



An  
Bord  
Pleanála

## Inspector's Report ABP-316776-23

<b>Development</b>	Construction of 18 residential units.
<b>Location</b>	Springfort Meadows, Nenagh, Co. Tipperary
<b>Planning Authority</b>	Tipperary County Council
<b>Planning Authority Reg. Ref.</b>	2360047
<b>Applicant(s)</b>	Singland Homes Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Patrick Devenny
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	31 <sup>st</sup> August 2023
<b>Inspector</b>	Catherine Dillon

## **1.0 Site Location and Description**

- 1.1. The site is located within an existing housing development known as Springfort Meadows, approximately 1.5km on the western outskirts from Nenagh town and accessed off the R445. The housing estate comprises a mixture of two storey detached, semi-detached and terraced houses. External finishes comprise plaster and red-brick to the front and dry dash gables, and brown-tile roofs.
- 1.2. The area of land the subject of this appeal is located at the southern end of the estate and is a relatively flat, partially overgrown grassed area with a block wall extending along its northern boundary. An internal estate road and footpath wrap around the remaining perimeter of the site. On the eastern end of the site there is an existing electricity substation box. Two storey houses to the south face onto the subject site.
- 1.3. There is a centrally located landscaped open space area within the estate to the north of the subject site, and another area to the east, both overlooked by housing, with a number of smaller landscaped incidental open space areas throughout the estate. The site is stated as having an area of 0.38hectares.

## **2.0 Proposed Development**

- 2.1. The proposed development is for 18 two storey residential units, consisting of 6, two storey terrace blocks with 3 houses in each block, comprising the following mix:-
  - 1no. 4 bedroom dwelling,
  - 10 no. 3 bedroom dwellings, and
  - 7 no. 2 bedroom dwellings.
- 2.2. Each house would be orientated facing south and comprise two-and three-bedroom units with the 4 bedroom unit on the western end block.
- 2.3. The rear gardens would have an average depth of 11m, with the end of terrace units, having a side access to the rear garden. The bin storage area for the mid terraces properties is shown to be enclosed by a 1.2m high brick wall in selected brick on three sides.

- 2.4. A total of 29 car parking spaces are proposed on the forecourt of the houses, with the 3 and 4 bedroom units having 2 spaces and the 2 bed units having 1 space.
- 2.5. A render finish in an 'off white' colour and a dark roof tile is proposed for the housing units.
- 2.6. The application was accompanied by the following documentation of note:-
- Design statement, following a further information request, and
  - Drainage network drawings.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. By order dated 3<sup>rd</sup> April 2023, following a further information request Tipperary County Council issued a notification of decision to grant planning permission for 18 residential units subject to 15 no. conditions, including surface water disposal, site levelling certification, external finishes, construction practices and standards including a Construction Environmental Management Plan (CEMP), development contributions, a bond, and Part V.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

The initial planner's report sought further information on 3<sup>rd</sup> March 2023, requesting details in relation to the requirement to provide 15% open space within the overall residential development and a design statement. In response a site layout plan was provided showing 5 open space areas within the estate which equated to 12% of available open space, and a planning statement.

The second planner's report considered, given that there are other large pockets of open space available and having regard to Section 9.3 of the Nenagh Town and Environs Development Plan 2013, as varied, there is adequate open space for the existing and proposed development. It was considered the development complied with the policies and objectives of the Nenagh Town and Environs Development Plan

2013, as varied, and would not have an adverse impact on the character of the area or the amenities of adjoining properties.

### 3.2.2. Other Technical Reports

District Roads engineer report dated 16<sup>th</sup> February 2003:

- As the condition of the existing estate roads is rated a 10 on the PSCI<sup>1</sup> there is a requirement to reinstate the existing estate roads to lane width in accordance with submitted road construction details where excavations are required to facilitate service / utility connection in footpaths and roads.
- Existing estate roads between 23-31 to be completed in accordance with submitted road construction details. This estate road is to the east of the subject site.

Housing section report dated 25<sup>th</sup> January 2023:

- Total No. of Housing Units proposed = 18
- Total transferable to Tipperary County Council = 4
- Equal to 20% of proposed units
- No. units transferring to Tipperary County Council for social & affordable housing purposes pursuant to this ***Agreement in Principle*** (Housing section's emphasis):
- 4 housing units (as identified on attached site layout map). 4 number units, as follows: 4,9,11,14 .

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

- 3.4.1. Seventeen submissions were received by the Planning Authority from residents in Springfort Meadows objecting to the application on the following grounds:

---

<sup>1</sup>A PSCI is a Pavement Survey Condition Index with a ranking system of 1-10 with 10 being the highest.

- Storage of waste in terrace dwellings,
- Disruption and noise during construction phase,
- Traffic congestion,
- Loss of green space for existing dwellings resulting in public open space under 15%,
- Design of dwellings not in keeping with surrounding area,
- Social housing,
- Disruption to existing roads and footpaths,
- Density not appropriate,
- Visual impact,
- Traffic and pedestrian safety,
- Compliance with building regulations,
- Capacity of existing services to accommodate dwellings,
- Shortfall in car parking,
- Impact on residential amenity,
- Finishes not in keeping with existing dwellings,
- No public consultation,
- Site previously zoned for low density, and
- Anti-social issues

## 4.0 Planning History

4.1. There has been a number of planning permissions connected to the overall Springfort Meadows development, which are outlined below:

### 4.2. Parent Permission for Springfort Meadows:

P.A Ref. N32/3000 / ABP Reg. Ref. PL 74.131281: Planning permission was granted by Nenagh Town Council for 129 units. On appeal to An Bord Pleanála (PL 74.131281) by 3rd Party, permission was granted on 22nd January 2004. The subject site had 11 detached units indicated on the site. Conditions of note included: Condition 2(1) of this permission required the development to be carried out in accordance with an attached sketch layout. This layout indicated 129 units, and 4

open space areas. Condition 3 required 27 of the units to be redesigned to the north of the development and Condition 4 required the construction of a creche.

- 4.3. P.A. Ref. 05/520017: Planning permission was granted in 2005, by Nenagh Town Council for change of house-type for 27 houses, from two storey to dormer, along the southern end of the site as per condition 3 of ABP Ref: PL.74.131281. The number of units on the layout plan indicated 124 units.
- 4.4. P.A Ref: 05/520018: Planning permission was granted in 2005 by Nenagh Town Council for a creche with associated site works as per condition 4 of ABP Ref: PL 74.131281, to the northwest of the appeal site. This creche was never constructed – and the area is currently a grassed area.
- 4.5. P.A Ref: 07/520056: Permission granted by Tipperary County Council in 2008 for the change of house type and site layout under previously granted planning permission ABP Ref: PL74.131281 on 4 plots. The number of units within the estate at the time of this application was indicated as being 124. This permission was not implemented.
- 4.6. P.A Ref: 09/520029: Planning permission was granted in 2009, by Tipperary County Council to construct 27 houses within the Springfort Meadows estate. Of the 27 houses, 11 of these units were within the current appeal site, the remaining units were to the eastern side of the estate next to an open space area, which formed part of the original estate development layout. (On the planning file 97 units were completed at this time, and the proposal would have resulted in 124 units within the estate). This permission was not implemented.
- 4.7. P.A Ref: 14/600503: An Extension of Duration permission was refused in March 2015, by Tipperary County Council for the 27 dwellings granted in P.A Ref. 09/520029.
- 4.8. P.A Ref: 18601348 / ABP Reg. Ref. ABP-303620-19: Planning permission was granted in 2019 by Tipperary County Council for the construction of 23 houses in four vacant plots, known as A, B, C, & D. The subject site was identified as Plot D with 10 houses on the site. On appeal subject to third party, the permission was modified by An Bord Pleanála in May 2019, subject to 12 conditions.

Condition 2 of this permission removed 8 of the houses in Plot D (the subject site) which had been configured with flank walls onto the existing houses to the north and the estate road, to protect residential and visual amenity. This permission was not implemented.

4.9. P.A Ref: 201453/ABP Ref:310265-21: Planning permission was granted by ABP in 2021 for modifications to previously permitted residential development, P.A. Ref: 186010348 & ABP Ref: 303620-19, comprising an increase in houses numbers on Plots A, B & C by 7. Plot D, the subject site, was referred to as Phase 2 of the development. Total number of units in estate =120.

4.10. Enforcement

None

## **5.0 Policy Context**

### **5.1. Background**

5.1.1. The current Plan for the subject site is the Nenagh Town and Environs Development Plan 2013- 2019 (as varied). Tipperary County Council has commenced the process of preparing a new Local Area Plan (LAP) for Nenagh. The Draft Nenagh LAP 2024-2030, was published on 28<sup>th</sup> July 2023, and submissions to the Draft Plan closed on 11<sup>th</sup> September 2023. The appeal site is zoned as 'Existing Residential' within the Draft LAP 2024-2030.

5.1.2. The Tipperary County Development Plan 2022-2028 for the whole county was adopted on 22<sup>nd</sup> August 2022. This Plan identified Nenagh as a 'Key Town' within the County's settlement strategy and a strategically located urban centre targeted to grow its population by 30% by 2031 with a focus on compact growth and appropriate density.

5.1.3. Tipperary County Council has commenced the process of preparing a new Local Area Plan (LAP) for Nenagh. This LAP will replace the existing Nenagh Town & Environs Development Plan 2013 when adopted. The Draft Nenagh LAP 2024-2030, was published on 28<sup>th</sup> July 2023, and submissions to the Draft Plan closed on 11<sup>th</sup> September 2023. The appeal site is zoned as 'Existing Residential' within the draft LAP 2024-2030.

## 5.2. Development Plan

### 5.2.1. Nenagh Town and Environs Development Plan 2013- 2019 (as varied).

Until such time as the LAP for Nenagh is adopted the extant Plan for the area is the Nenagh Town and Environs Development Plan 2013-2019. The appeal site is in an area zoned 'Existing Residential' on the Zoning Map with a zoning objective '*To protect and enhance existing Residential areas*'. There is therefore no change in the zoning in the proposed Draft LAP for the subject site. Residential development in this zoning will generally be accepted subject to normal planning practice, site suitability, and compliance with the relevant policies, objectives, and standards set out in the Plan.

### 5.2.2. Chapter 9- Development Management Standards and Design Guidelines

### 5.2.3. Section 9.2: Urban Residential Development

- **Residential Density**

Does not set minimum or maximum residential densities, but seeks efficient and sustainable development on all residential zoned land. Appropriate density will be assessed on a case-by-case basis, having regard to the Sustainable Residential Development in Urban Areas, 2008.

Urban fringe – density of 20-25 units per hectare

- **Public/Private Open Space- Quantitative Standards:**

Public Space: A development proposing four or more dwellings incorporates a minimum of 15% of the gross site area as useable public open space.

Table 9.2: Private Space for dwellings as follows:

- 3-4 bed houses = 65m<sup>2</sup>
- 1-2 bed houses = 48m<sup>2</sup>

### 5.2.4. Section 9.3 Infill Development

In areas within existing residential development, the Plan will require the following guidelines to be met:

- Site density, coverage and open space will be considered on a site-specific basis to permit development to integrate with the existing adjoining development. The



development management standards set out in Section 9.2 may be relaxed depending on the site-specific circumstances.

- Design, height, scale, materials and finishes should be compatible with existing adjacent properties.
- Boundary treatment should ensure an effective screen between proposed and existing development.
- Private open space should provide for bin and fuel storage areas.
- Car parking provisions shall be in accordance with standards outlined in this chapter. In cases where this is not possible, a contribution to the Council towards the provision or improvement of alternative car parking will be required.

#### **Table 9.5 Car Parking Standards**

- Dwelling (up to 3 bedrooms): 1 space per dwelling
- Dwelling (4 bedrooms or more): 2 spaces per unit

### **5.3. Natural Heritage Designations**

The site is neither within nor immediately abutting any natural heritage designations. The closest Natura 2000 site is Lough Derg (Shannon) SPA approximately 6.5km to the north west.

### **5.4. EIA Screening**

The development is for 18 houses and falls significantly below the threshold specified in Schedule 5 Part 2 Class 10 (b) of the Planning and Development Regulations 2001 as amended. 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 an 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 Patrick Devenney of 68 Springfort Meadows, of which the main points can be summarised as follows:

- Original 2005 planning permission was for a 124 unit private estate at a density of 20 units per hectare on the 6.2 hectare site.
- The estate became an unfinished estate which included the appeal site (11 units) and an area to the east of the entrance into the estate (16 units).
- The land that Singland Homes are currently developing was part of a larger application in 2019 Ref: 18601348 which was partially rejected by ABP Ref: 303620-19.
- Density exceeds 25 units per hectare.
- Public open space does not meet the required minimum 15% of open space and only represents 12% and this is not consistent with other developments in the area.
- Area measurements for Plot A in the 2019 planning and appeal applications was incorrect and was 0.44 ha instead of 0.244ha.
- 33.6% of social housing in the estate is excessive.
- Social housing is not being pepper potted throughout the estate and Tipperary County Council aim to buy the proposed development.
- It is not possible to achieve tenure blindness as the whole development will be bought by Tipperary County Council.
- Negative equity due to disproportionate levels of social housing.
- Management of construction traffic within the estate.
- Requires confirmation the units will comply with Building Control legislation, regarding impacts on electrical supply due to electric charging of cars, NZEB requirements, glare from solar panels, and noise from heat pumps.

6.1.1. A letter addressed to An Bord Pleanála was attached to the Appendix of the above submission from Jackie Cahill TD who states he is not opposed to the development of badly needed housing but has concerns regarding the following:

- Negative equity for existing owners,

- Houses should be designed to be ‘tenure blind’,
- Houses should be affordable housing, and
- Open space below minimum 15% requirement.

## 6.2. Applicant Response

6.2.1. MKO on behalf of the First Party, Singland Homes Ltd, submitted the following response which can be summarised under the following headings:

### Public Open Space

- The provision of public open space can be adjusted on a site-specific basis, the reduction in open space to 12.27% instead of 15%, is in accordance with Policy 9.3 Infill Development and Apartments of the extant Nenagh Town and Environs Plan and has been deemed acceptable by the neighbouring phased development by the Board (ABP-303620-19) and the Planning Authority.

### Housing Density

- Given the current housing demand and the Core Strategy targets for Nenagh in the CDP, a density of 47 units per hectare at this site is considered an appropriate level of development, in accordance with national planning policy for development within the urban area of a Key Town.

### Housing Mix

- Part V of the Planning and Development Act 2000 is indicated at minimum levels of social housing provision (either 10% or 20%), and Nenagh Town & Environs Plan and Tipperary County Development Plan do not specify an upper limit in social housing provision. Housing For All Action Plan places an emphasis on the phasing out by Local Authorities of long term leasing of private accommodation to new build by Local Authorities.

### Tenure Mixing and Tenure Blind Housing

- Does not consider this is a material planning consideration on land zoned for residential development, however, consider given the number of dwellings surrounding the site, tenure blindness is considered achievable.

### Negative equity

- Not a material consideration within the planning process. There is no evidence that social housing in a residential estate negatively impacts house prices.

#### Traffic Management Plan

- In accordance with Condition 10 of the planning permission a Construction and Environmental Management Plan (CEMP) shall be prepared detailing the construction of the traffic through the estate prior to commencement of the development.

#### Building Regulations

- There were no issues raised by statutory consultees regarding the electrical capacity of the site for EV points.
- Solar panels can be placed on houses without planning permission. A Glint & Glare assessment is considered excessive.
- Heat pumps emit minimal environmental noise and the proposed development would comply with noise standards set out in the Tipperary County Council Noise Action Plan 2018-2023.
- Development intends to adhere to all relevant building control standards.

### 6.3. Planning Authority Response

None

### 6.4. Observations

None

## 7.0 Assessment

- 7.1. I have read the entire contents of the file, visited the subject site and its surroundings, have had particular regard to the issues raised in the grounds of appeal, noted the planning authority's request for additional information and the applicant's response to same. Having regard to the site being on zoned residential

lands, I consider the principle of the proposed development to be acceptable and, as such, I consider the main issues in this appeal to be as follows:

- Density,
- Open Space provision,
- Residential amenity for existing and future occupiers,
- Housing Tenure & Mix,
- Construction Traffic,
- Other issues, and
- Appropriate Assessment.

## **7.2. Density**

- 7.2.1. The appellant contends that the density has increased from the original permission in 2005 from 20 units per hectare on the 6.2 hectare site to 47 units per hectare, based on 18 units on a site area of 0.38 hectares. I do not agree that the subject site can be considered in isolation to the overall housing estate density as it was established by the parent permission to be developed as part of the overall estate. Past Board and Planning Authority decisions in this estate have established Springfort Meadows as being on the urban fringe of the town where a density of 20-25 units per hectare is considered as a guide for such sites as outlined in Table 9.1 of the Nenagh Town & Environs Plan. Past Board and Planning Authority decisions in this estate have established Springfort Meadows as being on the urban fringe of the town where a density of 20-25 units per hectare is considered as a guide for such sites as outlined in Table 9.1 of the Nenagh Town & Environs Plan.
- 7.2.2. Although the planning history is extensive, the original parent permission on the site granted by An Bord Pleanála (Ref: PL 74.131281) was for 129 units with a density of 21 units per hectare. More recent planning permissions on the overall site, albeit on a piecemeal basis have not exceeded 124 units for the overall estate. The current development would result in a total of 138 units within the estate, with a density of 22.2 units per hectare.
- 7.2.3. The policy within the Nenagh Town & Environs Plan and current Government policy seeks to make efficient use of zoned residential lands and promote compact growth

and reduce urban sprawl. I consider an Allowing for 18 units on the subject site the overall density of 22.2 units per hectare to be a reasonable density given the urban fringe location of the subject site.

### **7.3. Open Space Provision**

- 7.3.1. The appellant refers to the open space area within the overall estate equates to c.12%, and this is not disputed by the applicants. The development as originally permitted never met the 15% open space requirement. However, the current proposal would increase the overall number of units by 9 from that of the parent permission and I note the creche was never implemented in accordance with the parent permission.
- 7.3.2. I observed on the day of the site inspection the area which was to be used for a creche is now in use as a landscaped open space area, and that this area is zoned as 'Existing Residential' within the current Development Draft LAP. However, I note that this creche area is currently zoned 'existing residential' in the current Plan. The Inspector's report in Ref: ABP-303620-19 notes that Tipperary Childcare Committee stated there was adequate childcare facilities in the vicinity of Limerick Road at the time this decision was made.
- 7.3.3. I note the applicants have indicated by way of the blue line, that the former creche site is within their ownership. This area of land equates to c800m<sup>2</sup>, and is currently landscaped as open space, but has not been included within the Third or First Parties open space allocation within the estate. This creche area is zoned as 'Amenity Space' in the Draft Nenagh LAP. Nevertheless, the creche site as currently zoned could be developed for housing. I would recommend, as the creche area is in the applicant's ownership, that this area is allocated for open space to provide a balance between the protection of the existing residential occupiers and for the proposed development.
- 7.3.4. I would conclude, therefore, allowing for this development to be considered within the context of the overall housing estate, the current proposal would increase the demand for open space bearing in mind the original permission was deficient in open space and the creche facility has not been provided. I acknowledge Section 9.3 of the Plan permits open space to be considered on a site-specific basis. However, I consider there is a need to provide more community provision by way of open space

within the overall housing estate to accommodate the increase in units, which, given their size, could all accommodate families. The Board are advised in the event that they agree to condition the former crèche area which is currently zoned 'existing residential' for public open space, that this would not materially contravene the current Nenagh Plan 2013-2019 as 'community facilities' are 'open for consideration' within 'existing residential' zoning in Table 10.1 of the zoning matrix.

#### **7.4. Residential amenity for existing and future occupiers**

- 7.4.1. Section 9.3 of the Plan outlines the guidelines for infill development. It states site density, coverage, open space, design and scale, bin storage and car parking 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 units, in a development where there are already similar terraced units including opposite the site (i.e. Nos. 75-78 & 69-72), and within the development, would not integrate into an established residential area.
- 7.4.2. The private space for the proposed units meets the criteria outlined in Table 9.2 of the Plan for each unit. I note the end House No.18 Type 3 (4 bedroom) would have a bedroom and bathroom window at first floor level. These windows would not have a 22m separation between the rear wall of No.111 Springfort Meadows and the proposed dwelling. I would recommend this unit is removed from the development and the area provided as open space to accommodate the increase in the number of housing units from the parent permission and provide landscaping in this area. The remaining first floor elevations would be set back a minimum of 22m from the properties to the north, except for House No.1. However, this dwelling faces the flank wall of No.123 Springfort Meadows which does not have principal windows.

#### **7.5. Housing Tenure and Mix**

- 7.5.1. The appeal lands are zoned, have an area greater than 0.1 ha and consist of 4 or more houses, therefore Section 96 of the Planning and Development Act 2000 as amended, is applicable, regarding the provision of social and affordable housing for this development. The Board are advised that Part V of the Planning and Development Act 2000, as amended, is an agreement between the developer and

the Planning Authority, unless there is a matter of dispute in which it can be referred to An Bord Pleanála.

- 7.5.2. The appellant has expressed concern that the appeal development would increase the proportion of social and affordable housing within the estate to 33.6% of all units. This percentage has been calculated based on the expectation all the units in the current proposal will be purchased by the Local Authority as turnkey properties.
- 7.5.3. The Local Authority Housing Section, by way of Part V required 4 units (22%) of the proposed development to be transferred to the Council for social and affordable housing purposes. The subject site was, therefore, considered as a standalone site rather than a percentage of the whole estate. Nevertheless, allowing for 4 units in the current development being allocated for affordable or social housing, the total number of units based on the appellants figures, would equate to 31 units (22%) of the whole housing estate providing for Part V housing.
- 7.5.4. The appellants contend that Part V of the Planning and Development Act 2000 as amended specifies a minimum level of 10% or 20% of land to be transferred to the Planning Authority for social or affordable housing as described in S.94(4)(a) of the Planning Act. The applicants assert the appellant has included the 33.6% based on Rental Accommodation Scheme (RAS) and Housing Assistance Payment (HAP) recipients which is distinct from Part V provision. I would concur with the applicants in that there are no maximum levels set within the current Planning Act for social and affordable housing for a development on zoned lands. I note the Housing Strategy which informed the Tipperary County Development Plan states that a full year average of 21.2% of new household formation in the County will experience affordability challenges in attempting to provide for their own housing needs, based on social or affordable needs.
- 7.5.5. The applicant refers to a report entitled 'Social Housing in Mixed Tenure Communities' commissioned by the Housing Agency and the Irish Council for Social Housing (ICSH) in 2022, which advocates a 'pepper pot' and 'tenure blind' approach to social housing. It is submitted that the proposed development would result in the clustering of social housing within the estate and the design of the development is not reflective of the privately owned properties. I note the aforementioned report concludes; " An important key finding is that both clustered and dispersed social



housing has worked well, despite the consensus in favour of the dispersal of social housing. 'Tenure blind' design of mixed housing was considered more important.... for the integration of residents of different tenures than the location of the social rented dwellings.' I would agree the design of the development should be reflective of the overall design of the existing units.

- 7.5.6. The applicants in their design statement have specified the houses will be clad in white render as they do not consider they could match the brick facing of the established houses within the estate. Whilst I consider the form, scale, height and general layout of the houses is similar to other terrace blocks within the estate, a more varied palette for the houses would add to the proposed development and provide a more distinct character to the terrace blocks, e.g a mixture of brick and render as permitted in Plots A, B or C in Ref: ABP 310265-21. It is therefore recommended in the event of planning permission being granted a condition is attached for the external materials to be agreed by the Planning Authority which would include an element of brick.
- 7.5.7. The Applicant has not objected to the numbers specified by the Housing Section for Part V. I would accept that the Housing Sections proposals are in line with the Housing Strategy outlined in the County Development Plan, and consistent with legislative provisions for sites as outlined in section 96 of the Planning and Development Act of 2000 (as amended). I do not consider the development would result in an over concentration of social and affordable houses in the overall estate, allowing for the turnkey development in Plots A, B and C, and the proposed four units allocated for the subject site, as it would provide a dispersal of units throughout the estate. Accordingly, I have no objections in this regard.

**7.6. Construction traffic within the estate**

- 7.6.1. Condition 3 of the Planning Authority's decision required material from the site not to be spread or deposited on the public roadway and Condition 10 required a detailed Construction and Environmental Management Plan (CEMP) to be submitted and agreed by the Planning Authority prior to commencement of the development. The CEMP is required to have a detailed construction programme to noise, dust and surface water management and included the appointment of a site liaison officer. I recommend, if the Board are minded to grant planning permission, that these

conditions are attached to manage construction traffic for the development and to protect residential amenity.

#### **7.7. Other issues raised**

- 7.7.1. The appellant has raised issues regarding negative equity as a result of the development, particularly due to an over provision of social housing and the design of the development not being reflective of the estate. Issues regarding negative equity and the market value of a property are not a planning matter. As outlined in 7.5.6 above, a variety in the palette of finishes for the terrace blocks would support 'tenure blind' design.
- 7.7.2. The planning application does not specify whether the units would be nZEB compliant and the applicants have not addressed this aspect in their response to the grounds of appeal. However, compliance with nZEB would fall within the Building Control Regulations. The matter regarding the possible surge in electricity as a result of the charging of EV from the proposed development would be dependent on the electricity provider. In this regard, I am cognisant of the guidance set out in the Development Management Guidelines, 2007 in relation to matters that are the subject of more specific controls under other legislation. The guidelines state that it is not appropriate to deal with such matters as part of the development management process (Section 7.8 refers).
- 7.8. The use of solar panels and heat pumps for domestic properties in most instances would be exempt development, and if not would be subject to further planning applications.
- 7.9. **Appropriate Assessment:**
  - 7.9.1. 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 either individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

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

## 9.0 Reasons and Considerations

Having regard to the zoning of the site for residential development within the Nenagh Town & Environs Development Plan 2013-2019 and the infill nature of the proposed development, 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.

## 10.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars lodged with the application, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Prior to commencement of the development revised plans shall be submitted to and agreed in writing by the Planning Authority on the following:</p> <p>(i) Omission of House No.18 from the development and this plot landscaped as open space.</p> <p>(ii) The area outlined in blue as the former creche site shall be provided for open space.</p>

	<b>Reason:</b> In the interest of residential amenity and sustainable development.
3.	<p>Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed houses, shall be submitted to the planning authority for written agreement. The use of a varied render and brick shall be incorporated into the palette of materials.</p> <p><b>Reason:</b> In the interest of orderly development and the visual amenities of the area.</p>
4.	<p>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.</p> <p><b>Reason:</b> In the interest of public health, traffic safety and to protect the interests of other parties.</p>
5.	<p>(a) Prior to the commencement of 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 housing unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all residential 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.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated, to the satisfaction of the planning authority, that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory</p>

	<p>documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p><b>Reason:</b> 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 in accordance with the 'Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities', May 2021.</p>
6.	<p>(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.</p> <p>(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.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity and in the interest of public safety.</p>
7.	<p>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</p>

	<p>interference with the roadside drainage shall be made good without delay at the developers expense, to the satisfaction of the Local Authority.</p> <p><b>Reason:</b> To prevent a traffic hazard or nuisance form such material</p>
8.	<p>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.</p> <p><b>Reason:</b> In the interest of orderly development and the visual amenities of the area.</p>
9.	<p>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.</p> <p><b>Reason:</b> 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.</p>
10.	<p>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 of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority</p>

	<p>and the developer or, in default of agreement, shall be referred to the Board for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion of the development.</p>
11.	<p>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.</p> <p><b>Reason:</b> 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.</p>

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.

---

Catherine Dillon  
Planning Inspector

20<sup>th</sup> October 2023