



An
Bord
Pleanála

**S. 6(7) of Planning and
Development (Housing) and
Residential Tenancies Act 2016**

**Inspector's Report on
Recommended Opinion
303843-19**

Strategic Housing Development	138 residential units and 24 step down/independent living units for the elderly
Location	Crann Ard Estate, Fethard Road, Clonmel, Co. Tipperary
Planning Authority	Tipperary County Council
Prospective Applicant	Crann Ard Developments Ltd
Date of Consultation Meeting	April 12 th 2019
Date of Site Inspection	April 11 th 2019
Inspector	L. Dockery

1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority and the documentation received from the prospective applicant, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

2.1 The subject site, which has a stated area of circa 5.99 hectares, is located approximately 2km to the north of Clonmel, Co. Tipperary. It comprises three individual parcels of land. Access to the three parcels of land is through the existing Ard Crann residential development.

3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises the construction of 138 residential units and 24 step down/independent living units for the elderly, all on three vacant plots.

The following details are noted:

Parameter	Site Proposal
Application Site	5.99 ha in total Plot A- 0.39 ha Plot B- 1.47 ha Plot C- 4.12 ha
No. of Units	138 dwellings + 24 step down units
Other Uses	None
Car Parking	253 spaces

Vehicular Access	From Fethard Road through Ard Crann development
Part V	16 units

The breakdown of unit types is as follows:

Unit Type	1 bed	2 bed	3 bed	4 bed	Total
Maisonette	-	5	-	-	5
House	-	41	87	5	133
Step-Down	12	12	-	-	24
Total	12	58	87	5	162
% Total	7.4%	35.8%	53.7%	3%	100%

4.0 National and Local Planning Policy

4.1 National

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Sustainable Urban Housing: Design Standards for New Apartments' (2018)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)

- 'Design Manual for Urban Roads and Streets' (2013)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') (2009)

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage
Department of Arts, Heritage, Gaeltacht and the Islands 1999

4.2 Local

The South Tipperary County Development Plan 2009-2015, as extended, is the operative County Development Plan.

Clonmel and Environs Development Plan 2013 applies

Zoning:

Plot A and B of the application site are zoned 'Residential' which seeks to 'preserve and enhance existing residential amenity including avoiding excessive overlooking, reduction in general safety and the reduction in the general usability and security of existing public and private open space

Part of the application site (location of Plot C) is zoned 'New Residential', which seeks to 'provide for new residential development'.

Chapter 6 relates to Housing

Lands at Fethard Road (41.5 ha) have a specified density of 17 units/ha

Chapter 5 relate to Infrastructure

5.0 Planning History

- 00/1423 Permission GRANTED for Phase 1 of housing development comprising 101 residential units
- 04/1175 Permission GRANTED for Phase 2 housing scheme, which includes housing and commercial development, consisting 110 houses
- 06/1317 Permission GRANTED for 94 houses
- 07/1627 Permission GRANTED for 12 houses
- 07/1636 Permission GRANTED for 20 houses in lieu in 15 houses approved under Ref. 04/1175
- 07/191 Permission GRANTED for stairwell to side of commercial building
- 07/431 Permission GRANTED for mixed use development consisting of 6 retail units, a restaurant, 13 apartments, 4 duplex units and 3 offices, together with associated site works

Adjoining Lands

- 07/1572 Permission GRANTED to demolish a house and construct two houses on lands north of Plot B
- 06/316 Permission Consequent on grant of Outline Permission for three dwellings on lands to north of Plot B

6.0 Section 247 Consultation(s) with Planning Authority

- 6.1 It is stated by the planning authority that two pre-application consultations took place with the planning authority on 4th December 2018 and 19th September 2018.

7.0 Submissions Received

Irish Water

Confirmation of Feasibility issued for this site for 170 no. residential units.

The proposed development, as assessed for the CoF, is standard connection requiring no network or treatment plant upgrades for water or wastewater by either the customer or Irish Water. No third party consents are required for these connections to take place.

Therefore, based on the CoF, Irish Water confirms that subject to a compliant water and wastewater layout and a valid connection agreement being put in place between Irish Water and the developer, the proposed connections to the Irish Water networks can be facilitated.

8.0 Forming of Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite consultation meeting. I shall provide brief detail on each of these elements hereunder.

8.1 Documentation Submitted

- 8.1.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, completed application form, a completed pre-connection enquiry feedback form from Irish Water, Planning Report and Statement of Consistency, Part V details, architectural drawings; Architectural Design Statement; landscape drawings; Traffic and Transport Assessment; Road Safety Audit; Engineering drawings; Engineering Report and Compliance Report for Part L Building Energy Rating.

8.1.2. I have considered all of the documentation submitted by the prospective applicant, relating to this case.

8.2 Planning Authority Submission

8.2.1 In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Tipperary County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 27th March 2019.

8.2.2 The planning authority's 'opinion' included the following matters: minutes of section 247 meetings; policy context; Development Impact Assessment; principle of development; density, design and layout; roads, access and circulation; surface water drainage; water and waste water; boundary treatment; housing; taking in charge; development contributions; bond and planning history. The following points are noted:

- Development acceptable in principle having regard to land use zoning objectives of the site
- Section 9.9 of Clonmel and Environs Development Plan 2013 sets out a guided density of 17 units/ha on the Fethard Road, however every application is assessed on individual merits
- Density, design and layout of Plots A and C are considered acceptable
- Consideration needs to be given to finished floor levels in Plot C to ensure proposal does not negatively impact on existing residential amenity
- Proposal development on Plot B does not respect the existing pattern of development at this location by virtue of its significantly higher density and intensity
- Limited and north facing gardens for Unit 1-28 in Plot B- stepped arrangement for rear gardens of these properties which limits functionality of open space
- Quantum and location of proposed public open space is considered to satisfy the relevant development plan standards

- Proposal will result in increase to existing traffic accessing the N24 Clonmel Inner Relief Road via the Fethard Road roundabout
- Concerns regarding capacity of this roundabout to facilitate existing traffic, even without increased levels arising from proposal
- Need for immediate investment in upgrading N24 or provision of alternative routes for traffic
- Further intensification of development will lead to more traffic delays on roundabouts and N24 national route
- Consideration should be given to junction improvements by way of mini-roundabout at entrance to estate from R689
- Conflicts between information contained in RSA and TTA
- Layout needs to incorporate recommendations of RSA
- Main spine road should be adequate in width to function as a distributor road
- Layout requires revision (road widening) and concerns regarding some parking spaces too close to junctions and front boundary proposals
- One raised platform necessary; others proposed to be removed
- Some concerns expressed in relation to surface water drainage at rear of houses 1-28 in Plot B
- In terms of water and waste water, proposed development will be connected by gravity to public sewer and existing foul water pumping station on site will be retained so that it continues to serve the private properties located outside the site to the north
- Further details in relation to boundary treatments required
- Part V agreement in principle reached
- Details required in relation to areas to be taken in charge
- Development contributions should be levied and a bond is required

8.2.3 I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

8.3 Consultation Meeting

8.3.1 A Section 5 Consultation meeting took place at the offices of Tipperary County Council on the 12th day of April 2019, commencing at 11.30 am. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

8.3.2 The main topics raised for discussion at the tripartite meeting were as follows:

- Procedural issues
- Development Strategy in relation to layout, density, open space provision, elevational treatment, childcare provision
- Residential amenity
- Traffic and Transportation
- Drainage
- Archaeology
- Any other matters

8.3.3 In relation to development strategy, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Procedural issues relating to red and blue line boundaries; planning history; clarity in relation to drawings; reservation area to north of Plot C
- Layout, in particular in relation to Plot C, in the context of DMURS and Sustainable Residential Development in Urban Areas with associated Design Manual, use of cul-de-sacs; roads dominated; separation distances; encroachment through areas of public open space levels; extent of public/private open space provision; levels; appropriate treatment of rear garden areas
- Density proposed in the context in the context of the Sustainable Residential Development Guidelines, in particular with regards to Plot C; calculation of density
- Justification for lack of childcare facility

- Elevational treatments, in particular materials/finishes; proposed use of timber cladding
- Open space provision; its extent and scale having regard to existing open space provision within Ard Crann; the desire to ensure that it is functional and usable, passively supervised with good pedestrian and cycle linkages; interface between public/private and communal open space areas; landscaping; waste management

8.3.4 In relation to residential amenity, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Potential impacts on nearby residential properties development in terms of overlooking, overshadowing, overbearing and noise, in particular given site levels
- Compliance with Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018)
- Internal daylight/sunlight analysis to ensure adequate amenity of future residents including sunlight analysis
- Quality of rear garden areas due to sloping nature of land
- Materials/finishes

8.3.5 In relation to traffic and transportation, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Matters raised within section 5.1.2 and section 3 of PA Opinion in relation to roads infrastructure, access and circulation

8.3.6 In relation to drainage, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Matters raised within section 5.4 and section 3 of PA Opinion in relation to surface water drainage, water and waste water

8.3.7 In relation to archaeology, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Proximity of proposed development to known/potential archaeological features

8.3.8 In relation to other matters, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Submission of schedule of floor areas; materials/finishes; areas to be taken in charge; submission of ecological survey; landscaping/boundary treatments; submission of CGIS/visualisations/cross sections and waste management

8.4 **Conclusion and Recommendation**

8.4.1 Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

8.4.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

8.4.3 Having regard to all of the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

8.4.4 I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making

process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

9 Recommended Opinion

The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, **An Bord Pleanála is of the opinion that the documentation submitted requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Design and Layout

Further consideration/justification of the documents as they relate to the layout of the proposed development particularly in relation to the 12 criteria set out in the Urban Design Manual which accompanies the above mentioned Guidelines and the Design Manual for Urban Roads and Streets. The matters of arrangement and hierarchy of streets; configuration of the layout; connectivity with adjoining lands; provision of quality, usable open space and the creation of character areas within a high quality scheme should be given further consideration, in particular in relation to Plot C. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

2. Density

Further consideration/justification of the documents as they relate to the density in the proposed development, in particular in relation to Plot C. This consideration and justification should have regard to, inter alia, the minimum densities provided for in the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009) in relation to such Outer Suburban/Greenfield sites.

Particular regard should be had to need to develop at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to Clonmel and its established social and community services. The further consideration of this issue may require an amendment to the documents and/or design proposal submitted relating to density and layout of the proposed development.

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission arising from this notification:

1. A detailed phasing plan for the proposed development
2. A plan clearly detailing all existing public open space provision within the overall Crann Ard development, together with details of the open space proposed particularly in the context of the quantum of open space proposed, hierarchy of spaces, the surveillance of the open space, the usability of the active open space and proposals for passive open space in the context of landscaping proposals.
3. Additional details in relation to surface water management for the site, having regard to the requirements of the Drainage Division as indicated in section 3 of the Planning Authority's Opinion. Any surface water management proposals should be considered in tandem with a Flood Risk Assessment specifically relating to appropriate flood risk assessment that demonstrates the development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk.

4. Additional details and justification for the proposed development in relation to roads, access and circulation, having regard to the report of the Transportation Division of the planning authority as detailed in section 3 of their Opinion.
5. Cross-sections/CGIs/visualisations and any other information deemed relevant, showing proposed development relative to existing residential development in the vicinity of the site
6. Ecological Survey of existing trees and hedgerows which clearly identifies all trees/hedgerows proposed for removal
7. Details of proposed materials/finishes
8. Waste management details
9. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority. Streets should be shown up to the boundary to facilitate future access, with the avoidance of any 'ransom strips'
10. A site layout plan and associated written details, in tabular form, which clearly outlines the planning history for the subject site and which indicates, inter alia, what permissions, or parts thereof, have been implemented to date
11. A Building Lifecycle Report, as per section 6.13 of Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities (2018)
12. A schedule of floor areas for all proposed units
13. Site Specific Construction and Demolition Waste Management Plan

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. The Minister for Culture, Heritage and the Gaeltacht
3. The Heritage Council
4. An Taisce
5. Transport Infrastructure Ireland
6. HSE
7. Tipperary County Childcare Committee

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Lorraine Dockery
Senior Planning Inspector

29th April 2019