



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320646-24

<b>Development</b>	Demolition of derelict buildings and construction of 3 no. houses with all associated site works.
<b>Location</b>	No. 7 and 8 McDonagh Street, Nenagh, Co. Tipperary.
<b>Planning Authority</b>	Tipperary County Council
<b>Planning Authority Reg. Ref.</b>	2460300
<b>Applicant(s)</b>	Margaret & Andrew Fogarty
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Anna Brisbane
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	11 <sup>th</sup> of March 2025.
<b>Inspector</b>	Caryn Coogan

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## 1.0 Site Location and Description

- 1.1. The site is located at the junction of two streets in Nenagh town centre. It is located at the junction of Thomas McDonagh Street and Rossa Place. Rossa Place is conveniently located on the Dublin road close to the centre of Nenagh town and within easy walking distance of all the town's amenities.
- 1.2. The premises/ subject site was a former public house and restaurant on the ground floor, fronting onto both streets. The existing first floor was formerly residential accommodation.
- 1.3. The site area is stated to be 0.026ha. The gross floor area of the buildings on the site is **304sq.m.**
- 1.4. Thomas McDonagh Street is one of the main spinal streets of Nenagh town centre. The street forms the R445, Dublin Road. Thomas McDonagh Street is the northern boundary of the site. It addresses three storey buildings on the opposite side of the street. The shopfront on the groundfloor is a traditional Irish public house shopfront. The two storey element wraps around the streets onto Rossa Place.
- 1.5. Rossa Place is a short narrow cul-de-sac. It has double yellow lines on both sides of the street with a small element of on street parking. The subject site reduces down to a single storey with a yard access at the southern extremity, adjoining 1 Rossa Place (third party appellant's property). The streetscape continues with two storey residential townhouses on both sides of the streets. The houses are similar to two storey cottages with narrow frontages and low ridge heights, creating a general appearance of Rossa Place as pleasant and quaint. I noted there was no turning area at the end of the street cul-de-sac. The street is narrow and parking is very limited.
- 1.6. The subject located in site is located within a designated Architectural Conservation Area and a Zone of Archaeological Potential. (Map included in Appendix from the Nenagh LAP 2024-2030)
- 1.7. Photographs of the site taken during my site inspection area appended to this report.

## **2.0 Proposed Development**

- 2.1. Planning permission to demolish existing derelict buildings and the construction of 3No. two storey terraced dwellings with associated works to rear gardens and connections to public infrastructure.
- 2.2. The gross floor area of the buildings on the site is 304sq.m. which is to be demolished and replaced by 260sq.m. in 3No. housing units.
- 2.3. Following a request for a number of technical issues in the Further Information, the applicant responded on 9<sup>th</sup> of July 2023, with details regarding bin storage (Drawing No. 5a), main sewer connection and discrepancies in a number of drawings amended.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On the 31<sup>st</sup> of July 2024, Tipperary Co. Co made a decision to grant planning permission for the proposed development subject to 11No. conditions.

1. The permission granted is to be in accordance with the plans and particulars submitted on 23/04/24 and the further information received on the 09/07/2024.
2. Complete details of the materials, colours and textures of all external finishes to the development, including materials and finishes to the courtyard, external circulation and communal areas, the location and material finish of all rainwater collection goods and the wire mesh on the green wall, shall be submitted for the written agreement of the Planning Authority prior to commencement of development. This shall include samples of the proposed external finishes or a manufacturer's catalogue indicating same. External finishes shall be of a high quality and shall be durable.
3. Surface water run-off
4. Water and waste-water connection agreements with Uisce Eireann
5. Demolition works

6. The developer shall during foundation construction take due care, in regard to any existing public services or other services and shall if encountered cease all works and inform the County Council or service provider so that an agreed provision for re-routing or protection of same can be made.
7. a) Prior to commencement of development, the developer is required to carry out a bat survey to determine if bats are present in the structure, this survey is to be undertaken by a suitably qualified bat specialist and the results of same shall be submitted to the Planning Authority and the Department of Housing, Heritage and Local Government. If any bat species are found to be roosting at the site, a derogation license must be obtained from the Wildlife Licensing Unit of the National Parks and Wildlife Service of the Department of Housing, Heritage and Local Government, prior to commencement of development.  
  
b) The development shall incorporate, where practicable, measures in accordance with 'Saving Swifts', a publication produced by Bird Watch Ireland and The Heritage Council.
8. Section 47 of the Planning and Development Act 2000, as amended, that restricts all 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.
9. Resource and Waste Management Plan (RWMP) as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021).
10. Archaeological condition
11. Development Contribution.

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

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

##### Report No. 1

- The proposal will not impact negatively on the ACA.
- Design and finishes are acceptable.

- Revised bin storage proposals are required.
- The Sustainable Residential Development and Compact Settlements Guidelines do however state that for building refurbishment schemes on sites of any size or urban infill schemes on smaller sites (e.g. sites of up to 0.25ha) the private open space standard maybe relaxed in part or whole, on a case-by-case basis, subject to overall design quality and proximity to public open space. A relaxation of the standards is appropriate in this instance.
- Considering the town centre location of the site, scale of existing built form, and available southern and western aspect to the adjoining property, I'm of the opinion that the proposed development will, in terms of shadowing, have a neutral impact on the amenity of the adjoining property compared to the existing development.
- Considering the poor condition of the Rossa Place wastewater infrastructure, we are proposing that the wastewater generated from this proposed development be discharged into the waste water pipeline which runs along McDonagh Street in the east bound lane. The proposed discharge point and connection details have been included in Appendix 02 of this document for your information. Discrepancies between the drawing prepared by DEC Engineering & Commercial Ltd. and the site layout plan prepared by McHugh Glynn & Associates, with the latter showing a different arrangement for sewer connection. Further information can be requested in this regard.
- Class 2 Development Contribution levies.
- Further Information recommended.
- AA and EIAR screening

The second Planning Report reviewed the further information received on the 09/07/2024, which included minimal alterations to the overall scheme, and recommended a grant of permission.

### 3.3. Prescribed Bodies

#### 3.3.1 *Development Applications Unit of the Department of Housing, Local Government and Heritage*

The proposed development includes the demolition of existing buildings, potential bat roosting sites. It is therefore requested the applicant provide a detailed assessment of the use of the structures by bats. This study should be undertaken by a suitably qualified ecologist and in accordance with best practice. The mitigation measures outlined in the study should be incorporated into any subsequent grant of permission, if forthcoming. Irrespective, the following is considered a necessary condition to any grant of permission.

- If bats are encountered on the subject site, all works shall immediately cease and National Parks and Wildlife Service of the Department of Housing, Heritage and Local Government shall be notified. Any mitigation measures recommended by the Department shall be implemented by the Developer.

Other considerations

- Swift populations are in decline but measures to counteract this trend can be incorporated into new builds including swift nest boxes. It is therefore recommended the developer incorporate such measures in accordance with 'Saving Swifts', a publication produced by Bird Watch Ireland and The Heritage Council.

### 3.4. Third Party Observations

- Description of the proposed development is incorrect
- The site has been flooded
- No pre-consultation regarding 3No. houses, it was for a different development.
- Sewer connections indicated incorrectly
- Inappropriate design
- Parking issues

## 4.0 Planning History

### 4.1 ***Planning Reference 2360325***

Application lodged on 17/05/2023 by Margaret Fogarty & Andrew Fogarty for demolition of existing derelict buildings and construction of existing 3 No. 2 storey terraced dwellings houses associated works to the rear gardens with connections to the public water supply and sewer along with all associated site works.

FI was requested on 03/07/2023. FI was submitted on 17/11/2023. The application was subsequently withdrawn on 11/012/2023.

## 5.0 Policy Context

### 5.1. Development Plan

#### 5.1.1 ***Nenagh & Environs Local Area Plan 2024-2030***

The site is zoned as **URBAN CORE** in the Nenagh LAP.

The development objective of Urban Core is to:

*Provide for the development and enhancement of urban core uses including retail, residential, commercial, civic and other uses*

The zoning description is to:

*Consolidate the existing fabric of the core/central areas of settlements by densification of appropriate commercial and residential developments ensuring a mix of commercial, recreational, civic, cultural, leisure, residential uses and urban streets, while delivering a quality urban environment. The zoning emphasises compact growth objectives and priority for public transport, pedestrians and cyclists*

Other relevant policies from the LAP include:

**Policy 2.1:** Require the retrofitting of existing structures on brownfield sites, unless it is demonstrated that retrofitting is unfeasible, or redevelopment of the site would



provide positive carbon impact through the re-design, construction and use stages of a new building, compared with retrofitting

**Policy 2.2:** Support new development that will enable sustainable housing growth, employment, community development and prosperity for Nenagh as a Key Town in line with the Strategic Objectives of the TCDP.

**Policy 2.4:** Support compact residential growth in Nenagh through the sustainable intensification and consolidation of the town centre and established residential areas to meet identified housing targets and requirements in line with the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (DEHLG, 2009) and any review thereof.

**Policy 3.1** Support compact growth through:

- (a) the collaborative redevelopment and reuse of vacant and underused sites and areas in the 'Urban Core' and 'Compact Growth' area,
- (b) the development of sites identified through the URDF and RRDF; and
- (c) the redevelopment of Town Centre 'Regeneration Sites', 'Consolidation Sites' and areas zoned for 'Regeneration'.

According to the Nenagh LAP Mapping, the subject site is located within an Architectural Conservation Area. Relevant policies include:

#### **7.2.4 Respecting Views/Streetscapes/ Landscapes as part of new development**

The consolidation and revitalisation of the compact growth area is a key focus of this LAP. However, new development should have consideration to how it can integrate with the built fabric of the town. The following views and streetscapes are particularly important and should be given due consideration as part of the design process for new development:

- 1) Views into and out of the ACAs.

**Policy 7.5** Require new development proposals to have regard to the architectural

character and special value of the Nenagh ACA, in accordance with the Architectural Heritage Protection, Guidelines for Planning Authorities (DEHLG, 2011).

**Policy 7.6** Require that the views and streetscapes as listed in Section 7.2.4 shall be given due consideration as part of the design process for new development to the satisfaction of the Council. A Heritage Impact Assessment (HIA) or Landscape Value and Impact Assessment (LVIA) may be required to demonstrate development proposals accord with this policy.

#### 5.1.2 ***Tipperary County Development Plan 2022-2028***

##### **Policy 4-1**

(c) New development in towns and villages shall be proportionate to the scale and capacity of the receiving settlement in terms of size, use-type and design.

##### **Policy 5 – 5**

Support and facilitate the delivery of new residential development in towns and villages and where the applicant has demonstrated compliance with the following:

a) New residential development shall meet the relevant Development Management Standards as set out in Volume 3.

b) New residential developments of 10 or more units shall be accompanied by a 'Sustainability Statement', and a 'Statement of Housing Mix'.

c) New development shall be of an appropriate density and quality in accordance with the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, (DHLGH, 2009), and any amendment thereof, and shall demonstrate that all opportunities for connectivity and linkages have been explored and incorporated in accordance with the 10-Minute Town concept and supporting active travel options.

d) 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.

##### ***Development Management Standards:***

##### **4.6 Private Open Space**

All housing units shall have an area of private open space behind the front building line in line with the minimum size requirements:

- 48 sqm for 1-2 bedroom houses
- 60 sqm for 3-5 bedroom houses
- 75sqm for 5 plus bedroom houses

Private gardens shall be top-soiled, graded and seeded prior to occupation of the dwelling.

#### 6.5.1 Car Parking

Dwellings (up to 2 bedrooms) 1 space per dwelling

Bars/Restaurant 0.5 per staff member plus 1 per 15sq.m public area

#### **5.1.3 National Policy and Guidelines:**

- *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024*

These Guidelines replace the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities issued as Ministerial guidelines under Section 28 of the Act in 2009, which in turn replaced the Residential Density Guidelines issued in 1999. In accordance with the provisions of Section 34 of the Act when making a decision in relation to an application that includes a residential element or other elements covered by these guidelines, the planning authority is required to have regard to the policies and objectives of the Guidelines and to apply the specific planning policy requirements (SPPRs).

- *Project Ireland 2040*
- *Southern Region and Spatial / Economic Strategy*
- *Climate Action and Low-Carbon Economy*
- *Urban Design Manual – A best practice Guide 2009*
- *Architectural Heritage Protection, Guidelines for Planning Authorities (DEHLG, 2011)*

## 5.2. Natural Heritage Designations

None relevant.

## 5.3. EIA Screening

Mandatory EIA is required under Class 10 (b) (i) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended for construction of more than 500 dwelling units. The proposal is for 3 dwellings and is significantly below the mandatory threshold. I have undertaken a preliminary examination of the development that concludes that EIA is not required (See attached).

It is noted Schedule 5, Part 2 of the Planning and Development Regulations, 2001 includes the project type:

10. Infrastructure projects

(b)

(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The appellant who resides at 1 Rossa Place has submitted the following concerns:

#### 6.1.1 ***Facts stated in the Planning application are incorrect.***

There has never been 3No. dwellings units on the subject site. There has only been a total of 2No. dwellings at 7 and 8 McDonagh Street. The public notices are misleading.

#### 6.1.2 ***Sewerage and flood from planning application site.***

Currently the sewerage pipeline application site travels under the appellant's home at No. 1 Rossa Place. Sewage has backed up and flooded her home twice in the past ten years. There are no details on file, what will happen to the existing sewerage

connections following completion of the development. Will there will be no future blockages and backing up associated with her property.

### 6.1.3 ***Proposed Design is not appropriate.***

The proposed development can be described as a large house with three doors. Now there will be six more doors opening outwards onto Rossa Place for bin storage, with a total of 8No. doors opening onto to Rossa Place.

The overall deisgn of the proposal is not in keeping with the neighbouring properties or the needs of people living in close proximity. The design is at odds with the Council's attempt to improve the image of McDonagh Street as visitors approach Nenagh Town Centre from the Dublin Road. The proposed development will be a permanent eyesore on approach to the centre of the town.

#### (a) Roofline and Scale on Rossa Place:

The proposed rooflines does not match the rest of the roof lines along Rossa Place and does not it the style and vernacular of the street. The houses along Rossa Place are small, low and individually quaint. The houses were built for people working in the mill over a century ago. There has been no attempt to match the vernacular of the street, in particular the roof line. The development does not look like three separate homes, rather one big mass with the same render, multiple doors and windows.

The proposed roofline on Rossa Place is higher than the chimney on her home at 1 Rossa Place. Smoke from her home will not be able to get away due to the height of the roof and will come back down her chimney making her home uninhabitable.

#### (b) The Gable end on the Eastern side of the proposed development and the front of property on McDonagh Street.

The proposed gable end design and multiple windows and doors, substantially detracts from the overall deisgn and will be a blight for decades. The main approach to the town should be aesthetically pleasing with attention to detail.

#### (c) No separate access to backyard/ bin storage

The proposed design has a total of 8No. doors onto Rossa Place with six of the doors opening out onto the footpath. There are 7No. quaint homes along Rossa

Place. The street consists of one narrow footpath, vehicle parking and roadway all parallel to each other. Cars have to reverse onto Rossa Place. The proposed number of floor openings is an unacceptable risk to pedestrians, and wheelchair users. The street and the footpath are too narrow.

#### **6.1.4 Heating System**

There is no mention of how the proposed units will be heated. They should not be electrically heated as this is the most expensive form of heating. The homes may be occupied by people on social benefits and the taxpayer will have to cover the heating costs. Eco friendly heating systems should form part of the planning conditions.

#### **6.1.5 Parking Issues**

The planning application form states there will be 16No. parking spaces provided. It is unclear where these 16No. spaces will be. There is insufficient parking in the area. There is illegal parking on double yellow lines, disabled spaces, and blocking the access to Rossa Place. The area beside 1 Rossa Place could be used for parking.

### **6.2. Applicant Response**

- The site is a public house in a poor state of repair. They were going to renovate the building as a commercial premises, but there is no parking for such properties in Nenagh town centre.
- The site is sloping and cannot comply with the Building Regulations to convert the existing building envelope into apartments.
- The only viable option is to demolish the building and construct 3No. houses. Open space can be accommodated to the rear of the houses.
- The sites are confined and proper access to bins could not be accommodated, and it was decided to construct internal bins storage areas with vented doors.

### **6.3. Planning Authority Response**

There was no further response received.

## 7.0 Assessment

7.1. Having considered the planning application, appeal file and inspected the site, I will assess the appeal under the following headings:

- Planning Policies
- Design and Layout
- Other Matters
- Appropriate Assessment.

### 7.2 Planning Policies

7.2.1 Nenagh is identified in the ***Tipperary County Development Plan 2022-2028*** as a Key Town. The Core Strategy of the Plan, seeks to deliver 66% of new population and housing provision to the urban centres. The Key Towns of Clonmel, Nenagh and Thurles are each targeted to grow their populations by 30% by 2031 with a focus on compact growth and appropriate density. Noting the importance of compact development, the Core Strategy requires at least 30% of all new homes that are targeted in settlements, to be located within the existing built-up footprint of the settlements in an effort to make settlements more compact and reduce unsustainable urban sprawl and ribbon development. The Core Strategy also seeks to strengthen the core of settlements and encourage their compact growth by way of the development of infill sites, brownfield lands, underutilised land / buildings, vacant sites, and derelict sites within the existing built-up footprint of the settlements as further described in Chapter 7 Town Centres. The National Planning Framework has presented a strategy for all our urban centres to be developed in accordance with the principles of 'compact growth', through focusing on a 'Town-Centre First' approach, repurposing vacant properties, and redeveloping brownfield and infill sites. The principle of the proposed development, i.e. demolishing an existing vacant and dilapidated building in the town centre of Nenagh and the construction of three new dwellings houses, complies with national, regional and local planning policies. The principle of the proposed development is strongly encouraged under the Ministerial Guidelines published in January 2024, *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities*.

7.2.2 In terms of the ***Nenagh and Environs Local Area Plan 2024-2030*** the subject site is zoned Urban Core. According to the Land-Use Objectives, this zoning is to provide for the development and enhancement of urban core uses including retail, residential, commercial, civic and other uses. The proposed development is in line with the zoning objectives for the site.

### 7.3 Design and Layout

7.3.1 The buildings on the subject site will be demolished and replaced by a single building block containing 3No. terraced two storey dwelling units. The third-party appeal cites a number of concerns with the overall design of the proposed development which I will now consider in greater detail. I refer to the amended design submitted as Further Information on 9th of July 2024. The amended design included a small variation in terms of the proposed refuse storage area. The remainder of the overall design was unaltered from the original proposals received on the 24<sup>th</sup> of April 2024.

7.3.2 The existing building on the subject site is in poor structural condition and in disrepair. It is to be demolished in its entirety under the proposal. The streetscape qualities of the existing building should be noted. The existing elevations onto Thomas McDonagh Street and Rossa Place, are proportionate, vernacular and traditional in design and finish. It is a policy of the ***Nenagh Local Area Plan 2024-2030*** (Policy 3.7) to *Require traditional shopfronts to be retained or refurbished, in accordance with the requirements of Policy 13-2 of the TCDP and Chapter 12 of the Architectural Heritage Protection – Guidelines for Planning Authorities (2011)*. This policy was not referenced in the Planning Report on file. The former use of the premises as a public house became unviable. The applicants have stated in the submission documents that they had sought commercial occupancy of the existing building, but there was no demand. Therefore given the housing crisis nationally, it was considered appropriate to propose residential units on the entire site area. Therefore, although this policy relating to shopfronts is not been complied with, I would accept the reasoning for removal of the traditional shopfront.

7.3.3 The proposed development consists of 3No. two bedroom/ two storey residential units. There is an open plan living area on the ground floor of each unit, with access to a small rear private yard/ garden area. On the first floor level, there are two bedrooms in each unit with a main bathroom.



- 7.3.4 In terms of the proposed building envelop and profile, it is my opinion, the proposed building height and roof profiles blend in with the contiguous roof profiles and roof finishes (fibre cement slates). The design has taken into consideration the roof profile and heights of the contiguous buildings. Given the orientation and proposed heights, I do not foresee a reduction in the existing residential amenities in terms of overshadowing or overlooking within the immediate vicinity.
- 7.3.5 The fenestration, doors and rendered blockwork finish on both street elevations are a disappointing design response to the overall receiving environment which is within a designated Architectural Conservation Area (see Nenagh Local Area Plan 2024-2030 Built Heritage Map). The overall lack of architectural design and features on both elevations, in my opinion, will not enhance the identity of the neighbourhood or make a positive contribution to the architectural character of the area. The existing building on the site to be demolished, has vernacular proportions, features and a shopfront. The existing building, albeit in disrepair, contributes positively to streetscape qualities of both streets it addresses. The proposed elevations onto Thomas MacDonagh Street and Rossa Place leave a lot to be desired. The northern elevation is bland, and the eastern elevation is totally uncoordinated with 8No. doors on the street level along a short building length and a gable fronted feature at the junction of Rossa Place and Thomas McDonagh Street. The Rossa Place elevation was later revised to have 5No. doors on the eastern elevation by way of further information, however this revision did little to improve the overall appearance of the proposed development.
- 7.3.6 The third-party appellant raised design issues on appeal and during the assessment of the planning application. In response, the planning authority was not satisfied with the bin storage proposals in terms of the design at street level within a designated Architectural Conservation Area of Nenagh. The revised proposals submitted on the 9<sup>th</sup> of July 2024 illustrate a communal bin storage area for Units 2 and 3, and the refuse storage for Unit 1 remained unchanged from the original proposals. Of note, Bedroom No. 2 in Unit 2 is small in size and irregular in shape, is positioned directly above the communal refuse storage area. The refuse storage areas are enclosed with ventilation via louvres on the single door. I would be concerned about the residential amenities associated with Unit No. 2 given its design and relationship with the refused storage area. I am also concerned with the overall elevational design of

the development in terms of the Architectural Conservation Area. The planning authority raised only the design of the doors to the refuse storage areas as a concern.

7.3.7 I refer to Chapter 7 of the Nenagh Local Area Plan 2024-2030. In particular section 7.2.4 Respecting views/ streetscape/ landscapes as part of new development. In addition to Policies 7.5 and 7.6 which state:

**Policy 7.5**, to '*Require new development proposals to have regard to the architectural character and special value of the Nenagh ACA, in accordance with the Architectural Heritage Protection, Guidelines for Planning Authorities (DEHLG, 2011)*'

**Policy 7.6**, *Require that the views and streetscapes as listed in Section 7.2.4 shall be given due consideration as part of the design process for new development to the satisfaction of the Council. A Heritage Impact Assessment (HIA) or Landscape Value and Impact Assessment (LVIA) may be required to demonstrate development proposals accord with this policy*

7.3.6 In my opinion, I consider the overall design of the proposed development has failed to adhere to the requirements of Policies 7.5 and 7.6 of Nenagh Local Area Plan 2024-2030. I refer to the *Architectural Heritage Protection, Guidelines for Planning Authorities (DEHLG, 2011)* as prescribed under Policy 7.6 of the LAP in particular Section 3.10 of the publication. In my opinion, the proposal does not comply section 3.10 because the applicant has not made a strong case for the demolition of the structure which currently adds more to the ACA than the proposed development would.

7.3.7 On a positive note, the proposal is providing new residential accommodation to Nenagh town centre which complies with more current Ministerial Guidelines, and the National Planning Framework. Each of the dwelling units are dual aspect and have a private rear garden/ yard area. Although the private open space areas are below the recommended thresholds, I consider the quantity of private open space allocated to each unit to be acceptable and in compliance with the Ministerial Guidelines *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024*. Therefore, on balance, I recommend granting permission for the proposed development subject to a condition to require revised architectural detailing and features on the front façade of the overall building to break up its

massing and reconfigure the elevations into three separate units. I consider it prudent that the refuse storage area associated with Units 2 & 3 be revisited or Bedroom No. 2 in Unit 2 be revised to a store room only.

#### **7.4 Other Matters**

##### **7.4.1 *Development Applications Unit of the Department of Housing, Local Government and Heritage***, made a submission on the planning application stating the following:

The proposed development includes the demolition of existing buildings, potential bat roosting sites. It is therefore requested the applicant provide a detailed assessment of the use of the structures by bats. This study should be undertaken by a suitably qualified ecologist and in accordance with best practice. The mitigation measures outlined in the study should be incorporated into any subsequent grant of permission, if forthcoming. Irrespective, the following is considered a necessary condition to any grant of permission.

If bats are encountered on the subject site, all works shall immediately cease and National Parks and Wildlife Service of the Department of Housing, Heritage and Local Government shall be notified. Any mitigation measures recommended by the Department shall be implemented by the Developer.

##### **Other considerations**

Swift populations are in decline but measures to counteract this trend can be incorporated into new builds including swift nest boxes. It is therefore recommended the developer incorporate such measures in accordance with 'Saving Swifts', a publication produced by Bird Watch Ireland and The Heritage Council.

##### **7.4.2** The proposed development will connect to the public sewer on McDonagh Street in the east bound lane, and not the sewer lined referred to in the third-party appeal. The existing and proposed sewerage connection are the subject to agreement with Uisce Eireann.

##### **7.4.3** There is a carparking requirement of 3No. parking spaces (as per development plan standards of one space per dwelling unit). The parking demand associated with the proposed use is significantly less than the demand generated by the use of the premises as a public house.

7.4.4 The proposal is exempt from Part V obligations and there is a certificate to that effect submitted with the planning application.

7.4.5 Development Contributions will be levied in accordance with Class 2 of the Tipperary County Council Development Contribution Scheme 2020

## **8.0 AA Screening**

8.1. Having regard to the proposed development, the site location within a built-up area outside of any protected site and the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European Site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

## **9.0 Recommendation**

I recommend the planning authority's decision to grant planning permission for the proposed development be upheld.

## **10.0 Reasons and Considerations**

Having regard to the provisions of the Tipperary County Development Plan 2022-2028 and the Nenagh Local Area Plan 2024-2030, and the location of the proposed development within an urban area, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **11.0 Conditions**

1. The development shall be carried out in accordance with the plans and particulars submitted with the planning application, and the additional documents received by way of further information on the 9<sup>th</sup> of July 2024, except as may be otherwise required by the following conditions.

**Reason:** To clarify the plans and particulars for which permission is granted.

2. Prior to the commencement of the development the applicant shall submit to an agree in writing changes to the elevational treatment of proposed development which shall take into consideration Policies 7.5 and 7.6 of the Nenagh Local Area Plan 2024-2030 in respect of developments within the designated Architectural Conservation Area. The following shall be included in the revised design:
  - (i) Design features to reduce the massing of the proposed development to be more in character with the proportions of neighbouring residential units, and to clearly distinguish between three separate residential units;
  - (ii) Vernacular window design and proportions on the front façade of the building

**Reason:** In the interest of visual amenity and the conservation of the streetscape within the Architectural Conservation Area.

3. Having regard to the location and layout of the refuse storage area associated with Units 2 and 3, the use of Bedroom 2 within Unit 2 shall be revised to storage use only.

**Reason:** In the interest of residential amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** in the interest of visual amenity and to ensure an appropriate high standard of development.

5. The attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to

the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** in the interest of public health.

6. 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 :
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
  - (b) Location of areas for construction site offices and staff facilities;
  - (c) Details of site security fencing and hoardings;
  - (d) Details of on-site car parking facilities for site workers during the course of construction
  - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; (D Measures to obviate queuing of construction traffic on the adjoining road network;
  - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
  - (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
  - (i) Provision of parking for existing properties at [specify locations] during the construction period;
  - j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
  - (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

**Reason:** in the interest of amenities, public health and safety and environmental protection.

- 7. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

**Reason:** To safeguard the amenity of property in the vicinity.

- 8. The developer shall enter into water supply and wastewater connection agreements with Uisce Eireann, prior to commencement of development.

**Reason:** in the interest of public health.

- 9. a) Prior to commencement of development, the developer is required to carry out a bat survey to determine if bats are present in the structure, this survey is to be undertaken by a suitably qualified bat specialist and the results of same shall be submitted to the Planning Authority and the Department of Housing, Heritage and Local Government. If any bat species are found to be roosting at the site, a derogation license must be obtained from the Wildlife Licensing Unit of the National Parks and Wildlife Service of the Department of Housing, Heritage and Local Government, prior to commencement of development.

b) The development shall incorporate, where practicable, measures in accordance with 'Saving Swifts', a publication produced by Bird Watch Ireland and The Heritage Council.

Reason: In the interests of the proper planning and sustainable development of the area.

10. (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 pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant 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.

(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 of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant 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.

**Reason:** To restrict new housing development to use by persons of a



particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

11. a) The developer is required to employ a suitably qualified archaeologist, licensed under the National Monuments (Amendment) Acts 1930—2004, to monitor all ground disturbance associated with the development. No groundworks are to take place in the absence of the archaeologist and four weeks written notice regarding commencement of works on this site shall be submitted to the Department of Housing, Local Government and Heritage (DHLGH) in advance of works commencing

b) Should archaeological material be found during the course of the archaeological monitoring, the archaeologist shall stop work on the site pending further advice from the DHLGH with regard to further archaeological mitigation and revisions to the archaeological method statement.

c) The developer shall be prepared to be advised by the DHLGH with regard to any necessary mitigating action e.g. redesign to allow for preservation in situ, and/or excavation. The applicant/developer shall facilitate the archaeologist in recording any material found.

d) The DHLGH and the Planning Authority shall be furnished with a report describing the results of the monitoring within 3 months of completion of ground works.

**Reason:** To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

12. 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 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.

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Caryn Coogan  
Planning Inspector

20/03/2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-320646-24		
<b>Proposed Development Summary</b>	Demolition of licensed premises/overhead residential units and construction of 3 No. residential units, together with all associated site works		
<b>Development Address</b>	7 & 8 McDonagh Street, Nenagh, Co. Tipperary		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	X	S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units	Proceed to Q3.
<b>No</b>			
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	X	S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units	Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP-320646-24</b>
<b>Proposed Development Summary</b>	Demolition of licensed premises/overhead dwellings units and construction of 3 no. residential units, together with all associated site works.
<b>Development Address</b>	7 & 8 McDonagh Street, Nenagh, Co. Tipperary
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<b>Characteristics of proposed development</b> (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	This is an application for the demolition of the existing derelict licenced premises and associated structures on site and the construction of a terrace of 3 no. two storey two bed dwelling units and associated site works. The development has a stated floor area of 260 sq.m
<b>Location of development</b> (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The site is located within the urban core of Nenagh town .  The subject site is not located within or adjacent to any Natura 2000 sites.

<p><b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	
<b>Conclusion</b>	
<p><b>There is no real likelihood of significant effects on the environment.</b></p>	<p><b>EIA is NOT required.</b></p>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_