



An  
Bord  
Pleanála

## Inspector's Report ABP-300179-17.

---

<b>Development</b>	Outline permission to construct 4 no. two storey dwellings, 2 no. combined entrances and all associated site development works.
<b>Location</b>	Cashel Road, Clonmel, Co. Tipperary
<b>Planning Authority</b>	Tipperary Co. Council.
<b>Planning Authority Reg. Ref.</b>	17/601005.
<b>Applicant(s)</b>	David Lynch.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse permission.
<b>Type of Appeal</b>	First party appeal
<b>Appellant(s)</b>	David Lynch
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	22/02/2018.
<b>Inspector</b>	A. Considine.

## 1.0 Site Location and Description

- 1.1. The appeal site is located on Cashel Road, and just north of Queen Street, close to the centre of the town of Clonmel. The area provides for a mix of uses including a terrace of houses to the south of the site, Rink Place and Pearse Park across the road with some commercial buildings to the west. To the east lies Bruce Villa and the terraced residential properties on Upper Gladstone Street. To the north of the site are the large detached houses in Melview, which are accessed from Upper Gladstone Street. To the south east, and within the southern area of the identified landholding, there is a car sales yard.
- 1.2. I could not gain access to the site due to existing boundaries, site levels and locked gates. In addition, the Board will note that the existing boundary on the Cashel Road comprises a high block wall and it appears that the lands have been detached from the access from Upper Gladstone Street. The site levels are higher than those of the public road and developments to the south of the site. The site has a stated area of 0.21ha. Proposed Development

## 2.0 Proposed Development

Outline permission is sought to construct 4 no. two storey dwellings, 2 no. combined entrances and all associated site development works, all at Cashel Road, Clonmel, Co. Tipperary.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority decided to refuse permission for the proposed development, for the following reason:

Having regard to:

- The location of the site on lands zoned town centre use and identified as a Transitional Zone under the Clonmel and Environs Development Plan 2013 (CEDP), as varied, and the policies and objectives as outlined under the

CEDP that relate to these lands i.e. Policy HSG3 (Urban Densities), Policy HSG4 (Residential Amenity) and Policy DM1 (Development Standards)

- The proposed development layout, density and form and absence of integration / linkage with adjoining lands and public roadways,

It is considered that the proposed development is an inappropriate design response for the site which would prejudice the orderly development of adjoining lands. The proposed development would, therefore, be contrary to the Clonmel and Environs Development Plan, 2013 (CEDP), as varied, and the proper planning and sustainable development of the area.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The Planner Officers Report formed the basis for the decision and Appropriate Assessment is also dealt with. The content of the report is summarised as follows:

- It is not considered that the proposal is an appropriate form of development for the site.
- Concerns raised in relation to the outline permission nature of the application and the lack of details provided.
- Services available to service the proposed development.
- Appropriate Assessment screening concluded that there would be no impacts to any Natura 2000 sites.

The report concludes recommending that permission be refused.

### 3.2.2. Other Technical Reports:

Internal:

**District Engineer:** Identifies a number of requirements to be complied with.

**Housing:** Advises that Part V does not apply.

### 3.2.3. Other Technical Reports:

None

#### 3.2.4. Third Party Submissions:

None

### 4.0 Planning History

**ABP ref PL52.216574 (PA ref 05/550122):** Permission granted on appeal for the construction of 7 no. houses to include part demolition and reconstruction of boundary wall to Bruce Villas (Protected Structure) with a new entrance and all associated site works.

This permission proposed access via Upper Gladstone Street and included the subject site together with the access to the south of Bruce Villas and access onto Upper Gladstone Street.

### 5.0 Policy Context

#### National Policy / Guidelines

#### 5.1. Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2009):

5.1.1. These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The objective is to produce high quality – and crucially – sustainable developments:

- quality homes and neighbourhoods,
- places where people actually want to live, to work and to raise families, and
- places that work – and will continue to work - and not just for us, but for our children and for our children's children.

5.1.2. The guidelines promote the principle of higher densities in urban areas as indicated in the preceding guidelines and it remains Government policy to promote sustainable patterns of urban settlement, particularly higher residential densities in locations which are, or will be, served by public transport under the *Transport 21* programme.

5.1.3. Section 5.6 of the guidelines suggest that there should be no upper limit on the number dwellings permitted that may be provided within any town or city centre site, subject to the following safeguards:

- compliance with the policies and standards of public and private open space adopted by development plans;
- avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;
- good internal space standards of development;
- conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;
- recognition of the desirability of preserving protected buildings and their settings and of preserving or enhancing the character or appearance of an Architectural Conservation Area; and
- compliance with plot ratio and site coverage standards adopted in development plans.

## 5.2. **Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013**

In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S). The Manual seeks to address street design within urban areas (i.e. cities, towns and villages) and it sets out an integrated design approach.

## 5.3. **Development Plan**

5.3.1. The Clonmel and Environs Development Plan, 2013, as varied is the relevant policy document pertaining to the subject site. The site is located to the northern area of the Town Centre zoned lands in the town. The Town Centre zoning objective

is 'to preserve, enhance and/or provide for town centre facilities, and new development should comprise of mixed retail use, office, service, community and/or residential.'

5.3.2. Further to the above, the site is identified as being located within a Transitional Zone and Section 3.1.3 of the Development Plan states:

The Transitional Zone is that area zoned for town centre use and located outside of the central area that were traditionally residential areas but now include a wide range of uses including office uses, local shops and services and will continue to be areas of transition until they are predominantly commercial at street level.

The Council will facilitate a wide range of uses on lands zoned town centre and located outside of the Central Area that compliment the town centre and the residential amenity of the area. New developments will be required to create/enhance linkages with the town centre and support the sequential approach to retailing.

5.3.3. Chapter 6 of the Plan deals with Housing and section 6.3 of the Plan identifies that 24.5ha of land has been designated on the Cashel Road for residential purposes, with the potential to provide for 416 units. Section 6.4 deals with layout, density and design of new residential development where 'the successful integration of new housing development with its surround context is one of the most important elements in fostering sustainable neighbourhoods and sustainable patterns of movement.' The Plan places emphasis on the design of houses together with open space, roads, footpaths and linkages with existing facilities and services. The following policies are considered relevant:

- Policy HSG 3: Urban Densities
- Policy HSG 4: Residential Amenity

5.3.4. Chapter 9 of the Plan deals with Development Management Guidelines and the following sections are considered relevant:

- 9.9 Multi Unit Residential developments where minimum standards are stipulated in terms of design, density (17units/ha on the Cashel Road), public open space, housing mix and separation distances.

- 9.20 Parking & Loading requires that 3+ bed houses provide 2 car parking spaces.

#### 5.4. Natural Heritage Designations

The subject site is located within the urban area of Clonmel and lies approximately 600m to the north of the Lower River Suir SAC (Site Code 002137).

### 6.0 The Appeal

#### 6.1. Grounds of Appeal

This is a first party appeal against the decision of Tipperary County Council to refuse outline planning permission for 4 houses on the site. The grounds of appeal are summarised as follows:

- Permission was granted for development of a site which included the subject site under file ref 05/550122.
- Services are available.
- The development complies with the zoning and it is suggested that the proposal is not out of character, scale or density with the immediate surroundings.
- No third party objections.
- The owners of Bruce Villas have no interest in the current site and the current development no longer forms part of a larger land bank for integration with. It is a stand-alone site.
- The zoning does not exclude residential use and does not mandatorily require mixed use development.
- Access via Rink Place is substandard and does not have capacity for vehicular access. Pedestrian access is also not viable as the subject site is 1.8m higher than the roadway.
- It is not possible to provide links through Bruce Villas and Rink Place.

- It is accepted that the layout is sub-urban, but the site is located within a transitional area.
- Concerns regarding potential impact on residential amenity arising from overbearing and overlooking are not an issue.

## 6.2. Planning Authority Response

The Planning Authority submitted a response to the first party appeal. The response is summarised as follows:

- The Planning Authority note that the site is taken from a wider area of lands that adjoin the Bruce Villas residence (east of the site), these lands are accessed from Stauntons Row. The lands also adjoin Rink Place.
- The proposal is for residential use only. In view of the zoning, a mixed use would be desirable.
- The development is sub-urban in nature and does not integrate with the existing development pattern or urban grain.
- The development precludes connectivity / integration with Rink Place and the adjoining Town Centre zoned lands, contrary to the requirements of the Development Plan.
- The development is prejudicial to the orderly development of adjoining lands.

## 6.3. Observations

None



## 7.0 Assessment

Having undertaken a site visit and having regard to the proposed development and the submission to the appeal, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

- Principle of development
- Design and layout of the proposed development
- Appropriate Assessment.

### 7.1. Principle of development

7.1.1. The proposed development site is located within the settlement boundary of the town of Clonmel in South County Tipperary. The site is zoned Town Centre in the Clonmel and Environs Development Plan and this zoning objective is 'to preserve, enhance and/or provide for town centre facilities, and new development should comprise of mixed retail use, office, service, community and/or residential.' The proposed development seeks outline planning permission for the construction of 4 detached two storey houses on the site with two vehicular access points onto the Cashel Road, each entrance serving two houses.

7.1.2. The site is located within what is described as a transitional zone and Section 3.1.3 of the Plan describes such zones as being located outside of the central area in traditionally residential area but which now include a variety of uses including shops, offices and services, predominantly at ground floor level. The Plan requires that new developments 'create/enhance linkages with the town centre and support the sequential approach to retailing.'

7.1.3. The Planning Authority refused permission for the proposed development on the grounds that it 'is an inappropriate design response for the site which would prejudice the orderly development of adjoining lands.'

In reaching this decision, the Planning Authority considered that the development was not an appropriate form of development due to the sole residential use, the sub-urban layout and density proposed which does not integrate with the existing development pattern or urban grain and lack of connectivity with adjoining residential

areas or the town centre. In addition, concerns are raised regarding the overall landholding and the lack of connectivity between the subject site and other lands. Given the outline planning nature of the application, it is considered difficult to confirm the potential impact of the development on the residential amenity of adjoining property in terms of overbearing and overlooking.

7.1.4. Having regard to the nature of the proposed development, together with the location of the subject site within the town centre zoning for the town, I am generally satisfied that in principle, there is no objection to a residential development at this site. I would also acknowledge the planning history of the subject site but would have a real concern in terms of the proposed density of the development as proposed, particularly given the location of the site close to the central area of Clonmel, and which I consider to be very low. Site issues in relation to design and layout are also required to be considered in advance of a positive decision issuing. These issues are discussed further below.

## **7.2. Design and layout of the proposed development**

7.2.1. Central to the policy objectives of the Development Plan, with regard to residential development, is the requirement for integration of new developments with their surroundings in order to foster sustainable neighbourhoods and sustainable patterns of movement. Policy HSG 3: Urban Densities require that a range of densities, house types and styles be considered having regard to neighbouring developments, the urban form of the town in order to provide a balanced pattern of house types throughout the town and within developments.

7.2.2. The proposal is for outline planning permission for the construction of four two storey dwelling houses on the site which covers a stated area of 0.21ha. This represents a density of approximately 19 units per ha, which is above the 17 unit minimum required for residential development in the Plan for the Cashel Road. This figure, however, relates to residential zoned lands to the north of the site and having regard to the town centre zoning of the site, I consider the density to be significantly low in terms of density for urban areas as discussed in the Sustainable Residential Development in Urban Areas, Guidelines (DoEHLG 2009). The applicant / appellant has submitted that the proposal is not out of character, scale or density with its immediate surrounding. I would not agree.

7.2.3. The proposed development site is located in an area of the town of Clonmel where there is a variety of house types and uses evident. The Board will note that in principle, I have no objection to the proposed development, and acknowledge the planning history of the site which permitted 6 houses within the area of the subject site. There are however, differences between the previous permitted development and the current proposal. To the south lies the Rink Place terraces, across the public road to the west are semi-detached houses and commercial uses, while to the north and north east, there are the detached houses of Melview and the protected structure Bruce Villas. The density of these areas has a wide range but given that the proposed houses will be fronting onto the Cashel Road, and not Upper Gladstone Road as previously permitted, I would consider it appropriate that the density reflect that of Pearse Park and Rink Place, rather than the density of Merview to the north, which is accessed off Upper Gladstone Street. In this regard, I consider that the proposed development does not have regard to the character or context of the immediate area.

7.2.4. From the submitted information, it is evident that the site levels of the subject site are higher than existing properties to the south, while levels to the north continue to rise. As the application before the Board is for outline planning permission, the detail on the submitted plans is somewhat lacking. There is a level difference of approximately 1.8m - 2m from the public road to proposed finished floor levels of the houses and no information is provided in terms of the level differences between the existing residential properties to the south and the subject site. Section 6.4 of the Plan deals with layout, density and design of new residential developments and it clear that the principle of successful integration to foster sustainable neighbourhoods is a priority for the Council.

7.2.5. While I acknowledge the comments of the appellant, the Board will note that the plans submitted in support of the proposed development clearly indicate that the adjacent land, currently in use as a car sales yard, is in the ownership or control of the applicant. In this regard, I would not accept that the matter of integration and connectivity should be avoided or overlooked. Connectivity could be achieved for pedestrians as a minimum. In addition, I would not consider it appropriate to address the proposed development before the Board as a stand-alone development, given the policy requirements of the Clonmel & Environs Development Plan in this regard.

7.2.6. Houses fronting onto the eastern side of Cashel Road stop at no. 45 Rink Place and the front doors of these houses open directly onto the footpath. To the front of the subject site, there is a high block wall with no existing access points. The Board will note that the detached houses at Melview back onto the Cashel Road and therefore, there is no vehicular access onto the road from the east for approximately 300m north of the site. I note the comments of the SEE Clonmel Borough District in relation to the roads requirements. I acknowledge the concerns in relation to access to the houses at peak times but would consider that the traffic generated by 4 houses would not be significant. Should the Board be minded to grant permission for the proposed development, the conditions recommended by the Engineer should be included.

7.2.7. Water services have not been addressed in the planning application, other than to advise connections to existing public mains. As this is an outline planning application, I am satisfied that this matter can be addressed as part of an application for permission consequent on the grant of outline permission.

7.2.8. In conclusion, and notwithstanding the location of the site within the urban area of Clonmel, I am not satisfied that the adequate information has been provided by the applicant to support a grant of permission in this instance. I am satisfied that the proposal, having regard to the nature, design and layout of the subject site, would not accord with the requirements of the Clonmel and Environs Development Plan, 2013, as varied, as it relates to residential developments on Town Centre zoned lands, particularly with regard to density and lack of connectivity and integration with adjoining residential developments.

7.2.9. I have further concerns in terms of the potential for the development of two storey houses, at 2m from the party boundary and at a level of 1.8m above the level of the existing terraced houses on Rink Place, to overlook and overbear the existing houses. The lack of clear detail in the submitted drawings has compounded this concern and I am satisfied that the development, if permitted in its current form, would have a significant and negative impact on the existing residential amenities of the adjacent houses.

### **7.3. Appropriate Assessment**

Having regard to the nature and scale of the proposed development and the nature of the receiving urban environment, and notwithstanding the proximity of the site to the Lower River Suir SAC (Site Code 002137), 600m to the south of the site, I am satisfied that no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### **8.0 Recommendation**

It is recommended that outline permission be refused for the proposed development for the following stated reason.

### **9.0 Reasons and Considerations**

Notwithstanding the zoning afforded to the subject site, being Town Centre in the Clonmel and Environs Development Plan, 2013 as varied, or the planning history of the site, the Board is not satisfied, having regard to the information provided, that the design, layout, including the lack of integration with adjoining developments, and density, as proposed, is appropriate and if permitted, the development would constitute a substandard form of residential development that would, result in the unsustainable use of serviced lands, would seriously injure the residential amenities of the area, would be contrary to Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.

---

A. Considine  
Planning Inspector

2<sup>nd</sup> March, 2018