



Inspector's Report

PL-500563-TY-26

Development	Change of use from general office to health centre. Retention permission is also sought for signage.
Location	Front Office Unit The Hatchery, Martry's Road, Nenagh, Co. Tipperary.
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	2560979
Applicant(s)	Rebecca Spelman
Type of Application	Retention
Planning Authority Decision	Grant Retention with Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Martin Murphy
Observer(s)	None
Date of Site Inspection	2 nd March 2026
Inspector	Carol Hurley

1.0 Site Location and Description

- 1.1. The application site is located at The Hatchery, Martyrs Road, Nenagh, Co. Tipperary. The site has a stated area of 0.061 hectares and addresses the road with a southeast facing orientation. The site is located to the northeast of the core retail area of Nenagh but is located within a commercial area with neighbouring units consisting of substantially sized builders supply / DIY units, Lidl supermarket, Mr Price discount store and local centre.
- 1.2. The unit shares the site with another business attached to the subject unit but is within separate ownership.
- 1.3. The subject unit has a simple pitched roof profile with the gable end which addresses St. Martyrs Road with a flat roof contemporary style extension to the southeast elevation which sits above the eaves level but below the ridge level.
- 1.4. To the southeast as the property addresses St. Martyrs Road, the boundary consists of a painted render wall and railings.
- 1.5. Existing dwellings bound the subject site to the northwest (rear). These dwellings address the R445, MacDonagh Street.
- 1.6. The surrounding area can be characterised as being commercial and residential. I note that the commercial properties operating within proximity of the subject site include a substantial hardware site to the southwest, Mr. Price to the southeast and Lidl and a local centre to the east. Beyond Lidl to the east is another hardware suppliers.
- 1.7. At time of site visit on a Monday in the early evening time, the area was busy with commercial activity and general traffic. I observed one car (staff) attending the subject site and parking within. I also noted that a patient arrived to the service but did not park within the car park or on the roadside.

2.0 Development Seeking Retention

- 2.1. The development seeking retention consists of;
 - The change of use (90sqm) from general office to health centre to provide talking therapy, mental health diagnostic assessments (Including neurodiversity

assessments), psychiatry consultations, and GP consultations for GPs with a special interest in mental health.

- Signage which consists of individual lettering on the southeast (front) elevation.

3.0 Planning Authority Decision

3.1. Decision

On the 10th December 2025, Tipperary County Council issued a Notification of a Grant of Retention Permission subject to five conditions.

3.1.1. Conditions included;

- Condition No. 1 – that the development shall be in accordance with the plans and particulars as submitted on 1st October 2025 and as amended by Further Information received on 24th November 2025.
- Condition No. 2 – The development shall be used solely for the purposes detailed in the approved plans and no further change of use shall take place without a prior grant of planning permission, notwithstanding the exempt development provisions.
- Condition No. 3 – Save for the details demonstrated, no further signs, symbols or advertisements shall be placed externally on the building.
- Condition No. 4 – Opening hours shall be as per the details proposed.
- Condition No. 5 – Within 2 months of the grant of permission, obscure glazing shall be installed to Rooms 3 and 4 and thereafter maintained.

In considering the application, the planning authority sought further information in relation to a number of items, including:

- The status of the use operating in the adjoining unit, the constrained nature of the site and that all planning considerations arising from both uses should be considered together.

- Operational details of all uses on the site with information to include; total number of people employed, operational days and hours, details in relation to the location of staff and customer parking.
- Consideration of residential amenity through fixing of obscure glazing to the north facing windows and/or raising the site boundary wall.

3.2. Planning Authority Reports

Planning Reports

The first report of the Planning Officer dated 19th November 2025 set out the site location and description, details of the development, the relevant planning history, internal and prescribed bodies referrals, summary of the submissions received, policy overview and environmental assessments.

The report noted concerns in respect of two businesses operating on a physically constrained site and that the arising planning conditions should be considered together in terms of number of employees, operational times and staff and customer parking and residential impact,

In response to the request for Further Information the applicant submitted that this application solely relates to the subject unit and has no connection or operational relationship with the separate business in the adjoining unit. It was noted that a planning application has been made in respect of the adjoining unit under PA Ref: 2561208.

The applicant set out the following operational details;

- Six contracted practitioners who may attend the unit but there would be a maximum of three practitioners on site at any one time. (Room 2 is stated to be too small for consultation)
- Administrative staff member is primarily home based and attends the unit as needed.
- Normal operating hours would be 09:00 – 22:00 Monday to Saturday.
- Staff make use of the on-site parking.

The applicant proposes to install privacy film/ obscure glazing on the windows overlooking the neighbouring residential property.

The second report of the Planning Officer dated 9th December 2025 accepted the applicant's response to the request for Further Information and recommended that retention permission be granted.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

Third party submissions received by the Planning Authority can be summarised as follows;

- Scale and intensity of the proposal are inappropriate for this location.
- The combination of the two businesses constitutes an overuse of a small constrained site.
- No noise management plan accompanies the application.
- Impact to adjacent residential amenities in terms of loss of privacy and overlooking of the private amenity space.
- Request that all windows facing the 3rd Partys property be fitted with permanent obscure glazing and restricted openings.
- Problematic access/ egress at Martyrs Road.
- Local Transport Plan reserves works along Martyrs Road / Dublin Road, until delivery, intensifying this entrance risks undermining safety and movement objectives.
- Limited parking and concerns regarding ad hoc parking resulting from the previous low intensity use causing pedestrian obstruction and blocking the rear of the property.
- Require a parking and access management plan.
- Impact to the historical / archaeological setting.

4.0 Planning History

Enforcement

PA Ref TUD-25-101 (dated 1st October 2025) – Enforcement notice for the material change of use from an office to use as a private therapy clinic providing medical service and placement and alterations of advertisement / signage on business premises operating as ‘Private Therapy Clinic’

PA Ref TUD-25-101 (dated 4th July 2025) – Warning Letter for the material change of use from an office to use as a private therapy clinic providing medical service and placement and alterations of advertisement / signage on business premises operating as ‘Private Therapy Clinic’

PA Ref: 04524212, Permission granted to Paul and Valerie Boland on the 3rd March 2005, to extend, renovate and for the change of use from existing light industrial unit comprising offices and workspace to 2no. office premises with alterations to existing boundary wall and all ancillary services.

Condition No.8 required the payment of a contribution in lieu of 4.75 car parking spaces at a rate of €2500 per space.

The site layout plan showed 3 no. parking space. The planning application related to an area of 195sqm. The planning reports calculated that 9.75 parking spaces were required. The previous use was calculated to generate a requirement for 5 no. spaces.

PA Ref: 08520074, Permission granted to Nenagh Baptist Group on 16th April 2009 for the change of use from commercial to charitable nonprofit activities to include religious service area and associated office use and replacement of existing signage.

Unit attached to the rear, separate ownership

PA Ref: 2561208 (unit attached to the rear, separate ownership), Retention permission sought by Niall O’Farrell for the change of use from religion service area and associated office use to sport recovery and café shop with alterations to the shopfront. The Planning Authority have sought further information on 23rd January 2026 in relation to the following;

- Complete and submit Application Form B relating to commercial / industrial developments.
- Car parking
- Propose mitigation measures for residential impact
- Clarify surface water disposal

Adjoining lands to the southwest

PA Ref: 2560712 – Permission granted to Paul Sheahan on the 19th October 2025 for the demolition of an existing derelict and partially collapsed dwellings and the construction of a warehouse storage building and ancillary yard surfacing and all associated site works.

Lands to the immediate rear, addressing MacDonagh Street.

PA Ref: 19601086, permission was sought by Abdul Mekki for a partial change of use from residential premises to a proposed coffee shop, front signage, outdoor eating area and all associated site works and for retention for demolition of garage and construction of a side extension. On the 18th of March 2020 a split decision issued, granting permission for the retention of the extension area and its use for residential purposes only and not for any commercial, agricultural or industrial purposes (Final Grant issued on 16th June 2020) . Permission was refused for the change of use for reasons including residential impact to the existing and adjoining amenity by way of noise, odour and general disturbance, overdevelopment of the site by reason of lack of off street car parking and private amenity space for the dwelling.

PA Ref: 201159, permission refused to Abdul Mekki on the 1st December 2020 for the partial change of use from residential premises to a commercial premises which will consist of a hair salon, including front signage and all associated site works. The reasons for refusal related to the residential impact to the existing dwelling, overdevelopment of the site by reason of lack of off-street car parking and private amenity space.

5.0 Policy Context

5.1. Development Plan

The Tipperary County Development Plan 2022-2028 is the operative plan for the area. This plan came into effect on 22nd August 2022.

5.2. Local Area Plan

Nenagh and Environs Local Area Plan 2024-2030. This plan came into effect on 25th March 2024.

- Zoned Urban Core
- The site is located just outside the designation for Consolidation Sites.
- Flood Zone A and B interact with the site.
- The site is within an Architectural Conservation Area.
- The site is within a Zone of Archaeological Potential.

As per the Local Transport Plan, Figure 6.8 Town Historical Quarter Active Travel Map, Martyrs Road is indicated as having segregated cycle facilities.

5.3. Relevant Policies of the Tipperary County Development Plan 2022-2028

- Policy 13-2

Encourage and support new development that contributes to the enhancement of ACAs with regard to;

- a) Impact on the character, appearance and integrity of the ACA in terms of compatibility in design, colour, finishes and massing of form
- b) Impact on the existing amenities, character and heritage of the ACA;
- c) The importance of retaining important architectural and townscape elements such as shopfronts, sash windows, gutters and down pipes, plasterwork etc as appropriate.

Volume 3 Development Management Standards

- Section 5.2 'Shopfronts and Advertising in Town Centres

The principles of good design will be taken into consideration as part of proposals to alter existing shop fronts or where new shopfronts are proposed. Particular consideration shall be given to buildings of special merit or historic interest on the Record of Protected Structures (RPS), buildings located within Architectural Conservation Areas (ACAs), buildings on the NIAH and buildings located within Primary Retail Areas (PRAs)... The following criteria will apply when considering proposals for new shopfronts:

(a) Shop-front advertisements should be restricted to fascia signs placed immediately above the shop window. Fascia lettering and logos are best hand-painted in a style and colour that harmonises with the shop and helps to portray its use. Long continuous fascia signs, stretching full-width across a frontage or straddling across 2 or more buildings should be avoided. Signs that extend higher than the sill of first floor windows are not encouraged.

- Section 6.2 'Traffic and Transport Assessments' sets out the requirements of the submission of a Traffic Impact Assessment.

Section 6.5.1 Car Parking

All new developments will normally be required to provide adequate off-street car parking facilities, cycle facilities and suitable manoeuvring space. Where parking cannot be provided on site, a contribution towards car-parking may be required in line with the current Tipperary Development Contribution Scheme

- Table 6.4 Minimum Car Parking Standards

Clinics/Surgeries/Small Medical Practices – 1 per staff member plus 2 per consulting room.

Office – 0.5 spaces per staff member plus 1 space per 35sqm.

The notes in relation to the parking standards set out that where 'Staff Member' is stated this should relate to the maximum amount of staff at any 1 time.

A reduction in car-parking requirement may be acceptable where the Council is satisfied that a Mobility Management Plan or statement, as the case may be, for the development demonstrates that a high percentage of modal shift in favour of sustainable modes will be achieved through the development. The applicant will be expected to demonstrate that the development will be strongly supported by public transport including, bus and train services.

5.4. Relevant Policies of the Nenagh and Environs Local Area Plan 2024-2030

- Section 6.5 Demand Management

(Option) DM10, (Intervention) Parking Standards, (Description) It is recommendation of the LTP that parking requirements for new developments will be in line with the standards set out within the County Development Plan with reduced levels of parking sought in highly

accessible locations with good access to services and public transport opportunities. Any proposal for reduced level of parking shall be accompanied by robust justification.

Policy 6.5 - Require that new developments are designed to comply with Design Manual for Urban Roads and Streets (DoT, 2019) and supplementary Advice Notes including making provision for pedestrian and cycle infrastructure, enhancing connectivity and accessibility to the town and providing universal access (in particular for persons with disabilities, reduced mobility and older people) where a whole journey approach is considered.

- Section 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 ACA's.

8) Views of Friar Street, Abbey Street, Well Road and Martyrs Road towards the Franciscan Friary.

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.

5.5. Tipperary Development Contribution Scheme

- Section 9.2 Car Parking Facilities

Where car parking requirements cannot be met, a development contribution commensurate with the shortfall in spaces shall be paid to the Planning Authority to facilitate the provision of car parking spaces elsewhere.

The contribution in lieu of car parking spaces is charged at a rate of €3000 per space.

In order to promote desirable town/village centre development the following will apply to commercial/office/retail development within the town/village centre land use zoning;

- Where a requirement for car parking spaces is generated but car parking spaces cannot be provided on site the car parking contribution will be reduced by 50% for the first 2 spaces and 25% for the next 3 spaces.
- Where a development generates a requirement for more than 5 car parking spaces the full development contribution will be applied for all subsequent spaces.
- Section 11 'Points to Note'

Change of Use Applications or Replacement of Buildings

Where a 'change of use' permission is sought and the new use remains in the same class of the DCS (as set out under Section 6.0) as the previous authorised class of use, no additional charges shall be levied on the applicant save in the event of an expansion. (This provision relates to the general provisions of the scheme, i.e. a change of commercial use will not attract new commercial contributions.

Section 6 sets out the classes of Development

5.6. Relevant National or Regional Policy / Ministerial Guidelines

5.6.1. Architectural Heritage Protection, Guidelines for Planning Authorities, 2011

- Section 3.10.1 'Proposals for new development'

'...The scale of new structures should be appropriate to the general scale of the area and not its biggest buildings. The palette of materials and typical details for façades and other surfaces should generally reinforce the area's character. In certain circumstances, it may be appropriate to require a written assessment of the impact of the proposed structure on the character of the area'

- Section 3.10.4 'Proposals for Retention'

‘Proposals for retention permission in an ACA should be considered as any other application... In such cases the applicant could be asked to submit a visual impact assessment or to revise the proposal in full or with regard to specific details.’

- Section 6.4.15 ‘Architectural Heritage Impact Assessment

For more extensive or complex works with a potential to have a major impact on the architectural heritage, a planning authority may require an applicant to submit a more detailed impact statement. This may be necessary to allow the planning authority to assess the full implications of the proposals and allow an informed decision to be made on the appropriateness of the development...

5.6.2. Traffic and Transport Impact Assessments, Transport Infrastructure Ireland, 2014.

These guidelines aim to provide a framework to promote an integrated approach to development, which ensures that proposals promote more efficient use of investment in transportation infrastructure, reduce travel demand and promote road safety. Section 2.2 and Table 2.3 sets out the requirements for sub-threshold developments to determine whether a TIA would be required or not.

5.7. Natural Heritage Designations

The subject site is not located within or immediately adjacent to any European Site or other Natural Heritage Site.

Lough Ourna (000650) pNHA is located c. 6.3km to the northeast. Clareen Lough (000929) pNHA is located c. 8.8km to the northwest. Lough Derg (000011) pNHA is located 8.8km to the northwest. Willsborough Esker (000943) pNHA is located c.9.4km to the north. Kilduff, Devilsbit Mountain (000934) pNHA is located 19km to the southeast.

The Special Protection Area for Slievefelim to Silvermines Mountains (004165) is located c. 8.5km to the south of the site. The Special Protection Area for Lough Derg (Shannon) (004058) is located c. 7.6km to the northwest of the site.

The Special Area of Conservation for Kilduff, Devils Bit Mountain (000934) is located c. 19km to the southeast of the site.

6.0 EIA Screening

- 6.1. The development seeking retention is not a project or class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

7.0 The Appeal

7.1. Grounds of Appeal

The third-party appeal can be summarised as follows;

Traffic Safety and Parking Deficiency

- Site access is constrained.
- Permitted use represents a significant intensification over office use
- Only one marked parking space serves two commercial operations
- No Traffic Impact Assessment or Parking Analysis

Over intensification and Residential Amenity

- The multidisciplinary clinic indicates multiple concurrent consulting rooms and extended hours.
- This will result in continuous arrivals and departures adjacent to residential properties.
- No operational or noise management plan was required.

Failure to Assess Second Commercial use

- The second business operating within the same redline boundary but was omitted from the application description.
- This materially effects traffic, parking and amenity.

Heritage and Signage Retention

- The site lies within/adjacent to the Nenagh Architectural Conservation Area.

- Retention permission was granted without a Conservation or Heritage Impact Statement.

Request that permission be refused or an alternative suggested that the application be remitted for reconsideration subject to full traffic and parking assessment, combined site assessment, strict limits on hours and consulting rooms and conservation led signage controls.

7.2. Applicant Response

None

7.3. Planning Authority Response

None

7.4. Observations

None

8.0 Assessment

8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the Local Authority, and having visited the site, and having regard to the relevant local policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows;

- Principle of the development
- Use in Adjoining Unit
- Residential Impact
- Heritage
- Access and Car Parking
- Development Contributions
- Water Framework Directive Screening
- Appropriate Assessment

8.2. Principle of the development

8.2.1. Having regard to the nature of the development seeking retention permission, the use is acceptable in principle within the Urban Core 'UC' Zoning Objective of the Nenagh and Environs Local Area Plan 2024-2030.

8.3. Use in Adjoining Unit

8.3.1. The appellant submits that the second business (within the adjoining unit) operates within the same red line boundary but was omitted from the development description. It is submitted that this omission materially affects traffic, parking and amenity.

8.3.2. While I acknowledge the concerns of the appellant in this regard, given the history on the site, I would submit that any subsequent developments within each of the units on the subject site would be primarily assessed on their own merits while also being cognisant of how the uses would interact on the site.

8.3.3. I note that as part of a request for Further Information, the Planning Authority sought details in relation to this adjoining commercial use. The response to the Further Information request noted that this subject application (PA Ref 2560979) solely relates to the subject unit at E45 DH96 and has no connection and no operational relationship with the adjoining business. I acknowledge that the red line extends around the entire site however the applicants state that they are the occupier and have provided a letter of consent from the owner.

8.3.4. I note that PA Ref. 2561208 relates to an application made to Tipperary County Council in respect of the retention of change of use to a sports recovery / café shop within the adjoining unit. The Planning Authority sought Further Information on 23rd January 2026. The request for Further Information related to details of the commercial development, car parking requirements, mitigation measures for over-looking and proposed means for surface water disposal. At time of my assessment, no formal response to this request had been received by the Planning Authority.

8.3.5. The subdivision of the original unit on the site into two separate offices was initially granted planning permission in 2005. I note that the adjoining unit also had a previous permitted use as a church with religious service area, establishing a departure from the original permitted office use in the adjoining unit.

8.3.6. The historic site layout had three car parking spaces, neither the subject development nor that of the development within the adjoining unit intends to amend this.

As discussed further in Section 8.6.19 the Planning Authority concluded that no contributions would be applicable to the site, in accordance with the Development Contribution Scheme.

8.3.7. I am satisfied that the use seeking retention permission when considered on its own merits is consistent with the Urban Core Zoning Objective and the associated description which promotes the consolidation of the existing fabric or the core/central areas of settlements by densification of appropriate commercial and residential developments. In this regard, I would submit that the use is one which would interact and integrate appropriately with other similar uses acceptable within the UC Zoning Objective. The Planning Authority accepted that the development within the adjoining unit could be considered on its individual merits. I would concur with the Planning Authority in this regard.

8.4. Residential Impact

8.4.1. The appellant has concerns regarding the over intensification of the use and resulting residential amenity impact that arises by virtue of the multidisciplinary nature of the clinic would have concurrent consulting rooms and extended hours. The impact would arise from the continuous arrivals and departures adjacent to residential properties.

8.4.2. I note that the subject site and that of the adjacent residential site to the northeast is zoned 'UC', Urban Core. Within this zoning objective urban core uses are stated to consist of retail, residential, commercial, civic and other uses. The overarching description of this zoning objective is for the consolidation of the existing fabric of the core/central areas of settlements to deliver a quality urban environment with an emphasis on compact growth and priority for public transport, pedestrians and cyclists. It is my interpretation of this zoning objective that in order to achieve consolidation of the urban fabric these uses are intended to exist side by side, subject to assessment.

8.4.3. Having visited the site, I acknowledge the somewhat unique relationship and layout of the northwestern side of Martyrs Road with MacDonagh Street to the northwest. The western extent of dwellings along MacDonagh Street oppose commercial development to their rear. However, the rear gardens serving approximately three dwellings at the eastern extent of MacDonagh Street directly back onto the northern end of Martyrs Road. Specifically, the rear garden of the appellants property aligns with the subject commercial site. At time of site visit, it did not appear to me that the house was currently occupied however this does not diminish the need to assess the impact upon residential amenity.

- 8.4.4. The appellant contends that no operational or noise management plan was required. I note that the Planning Authority sought Further Information in relation to the overall operation of the unit. The applicant's response stated that there would be a maximum of three practitioners present on site. Room 2 on the plans is too small to be used for client consultation. The clinic normally operates on an appointment only basis between 9am-10pm Monday to Saturday. I would consider that the applicant's response to the request for Further Information by the Planning Authority appropriately sets out the operational management of the unit. The Planning Authority accepted the response and included conditions to restrict the use and that the operational times as set out by the applicant be adhered to which I consider to be reasonable. I recommend similar conditions be included in the event of a grant of retention permission.
- 8.4.5. Section 3.6 'Noise' Development Management Standards, Volume 3, Tipperary County Development Plan 2022-2028 sets out that a Noise Impact Assessment and appropriate mitigation measures may be required as part of planning applications for new commercial and industrial developments. This provision generally relates to new developments that are likely to generate noise nuisance or an unacceptable impact on sensitive receptors, new developments proposed within the current Action Planning Area as set out in the Noise Action Plan or for developments proposed near major roads.
- 8.4.6. I would consider that the adjacent residential use is a sensitive receptor however by virtue of the adjacent site being located within the Urban Core Zoning Objective and being within the town centre of Nenagh, I would submit that town centre residential properties would likely experience a level of noise greater than that of residential properties in an explicitly residential development located outside of the town centre.
- 8.4.7. I note that the operational hours extend to 10pm, however I would submit that by virtue of the Urban Core Zoning Objective this would be more acceptable than a similar use operating within a predominantly residential area. The subject site is surrounded by commercial properties of varying styles, such as substantial builder supplies yard to the southwest, Lidl supermarket and Mr.Price discount stores on opposing side of Martyrs Road to the southeast. I note that each of these retail units generally operate beyond the traditional threshold of 6pm and each retail unit has substantial car parks available, indicative of the anticipated footfall. I do not consider that the subject use would be inconsistent with the surrounding established uses.

- 8.4.8. Having regard to the modest scale of the subject site and the operational details set out by the applicant, I do not consider this use to be one that typically generates undue noise nuisance that would be to the detriment of surrounding residential amenities.
- 8.4.9. I consider that the use would be less intense than that of a takeaway or convenience shop where the footfall is constant and unpredictable. This use operates on an appointment only basis which assumes structure and a certain control in relation to footfall.
- 8.4.10. Persons attending the subject site would access the door on the southwest side of the structure which does not immediately oppose the adjacent private amenity space of the residential property. I also note that it would be unlikely for persons attending the service to be congregating in the narrow space along the mutual boundary wall shared with the adjacent residential property. In this regard I do not consider that a noise management plan would be required.
- 8.4.11. At the time of my site visit during the late afternoon of Monday 2nd March, I observed that the traffic in the area was the largest contributor to background noise, consistent with being within a town centre location.
- 8.4.12. The subject property contains several windows on the northern elevation which are proximate to the mutual boundary with the adjacent residential property and the associated private amenity space. Two of these windows serve the treatment rooms and one serves the toilet. Given the relationship between the site layouts of the two properties and the operational hours of the subject use, the Planning Authority recommended that mitigation measures should be sought from the applicant to ameliorate for residential impact upon the adjoining property. In response to the request, the applicant proposed the installation of privacy film/obscure glazing on the windows. This was accepted by the Planning Authority and reflected in a condition. The wording of this condition required the installation of obscure glazing to be installed to the windows of Room 3 and 4. I would consider that this relates to actual glazing rather than merely adding privacy film.
- 8.4.13. The appeal submission does not specifically refer to issues of over-looking as being a concern contributing to residential impact. I would note from my site visit, that the subject property along this elevation is at a lower level relative to the adjacent residential site. The outlook of the windows within the subject unit do directly address the mutual boundary wall but are not at first floor level and do have a higher-than-normal cill level. I would also contend that consultations within the rooms would likely be undertaken in a seated face to face

position. However, notwithstanding the location of both properties being within the Urban Core zoning objective, I would submit that the adjacent residential use is a sensitive receptor. The mitigation measure proposed by the applicant has not been disputed by the appellant in the submission nor has the applicant appealed the requirements of the condition. In the event of a grant of permission, I would recommend that a condition be included to require the installation of obscure glazing.

8.5. Heritage

- 8.5.1. The subject site is not a Protected Structure but is located within the Architectural Conservation Area for Nenagh.
- 8.5.2. The appellant raises concerns that the signage was granted retention permission in the absence of a Conservation or Heritage Impact Statement and is contrary to Development Plan policy in this regard.
- 8.5.3. Section 7.2.4 of the Nenagh and Environs Local Area Plan 2024-2030 sets out the need to give due consideration to certain views and streetscapes as part of the design process for new development. Views of relevance include those into and out of the ACA's and views along Martyrs Road towards the Franciscan Friary. Policy 7.6 sets out that a Heritage Impact Assessment or Landscape Value and Impact Assessment maybe required to demonstrate that proposals have considered the views and streetscapes listed in Section 7.2.4.

The subject site is located along the northeastern boundary of the Nenagh ACA proximate to the junction of Dublin Road and Martyrs Road, offering views into Nenagh ACA. Furthermore, the Franciscan Friary is located to the southwest of the subject site. Having regard to the small-scale nature of the development seeking retention, the set-back of the building, the location of the site on Martyrs Road relative to the Franciscan Friary and the alignment of the road, I am satisfied that a Heritage Impact Assessment of Landscape Value and Impact Assessment as set out in Policy 7.6 of the LAP would not be necessary.

- 8.5.4. I refer to Policy 7.5 of the Nenagh and Environs Local Area Plan 2024- 2030 which requires 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.

- 8.5.5. Section 6.4.15 of the Architectural Heritage Protection Guidelines refers to the need for an architectural heritage impact assessment to be submitted for more extensive or complex works which have the potential to have a major impact on the architectural heritage.
- 8.5.6. Given the small-scale nature of the development, I do not consider that an Architectural Heritage Impact Assessment would be required to be undertaken.
- 8.5.7. A Statement of Character does not appear to be readily available for Nenagh Architectural Conservation Area. Section 5.2 'Shopfronts and Advertising in Town Centres' Development Management Guidelines, Volume 3 of the Development Plan sets out the criteria to be considered for new shopfronts. I am satisfied that the oval shaped wall mounted sign is discreet and not illuminated. I am satisfied that the individual lettering mounted on the fascia is acceptable. Where space within the fascia is limited, the policy enables decorative lettering to be painted directly onto the display window. The subject fascia contains a substantial amount of information albeit in individual lettering, I would contend that the window mounted decals should be removed to avoid visual clutter. I recommend that this minor amendment could be dealt with by condition in the event of a grant of retention permission. Notwithstanding the foregoing, I am satisfied that overall, the signage being, individual silver letters mounted on the grey background of the fascia and modest wall mounted sign appropriately assimilates with the surroundings without appearing intrusive or detrimental to the character of the ACA.
- 8.5.8. The subject site is located within an area where commercial signage is abundant and as such would be consistent with the established character of the area.
- To grant retention permission for the signage in the absence of a Heritage Impact Assessment or Landscape Value and Impact Assessment would not be contrary to the Tipperary County Development Plan 2022-2028 or the Nenagh and Environs Local Area Plan 2024-20230.
- 8.5.9. I note that the site is located within a Zone of Archaeological Potential however I also acknowledge that save for the potential replacement of windows along the northeastern side of the building no physical work or interaction below ground level is required. I am satisfied that the development seeking retention permission would not impact upon potential archaeological sites.

8.6. Access and Car Parking

- 8.6.1. The appellant submits that the site access onto Martyrs Road is constrained and already congested.
- 8.6.2. The appellant submits that no traffic impact assessment was undertaken. I refer to Section 6.2 'Traffic and Transport Assessments', 'Development Management Standards' Tipperary County Development Plan 2022-2028 which sets out that in accordance with the Traffic and Transport Assessment Guidelines (2014), the Council will require the submission of a Traffic and Transport Impact Assessment for large scale developments or developments that may impact upon the carrying capacity or public safety of the road network. The threshold for 'office, hospitals and educational developments' is over 2500sqm. TTIA's will also be required where there is a 10% increase in traffic or where the council considers that a development may have an impact on the carrying capacity of the surrounding network. The requirement for a TTIA for sub -threshold development will be based on an evaluation of the proposal against Table 2.2 and 2.3 of the Traffic and Transport Assessment Guidelines. The Planning Authority did not raise any issue with respect to the need for a TTIA. Having reviewed Table 2.3 of the Guidelines, I am satisfied that the development seeking retention permission does not meet two or more of the criteria as set out in Section 2.2 which would trigger the need for a sub-threshold TTIA.
- 8.6.3. I note that the development seeking retention permission does not alter the previously permitted access arrangements. Under PA Ref: 04524212, permission was originally granted for the subdivision of the unit into two office units. The planning history also indicated the provision of three car parking spaces on site and there is no change set out to the layout. As there is no increase in built footprint or change to the on-site layout, I am satisfied that the entrance arrangements remain as previously permitted.
- 8.6.4. I acknowledge the concerns of the appellant, however having regard to the established and permitted use on the site together with the use seeking retention permission and the thresholds set out in the Guidelines, I am satisfied that a TTIA would not be necessary in this instance.
- 8.6.5. The appellant also submits that no parking analysis has been undertaken. I note that the Planning Authority sought further information in respect of the provision of car parking. In this regard I would consider that sufficient detail has been provided in this regard.
- 8.6.6. The appeal states that only one marked parking space serves two commercial operations. The site layout plan which accompanies the application demonstrates the provision of three

spaces, consistent with the information from the planning history. At time of my site visit, while two cars were parked within the site I did not observe that the spaces were delineated.

- 8.6.7. As part of the applicant's response to the request for Further Information, it was stated that clients arrive at staggered times and parking demand is very low. The response states that staff generally make use of the onsite parking.
- 8.6.8. The applicant stated that a maximum of three practitioners would be present on site at any one time. There is an administrative staff member who is primarily home-based and attends the unit only as needed.
- 8.6.9. Room two on the submitted plans is stated within the applicant's response to the request for Further Information to be too small for use for client consultations.
- 8.6.10. It is my consideration that based on the information provided, the maximum staffing at any one time would be four.
- 8.6.11. Table 6.4 'Minimum Car Parking Standards' sets out that the use would require 1 space per staff member plus 2 per consulting room.
- 8.6.12. As room two is stated, by the applicant to be too small for use, I would submit that the parking requirement would be 10 (based on 4 staff members plus 2 spaces per consulting room). I would recommend that a condition be included to restrict the use of Room 2 for the purposes of consultation with clients/ patients.
- 8.6.13. I refer to Section 6.5.1 'Car Parking' Development Management Standards, Tipperary County Development Plan 2022-2028 which sets out that there 'where parking cannot be provided on site, a contribution towards car-parking maybe required in line with the current Tipperary Development Contribution Scheme.'
- 8.6.14. In this regard, the Development Plan provides for flexibility to apply a contribution in lieu of the shortfall of the provision of car parking spaces in line with the current Tipperary Development Contribution Scheme. Section 9.2 of the scheme specifically relates to car parking facilities and provides for reductions for town centre parking charges.
- 8.6.15. I note that the previous use permitted under PA Ref.04524212 generated a parking requirement of 9.75 spaces, based on a floor area of 195sqm. The subject site relates to an area of 90sqm. The proportionate parking demand relating to this space was 4.5 spaces.

- 8.6.16. The current use seeking retention gives rise to an additional demand of 5.5 spaces (10 spaces-4.5).
- 8.6.17. Section 9.2 of the Development Contribution Scheme provides for a reduced level of contribution in lieu; in order to promote desirable town/village centre development the following will apply to commercial/office/retail development within the town/village centre land use zoning. This is understood to correlate to the Urban Core zoning and comprises; 50% reduction for the first two spaces and 25% reduction for the next three spaces. The development would therefore be liable to a contribution in lieu in respect of 3.75 spaces (3.75 x €3000= €11,250)
- 8.6.18. While I acknowledge that the use would be represent a modest increase in intensity of use than that of an office but would be somewhat controlled with an appointment structure, I do not accept the appellants contention that the use would be a significant intensification nor does the development include for physical expansion.

8.7. Development Contributions

- 8.7.1. The Planning Authority concluded that as per Section 11 of the Development Contribution Scheme no contributions would be liable including contributions in lieu of car parking.
- 8.7.2. I would submit that this relates to the general provisions of the scheme and that a change of commercial use will not attract new commercial contributions.
- 8.7.3. The development generates a parking requirement of 5.5 spaces which cannot be accommodated on the site. The Development Plan provides for a contribution in lieu of the shortfall in carparking to be provided. The requirements in respect of car parking are set out in Section 9.2 of the Development Contribution Scheme. I note that the scheme provides for reductions for town centre parking charges. As discussed in Section 8.6.17, I have recommended that a contribution lieu of car parking be attached as a condition in the event of a grant of retention permission.

8.8. Water Framework Directive Screening

- 8.8.1. The subject site is located at The Hatchery, Martyrs Road, Nenagh, Co. Tipperary.
- 8.8.2. The development is seeking retention permission for the change of use from general office to health centre to provide talking therapy, mental health diagnostic assessments (including neurodiversity assessments), psychiatry consultations, and GP consultations for GPs with a special interest in mental health. Retention permission is also sought for signage.

- 8.8.3. No water deterioration concerns were raised.
- 8.8.4. The IE_SH_25N010700 (Nenagh_060) is located c. 158m to the south of the site and appears to be underground flowing in an easterly direction before joining the main channel c. 461m to the east in Nenagh Town Park.
- 8.8.5. The site overlies the IE_SH_G_178 (Nenagh) groundwater body which is described as being a poorly productive bedrock.
- 8.8.6. Foul and surface water are indicated to discharge to the public mains.
- 8.8.7. I have assessed the development seeking retention permission and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.
- 8.8.8. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 8.8.9. The reason for this conclusion is as follows:
- Nature of development seeking retention permission.
 - Location-distance from nearest surface water bodies and/or lack of hydrological connections.
 - The connection to the public mains
- 8.8.10. I conclude that on the basis of objective information, that the development seeking retention permission will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

9.0 AA Screening

I have considered the development seeking retention permission in light of the requirements of S177U the Planning and Development Act 2000 as amended. The subject site is not located within or adjacent to any European Site. The Special Protection Area for Slievefelim

to Silvermines Mountains (004165) is located c. 8.5km to the south of the site. The Special Protection Area for Lough Derg (Shannon) (004058) is located c. 7.6km to the northwest of the site.

The Special Area of Conservation for Kilduff, Devils Bit Mountain (000934) is located c. 19km to the southeast of the site.

The development is seeking retention permission for the change of use from general office to health centre to provide talking therapy, mental health diagnostic assessments (including neurodiversity assessments), psychiatry consultations, and GP consultations for GPs with a special interest in mental health. Retention permission is also sought for signage.

9.1.1. Having considered the nature, scale and location of the development seeking retention permission I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- No physical works are to be undertaken.
- Due to the distance of the site and intervening land uses from any SAC and SPA, no impacts/ effects are predicted in this regard.
- There are no identifiable hydrological/ecological connector pathways between the application and the SAC or SPA.

9.1.2. I conclude that on the basis of objective information, that the development seeking retention permission would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

10.1. I recommend that retention permission be granted subject to the following conditions and reasons.

11.0 Reasons and Considerations

The change of use from general office to health centre seeking retention permission by virtue of operational details provided in terms of staff numbers, opening hours and appointment structure does not negatively impact on adjoining residential amenities and the surrounding road network in terms of traffic safety and convenience. The development does not impact upon the heritage or visual amenities of the Architectural Conservation Area. The use is consistent with the established character of the surrounding area. Subject to condition, the development would accord with the provisions of the Tipperary County Development Plan 2022-2028. The development is therefore in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development to be retained shall be in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 24th day of November 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This permission provides for the operation of 3 no. consulting rooms within the subject premises. Room 2 as indicated on the plan entitled 'Ground Floor Plan' lodged with the Planning Authority on 1st October 2025 shall not be for use for the purposes of patient consultancy in addition to the other designated consulting rooms.

Reason: In the interest of clarity.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted that detailed in the development description on the statutory notices unless otherwise authorised by a

prior grant of planning permission.

Reason: To enable the planning authority to assess the impacts of any such changes on the amenity of the area (or traffic safety).

4. Within three months of the date of the grant of this permission, the developer shall undertake the following;
 - (a) Removal of letter decals from the windows.
 - (b) The provision of manufactured opaque or frosted glass to Rooms 3 and 4 which shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: In the interest of visual and residential amenity.

5. The use hereby permitted shall operate between the hours of 9am- 10pm Monday to Saturday only.

Reason: In the interest of clarity.

6. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001 (as amended), shall be displayed or erected on the building exterior/within the curtilage of the site without a prior grant of planning permission.

Reason: To allow further assessment of the impact of the permitted advertisement on the amenities of the area and in the interest of visual amenity having regard to the location in an Architectural Conservation Area.

7. The developer shall pay to the planning authority a financial contribution of €11,250 (eleven thousand, two hundred and fifty euro) in respect of public infrastructure and facilities (car parking) 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.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Carol Hurley

Planning Inspector

10th April 2026

Form 1 - EIA Pre-Screening

No EIAR Submitted

Case Reference	PL-500563-TY-26
Proposed Development Summary	Retention of the change of use from office to health centre and signage.
Development Address	Front Office Unit, The Hatchery, Martyrs Road, Nenagh, Co. Tipperary.
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input checked="" type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.	

<p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	

Inspector: _____ **Date:** _____