issue of overlooking to directly opposing windows at first floor level does not occur. As shown on the plans it is proposed to provide a 2.4m block and pier wall along the boundary (shown 'E to F'), to match that already proposed. The Contiguous Elevation shows this boundary wall along the side garden area and the roadside boundary. If the Board decides to permit, I would recommend that it be conditioned the boundary treatments be as shown on the plans submitted and match those, already permitted, including along the rear (northern) site boundary.

7.5.4. The public open space is shown centrally located with the houses facing it, albeit the proposed dwelling is to the northwest side. The previous permission (condition 1(b)) intended that the house on the subject site be omitted and this area be used for public open space. I would consider that the centrally located public open space shown, is more usable and visually preferable and will also allow for landscaping. The First Party provides that the public open space is 15.9% (277sq.m/1738sq.m), which is over the required 15% as per Table 4.1 of the Tipperary CDP 2022-2028.

7.6. Access and Parking

7.6.1. Also of note is Condition no.1(c) of permission Reg.Ref. 201147 i.e:

The access arrangements shall be as per the details submitted with the application on 06/10/2021 and the development layout shall be adjusted accordingly. A revised site layout plan incorporating the requirements of this condition shall be submitted for the written agreement of the Planning Authority prior to development commencing.

7.6.2. The District Engineer's concerns that applicants may have been misled by a typographical error in Condition no.1 (c) of Reg. Ref. 201147 which references drawings submitted on 6/10/2021 (appears to be drawings submitted in response to the F.I) rather than 6/10/2020 (drawings originally submitted) are noted. In that case

the original layout was different in that the plans then submitted, showed a semi-circular access road with two separate accesses from the public road (presumably a one-way system) to serve the proposed dwellings.

- 7.6.3. However, I would not consider that it is within the remit of the current application to alter this condition or the layout of the overall approved scheme. That would serve to omit the centrally located area of public open space, which adds to the character of the overall scheme. Such revisions to the overall layout would require a new layout for the overall scheme within a separate application.
- 7.6.4. The Site Layout Plan proposes to provide 11no. carparking spaces along the road frontage. Table 6.4 of Volume 3 of the Tipperary CDP 2022-2028 provides the Minimum Car Parking Standards. This is two spaces per dwelling unit for a 3 bed dwelling unit. Therefore, there is a deficit of 2no. spaces relative to the proposed 3bedroom dwelling. It is however, noted that the proposal is located in the village centre area, within the urban speed limits, and that there is roadside parking available.
- 7.6.5. The First Party response suggests that there are no traffic concerns. That the proposed design accords with the requirements of DMURS 'Design Manual for Urban Streets' and does not propose any changes from the traffic design of that permitted under Reg.Ref.201147. They note the parking shortfall of 2no. spaces and provide that the applicant is willing to accept financial contribution for the lack of provision of these two spaces.
- 7.6.6. Regard is had to the Tipperary County Council Development Contributions Scheme, 2020. This provides in Section 9.2 of the General Contributions Scheme (under S.48 of the Planning and Development Act 2000 (as amended) for a parking charge of €3,000 in lieu of a parking space i.e. €6,000 for 2no. spaces. Regard is also had to Schedule 12 of the Scheme which provides that: *In addition to the table below, a charge of €3,000 per space in lieu of the provision of required car parking spaces may be payable subject to the provisions of Section 9.2 above.*
- 7.6.7. In addition, the proposed dwelling in a town or village would fit into Class 2 of the Scheme (Section 12), i.e $92.47\text{sq.m} \times €31 \text{ per sq.m} = €2,866.57$. It is noted that in permission Reg.Ref. 201147, that condition no. 21 provided for the development contributions for the 6no. houses (house no. 7 was omitted by condition no. 1(b)) and

allowed for a reduction of 50% for multi-unit development as part of a cluster, village or urban brownfield development as per Section 10 *Exemptions and Reductions* of the Scheme. If the Board decides to permit it is recommended that a development contributions condition be included.

7.7. Appropriate Assessment

- 7.7.1. Having regard to the nature and scale of the proposed development for a single dwelling house, on a serviced site and the nature of the receiving environment and the distance to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not 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 permission be granted subject to the conditions below.

9.0 Reasons and Considerations

Having regard to the planning history and to the residential land use that applies to the site under the Tipperary County Development Plan 2022-2028, under which residential development is acceptable, together with the nature and scale of the proposed development and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions below, the proposed development would be in keeping with the character of the area and would not seriously injure the amenities residential property of the area and would 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 and by the further plans and particulars received by An Bord Pleanála on the 12th day of April, 2022, 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 approved house shall not be occupied prior to completion of works associated with permission Reg. Ref. 201147, including the site access arrangements, footpaths, public open space and landscaping, street lighting, boundary treatments, parking and underground services including surface water drainage.

Reason: In the interests of proper planning and sustainable development

- . 3(a) Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) The first floor window at the stairwell in the side elevation shall be obscure glass only.

Reason: In the interest of residential amenity.

4. Boundary types shall be as per the details submitted on the Site Layout Plan (drawing no. PD-002 dated 26th of January 2022). Boundary walls shall be fully capped and dashed/plastered and shall match those permitted under Register Reference 201147.

Reason: In the interests of clarity and residential amenity.

5. Water supply and 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.

6. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

7. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. This shall include the removal and relocation of the existing pylon from the site boundaries.

Reason: In the interests of orderly development and the visual amenities of the area.

8. Site development and building works shall be carried out only between the hours of 0800 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 residential amenities of property in the vicinity.

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 hours of working, traffic management and noise reduction measures and off-site disposal of construction/demolition waste.

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

10. 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. This shall include a contribution of €6,000 in lieu of 2 parking spaces. 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

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Angela Brereton
Planning Inspector

24th of May 2023