



An
Bord
Pleanála

Inspector's Report ABP-304395-19.

Development	Demolition of existing buildings and the construction of 35 no. dwelling houses, re-located entrance from public road, connection to public services, car parking, roads, footpaths, open space areas and ancillary and site development works.
Location	Thomas Street, Clonmel, Co. Tipperary.
Planning Authority	Tipperary County Council.
Planning Authority Reg. Ref.	18/601311.
Applicant(s)	Rockspring Developments Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party V. Decision
Appellant	Peter Morrissey Bekan Property.
Observer	None.
Date of Site Inspection	6 th August, 2019.
Inspector	A. Considine

1.0 Site Location and Description

- 1.1. The site is located to the north of an established residential area to the south of the railway line, and approximately 1km to the north of the town centre of Clonmel, Co. Tipperary. The site itself, was previously occupied by Eircom and is currently occupied by the various buildings associated with Eircom, as well as car parking areas.
- 1.2. The wider area adjacent to the site include a variety of uses including medium density residential to the south, together with commercial uses to the west and north. There are also a small number of larger detached residential properties on larger sites to the west. The High School and its associated grounds and sports facilities are located further south of the subject site. Clonmel Railway Station is located approximately 300m to the north of the site.
- 1.3. The site has a stated site area of 1.67ha and has a road frontage of approximately 53m. The site has an irregular shape and opens up towards the rear of the adjacent oil depot lands to the north and residential estate to the south. The northern boundary of the site is shared with the railway line lands.

2.0 Proposed Development

- 2.1. Permission is sought for the demolition of existing buildings and the construction of 35 no. dwelling houses, re-located entrance from public road, connection to public services, car parking, roads, footpaths, open space areas and ancillary and site development works all at Thomas Street, Clonmel, Co. Tipperary.
- 2.2. The development proposes a variety of detached, semi-detached and terraced houses comprising 8 no. 2 bedroom houses, 22 no. 3 bedroom houses and 5 no. 4 bedroomed houses. The floor area of the houses range from 84.8m² to 138m². The proposed site layout also provides for car parking and public open space. The house designs include a variety of single storey and two storey and materials include nap plaster finishes with slate roofs and white uPVC windows.
- 2.3. A number of reports and documents were submitted in support of the proposed development including:
 - Part V Provision

- Flood Risk Assessment
- Civil Engineering Report

Following the submission of the response to the FI request, the applicant submitted a Traffic Impact Assessment and a Development Impact Assessment which were prepared for a previous proposal for the site comprising 44 houses. In addition, the following details were also submitted:

- Revised site layout plan
- Engineering drawings
- Landscape drawings

3.0 Planning Authority Decision

3.1. Decision

Following the submission of response to the further information request, the Planning Authority decided to grant planning permission for the proposed development, subject to 24 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Planning Officers initial report considered the proposed development in terms of the requirements of the Development Plan, the density and dwelling mix, design & residential amenity, visual impact and landscaping, public open spaces, roads and traffic issues as well as the comments and submissions from internal departments and external bodies, including third party objectors. The report also includes AA Screening. The report recommends that FI is sought with regard to a number of issues including as follows:

- Traffic Impact Assessment
- Development Impact Assessment
- Revised development design and layout

- Details of finished floor levels
- Site levels between site and adjacent houses and open space areas
- Boundary treatments
- Inconsistencies / errors on drawings
- Surface water drainage issues
- Landscaping.

Following receipt of the response to the FI request, the final planners report notes that the issues raised have been dealt with, or can be dealt with by condition. The report acknowledges the third party submission in terms of the condition of the existing services which run through the site and which serve adjacent third party lands. With regard to the diversion and protection of the sewer, it is noted that this is a matter for Irish Water. With regard to the development contribution, the report notes Section 10 of the relevant Development Contribution Scheme which provides exemptions and reductions for change of use applications or redevelopment of buildings, recommending that the calculated contribution be reduced. The report recommends that permission be granted.

3.2.2. Other Technical Reports

District Engineer: The report, having no objection in principle, recommends refusal if the concerns raised are not addressed. The issues raised include as follows:

- A revised TIA (from previous application on site) should be requested.
- Details of proposed layout of entrance vis-à-vis Thomas Street should be submitted.
- Issues with road gradients and finished floor levels.
- Inadequate footpath and road widths as well as visitor car parking.
- On-site car parking inadequate in length and the paved areas outside house sites.
- French drains and pipe locations.
- Structural design calculations in relation to the integrity of the SWAT Tank are required.
- Green area along the southern boundary is considered unusable.

- A number of drawings have errors, omissions and need to be revised and resubmitted.
- A revised landscaping layout plan and public lighting plan are required to be submitted.

Following the submission of the response to the FI request, a further report was submitted by the District Engineer. The report noted a number of outstanding issues which are to be dealt with by way of condition.

Housing Department: Part V Agreement in Principle is in place.

3.2.3. Prescribed Bodies

DoCHG: Notes that the site is located within the Zone of Archaeological Potential established around the historic town of Clonmel, a Recorded Monument subject to statutory protection under Section 12 of the National Monuments (Amendment) Act, 1930-2014. Given the location of the site, it is possible that previously unrecorded subsurface archaeological remains could be encountered during groundworks. It is recommended that a condition requiring archaeological monitoring be included in any grant of permission.

3.2.4. Third Party Observations

There are two third party submissions in relation to the proposed development. Issues raised are similar to those in the grounds of appeal, and are summarised as follows:

- The development as proposed would not comply with the requirements of the Clonmel & Environs Development Plan, 2013 or the principles of proper planning as it would generate a serious traffic hazard.
- The existing entrance should be used for the proposed development as the proposed new entrance will impact on existing entrances and residence across the road from the site.
- Existing car movements and traffic levels in the area make it difficult to access or egress.
- There is no objection in principle to the proposed development.

The second submission relates to the provision of services and the existing services which traverse the existing site. These services have been taken in charge and

serve the third party lands to the north of the current proposed development site. insufficient regard has been paid to the safeguarding of these services which service the existing Bekan development lands.

4.0 Planning History

P.A. Reg. Ref. 17/600223: Permission sought for the demolition of existing buildings and construction of 44 houses. Further information sought and not responded to and therefore, application deemed withdrawn.

The Board will note that a pre-planning meeting was held in relation to the proposed development.

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 within an area zoned 01 'Residential' where it is the stated objective '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 amenity space.'

5.3.2. The lands to the north of the site and in the vicinity of the railway line, are zoned Light Industry and Employment and part of the site is identified as being within a Flood Zone B area.

5.3.3. Chapter 6 of the plan deals with Housing and Section 6.3 relates to New Residential Development. 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 2: New Residential Development is relevant and states that ‘It is the policy of the Council to facilitate sustainable residential development on new residentially zoned lands subject to the policies and relevant criteria set out in this Plan being satisfied. Where Part V of the Planning and Development Acts 2000 – 2013 applies the application must also be supported by a Development Impact Assessment (DIA) (see Section 9).’
- Policy HSG 3: Urban Densities states that ‘it is the policy of the Council to encourage a range of densities and housing types and styles having regard to neighbouring developments, the urban form of the town and the objectives of proper planning and sustainable development in order to provide a balanced pattern of house types throughout the town and within developments.’
- Policy HSG 4: Residential Amenity state that ‘it is the policy of the Council to seek the provision and suitable management of Local Area’s for Play and Local Equipped Areas for Play in new residential developments in accordance with the criteria set out under Chapter 9 Development Management. All new residential development will be required to comply with the amenity/open space standards set out under Chapter 9 Development Management.’

5.3.4. Chapter 9 of the Plan deals with Development Management Guidelines where Section 9.9 deals with Multi Unit Residential Developments and Section 9.10 Development Impact Assessments.

5.4. **Natural Heritage Designations**

The nearest Natura 2000 site is the Lower River Suir SAC (Site Code 002137) located c. 0.6km south of the site.

5.5. **Environmental Impact Assessment**

Having regard to the brownfield urban nature of the subject site, together with the scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

This is a multiple appeal by two Third Parties, against the decision of the Planning Authority to grant permission for the proposed development.

6.1. **Grounds of Appeal**

6.1.1. Peter Morrissey:

The grounds of appeal are similar to those issues raised during the PAs assessment of the proposed development and can be summarised as follows:

- The development would not comply with the Development Plan or the principles of proper planning as it would generate a traffic hazard.
- The existing entrance is well established and relocated proposed entrance would be in proximity to a number of existing vehicular entrances and would have a detrimental effect on the safe movement of both cars and pedestrians.
- The proposed entrance would be problematic to the appellants entrance.

6.1.2. Bekan Property:

The grounds of appeal are similar to those issues raised during the PAs assessment of the proposed development. While there is no objection in principle to the proposed development, the grounds of appeal can be summarised as follows:

- The appellant owns development land (with live permission for retail warehousing) on the opposite side of the railway line, which includes existing businesses.
- The foul and surface water services serving existing businesses and the appellants land run through the current application site. These services have been taken in charge.
- The primary concern relates to the adequacy of the information presented in terms of the provision of the foul and surface water infrastructure and the impacts on the appellants property.
- It is not clear if there are separate sewers or if it's a combined system and no condition assessment exists. There is no information in terms of the capacity of the sewers with no comments from Irish Water.
- Condition 3 cannot be complied with if there is a combined sewer and condition 7 requires agreement between the applicant and Irish Water and is therefore unenforceable by the PA.
- Condition 11 appears to give licence to the developer to modify surface or foul water infrastructure as they see fit and condition 24 is unclear in terms of protection and maintenance of the sewer infrastructure.

It is requested that the Board request the necessary information to address the above concerns or refuse permission. The appeal document includes an engineering report on the grant of permission.

6.2. Applicant Response

A response to the third-party appeal by Mr. Morrissey, was submitted by AK Planning on behalf of the applicants, may be summarised as follows;

- The reason for the relocation of the road to the northern end of the site is largely in response to the LAs desire to have a hard edge separation between the residential development and the adjoining commercial business.
- In terms of the concerns raised in relation to the internal road layout, DMURS encourages natural traffic calming through design.

- The First Party was not considering an appeal but given the third-party appeals, it is noted that the Board will adjudge the density of the development would not provide for an acceptable efficiency in land usage for what is a serviced infill and brownfield site in a major urban centre. In this regard, the applicant is happy to increase the density to nearer the 30 units per hectare, submitting additional information and re-advertising.
- The reason for the low density was to comply with the CDP and a response to concerns raised in relation to density.

There is no submission from the First Party in relation to the Bekan Property third party appeal.

6.3. **Planning Authority Response**

None received.

6.4. **Observations**

None received.

7.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of development
2. Compliance with National Guidelines & Standards, the Development Plan & General Development Standards
3. Roads & Traffic
4. Water Services
5. 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 Residential in the Clonmel and Environs Development Plan and this zoning objective is '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 amenity space.' The proposed development seeks planning permission for the construction of 35 houses on a site which covers 1.67ha.

7.1.2. Having regard to the nature of the proposed development, together with the location of the subject site within 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 brownfield nature of the site and consider that its' redevelopment would be an appropriate form of development which will benefit the wider area. However, I would have a real concern in terms of the density of the development as proposed, 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. Compliance with National Guidelines & Standards, the Development Plan & General Development Standards:

Sustainable Residential Development in Urban Areas (DoEHLG, 2009)

- 7.2.1. The site the subject of this appeal is located within the development boundary of the town of Clonmel, Co. Tipperary. The site can connect to public services and, as such the principle of development at this location is considered acceptable and in compliance with the general thrust of national guidelines and strategies. The 2009 guidelines continue to support the principles of higher densities on appropriate sites in towns and cities and in this regard, I consider that it is reasonable to support the development potential of the subject site in accordance with said guidelines.
- 7.2.2. The development proposes the construction of 35 residential units on a site covering approximately 1.67ha and in terms of the recommendations of the Guidelines, the density at 20 units per hectare is considered very low. The Board will note that the applicant has indicated that the reason for the low density is due to the requirement of the County Development Plan and the Clonmel & Environs Development Plan, to provide 4m between gables of dwellings and the Councils requirement to provide internal road widths of 6m. While I acknowledge the irregular shape of the subject site, I consider that the development with such a low density on a brownfield urban site is inappropriate and would not constitute sustainable development in principle.
- 7.2.3. The development comprises a mix of bungalows, storey and half and two storey houses. In terms of the mix of residential units proposed, the development proposes 3 detached houses, 16 semi-detached houses and 5 terraces comprising 3 and 4 houses with a total of 16 houses. The unit types proposed are as follows:

Unit type	Number	%
2 bed	8	23%
3 bed	22	63%
4 bed	5	14%

I am satisfied that the proposed mix of house types is acceptable.

7.2.4. The objective of the Sustainable Residential Development in Urban Areas guidelines is to produce high quality, and crucially, sustainable developments. Section 5.6 of the guidelines provides certain safeguards with regard to such urban developments to deal with both existing and future residents the area of the proposed development. Said safeguards are detailed above in Section 5.1 of this report and I consider it reasonable to address the proposed development against same.

a) *Compliance with the policies and standards of public and private open space adopted by development plans;*

- In terms of private open space, the Board will note that proposed development layout, as permitted, provides for rear gardens generally having a depth of approximately 10m and each of the houses have private open space in the form of rear gardens. I would consider that the private open space provision is adequate.
- With regard to public open space, the proposal as permitted, provides for a number of areas of open space to be located throughout the development. The areas include a large area to the east (rear) of the site with an area of 2,212m² and two small pockets to west of the site, and immediately to the rear of the oil depot, with areas of 450m² and 210m². The Board will note that there is a linear parcel of public open space proposed along the boundary with the adjacent Court An Ri housing development. This area is not useable and is included in the area of the eastern open space parcel. The open space areas have the potential to provide for a play area and kickabout area which would be overlooked by the proposed houses.

The applicant indicates that the proposed open space provides for 17% of the total site area, however, I would concur with the Planning Authority that there are a number of areas which are not particularly useable given the vegetation or the small narrow nature of the space. The Development Plan requires at least 15% public open space for multi-unit residential schemes.

- Overall, I am satisfied that the proposed open space provision is acceptable in principle.

b) *Avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;*

- Having regard to the location and nature of the proposed development, the principle of the development is considered acceptable. I have discussed the open space provisions above, and overall, I would be satisfied that the residential amenities of future residents of the development have been considered.
- I note that historically, this area was used by Eircom with large commercial buildings located on the site. The lands to the west comprise an oil depot and commercial uses while lands to the south and south east comprise residential uses. The railway line lies to the north of the site. The site has been zoned for residential purposes and therefore, the proposed residential use is considered acceptable at this location.
- Having regard to the nature of the site and its location within the town of Clonmel, I am generally satisfied that the development is acceptable and will not have any significant adverse impacts on the amenities of future residents or adjoining neighbours and uses.
- Issues arising in terms of potential conflicts with neighbours include roads and traffic issues, which will be addressed further below, as well as the potential for existing uses to affect the residential amenities of future residents.

c) *Good internal space standards of development;*

The proposed development does not propose apartments.

d) *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;*

- Given the nature of the proposed development, together with the zoning afforded to the subject site, I am satisfied that the development is considered as being acceptable in principle. I do consider however, that the density of the development is very low for the location, and if permitted in its current form, would not adequately conform to the

national guidelines. I would also agree that the requirements of the Development Plan in relation to the separation distance between gables may be problematic in achieving a higher density on the site.

- I do note that the proposed layout of the development appears to provide connectivity to adjacent lands with no development proposed along the southern boundary of the site which connects to the parcel of land which backs onto the Sweetbriar estate to the west and Court An Ri to the east. This parcel of land extends from the southern boundary of the site to King Street to the south and for a distance of 200m. It is overgrown and inaccessible at present.

e) *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;*

Not relevant in this instance as there is no protected structure or Architectural Conservation Area within the subject site. The Board will note that the Clonmel Railway Station, located to the north of the site, comprises a collection of buildings and structures which are identified in the NIAH. These buildings include the Railway Station, bridge, a warehouse and signal box, with the warehouse located closest to the subject site. However, having regard to the existing site boundaries and site levels, I am satisfied that Clonmel Railway Station, and its associated structures and attendant grounds are at a remove from the proposed development site as to not warrant concern.

f) *Compliance with plot ratio and site coverage standards adopted in development plans.*

The Clonmel & Environs Development Plan does not provide specific guidance in terms of plot ration and site coverage. I have discussed concerns in relation to density above and conclude that the density proposed is significantly below the recommended 35-50 units per hectare and in this regard, I am not satisfied that the proposed development is acceptable in terms of site coverage, plot ratio and density.

7.2.5. It is acknowledged that national guidelines encourage the provision of higher density development within urban areas in order to use serviced lands in a sustainable manner, but regard has to be given to the existing nature of development in the vicinity of the subject site as well as the nature and scale of the surrounding area and existing residential estates and other land uses. The development proposes 35 residential units on lands which are considered brownfield. Overall, while I consider that the principle of the proposed development is acceptable, given the location of the subject site in proximity to the town centre of Clonmel, the density should be higher.

7.3. **Roads & Traffic:**

7.3.1. Access to the subject site is proposed over the existing road network in the vicinity, and ultimately, off Thomas Street to the west of the site. The existing site has two established access points, with the primary access located to the south of the road boundary of the site. The development proposes to use the access to the north of the road frontage, adjacent to the oil depot. This area of the site is currently used as a car park. The Board will note that a primary concern of a third-party appellant relates to roads and traffic issues and the potential impact of the development utilising the access to the north rather than the south of the road frontage. It is submitted that the existing road network is incapable of accommodating the level of traffic the development, if permitted would generate and would impact on the existing entrance used by the appellants, directly across the road.

7.3.2. 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 (DMURS), 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 DMURS provides radically new design principles and standards from DMRB. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S) and is applicable in the case at hand. The Manual seeks to address street design within urban areas (i.e. cities, towns and villages). It sets out an integrated design approach. What this means is that the design must be:

- a) Influenced by the type of place in which the street is located, and
- b) Balance the needs of all users.

7.3.3. DMURS sets out a road user priority hierarchy as follows:

- 1 Pedestrians;
- 2 cyclists
- 3 public transport
- 4 car user.

The key design principles for roads include –

- Integrated streets to promote higher permeability & legibility;
- Multi-functional, place-based, self-regulations streets for needs of all users;
- Measuring of street quality on the basis of quality of the pedestrian environment
- Plan-led, multidisciplinary approach to design.
- The importance of this design approach is dependent upon site context, but also on road type - local, arterial or link. The DMURS defines a hierarchy of places based on place-context and place-value, with centres (such as town and district centres) having highest place-value. Places with higher context / place-value require:
 - Greater levels of connectivity;
 - Higher quality design solutions that highlight place;
 - Catering for and promotion of higher levels of pedestrian movement;
 - A higher level of integration between users to calm traffic and increase ease of movement for vulnerable users.

7.3.4. DMURS provides detailed standards for appropriate road widths - 2.5m to 3m per lane on local streets and a 3.25m standard for arterial and link route lanes, junction geometry - greatly restricted corner radii to slow traffic speed and improve ease of

pedestrian crossing, junction design - omit left turn slips and staggered crossings etc. and requires that roads are not up designed above their speed limit. In terms of the above requirements of DMURS, I would accept that the applicant has sought to design the internal roads of the proposed estate to ensure compliance and I note the requirements of the Roads Engineer to provide a 6m wide carriageway. I consider that the design standards were applied in the layout of the development, with regard given to the priority hierarchy and pedestrian connectivity, and it is noted that the proposed footpaths, at 2m comply with DMURS.

- 7.3.5. However, I would agree with the applicant in that the Council requests for 6m wide roadways is excessive in my opinion, having regard to the small number of residential units proposed. Should the Board be minded to grant permission in this instance, I would recommend a condition be included to reduce the internal road widths. In addition, and having regard to my previous concerns in relation to the low density of the proposed development, I consider that the proposal would require a full redesign to both increase density and ensure full compliance with DMURS. Therefore, I would consider that further information should be requested, and the proposed development be re-advertised, in the event of a grant of permission.
- 7.3.6. Following a request for further information, the applicant submitted a Transport Impact Assessment (TIA) in support of the development. The TIA report, which relates to an earlier proposed development of 44 houses on the subject site and dated January 2018, describes the existing environment, provides details of the existing traffic flows and estimates the future traffic implications arising from the traffic generated by the proposed development and its impact on the surrounding road network.
- 7.3.7. The TIA undertakes a traffic assessment of the proposed development on the local road network. The potential traffic generated by the proposed development has been calculated using TRICS and the figures are presented in Chapter 3 of the submitted report. The Assessment concludes that the (larger) development can be accommodated such that the proposed entrance will operate within capacity, with no queues and minimal delays in the design years assessed. The report further concluded that a 'right turn' lane from Thomas Street is not necessary to ensure the appropriate functioning of the road network. In addition, adequate car parking is proposed to service the development.

7.3.8. In terms of parking, the Board will note that the proposed development provides for 2 car parking spaces per residential unit, plus 14 additional visitor spaces located across the development. In terms of the Clonmel & Environs Development Plan parking requirements, the development requires as follows:

Multi Residential Unit Development

1 or 2 bed dwellings:	1 per unit	8 proposed = 8
3 bed or more dwellings:	2 per unit	27 proposed = 54
Visitor spaces:	2 per 5 units	35 proposed = 7

In light of the above, I am satisfied that the development provides adequate car parking to service the proposed development in accordance with the Development Plan.

7.3.9. A third party has raised concerns in terms of the proposal to relocate the entrance to the site directly across from their own vehicular access to their home, where they state they already have difficulties in the morning and evenings. In addition, the third party notes the presence of a number of existing residential and commercial properties in the vicinity of the proposed entrance. It is considered that if permitted, the development will have a detrimental effect on the safe movement of both vehicular and pedestrian traffic on Thomas Street. Other issues raised relate to the internal layout of the proposed development. In relation to the third-party concerns, I noted on the date of my site inspection, that the proposed entrance is currently being used to access a large car park. I attended at the site at approximately 5.00-5.30pm and witnessed no issues in terms of peak traffic. I had no issues accessing or egressing from either of the existing two entrances.

7.3.10. The proposed construction phase of the development has the potential to give rise to some impacts to existing road users. However, I am satisfied that these impacts are generally temporary in nature. In terms of general roads and traffic issues, and acknowledging the third-party submissions in this regard, I am satisfied, based on the information submitted to date, including reports from the District Engineer, the requirements of the Design Manual for Urban Roads and Streets, the existing residential developments in the area and the potential impact of the proposed development and the traffic generated by same on the local road network, that the proposed development would not result in a significant traffic hazard for existing

residents or businesses in the area. In addition, I am satisfied that the development, if permitted, would not contribute significantly to traffic congestion within the local road network and would not adversely affect the existing residential amenities of the wider area or the carrying capacity of the local road network by reason of the additional traffic resulting from the proposed development.

7.4. Water Services

- 7.4.1. The proposed development will connect to existing services which serve the wider area. The Board will note that Irish Water was invited to comment on the proposed development by the Planning Authority, but did not. The submissions in support of the proposed development advise that the houses will connect to the existing Clonmel waste water treatment plant, which is described as a 'modern facility designed to cater for a population of 80,000'. The public system, which discharges to the River Suir to the east of the town of Clonmel, appears to have adequate capacity to accommodate the proposed development. The development will connect to the public water supply via a 100mm Class C watermain, with boundary boxes to all houses.
- 7.4.2. The Board will note that the adjacent landowner raised concerns in terms of the potential impacts of the development on services in the area, and in particular, water services which run through the subject appeal site and serve adjacent lands. The primary concern relates to the safeguarding and maintenance of the services. In addition, concerns are raised in relation to the detail and condition of the existing network, including its structural capacity to accept additional loadings. It is submitted that the proposed development has the potential to negatively impact the services currently serving the Began Property lands at Burgagery.
- 7.4.3. The development proposes the diversion of an existing foul sewer which serves existing developments adjacent to the subject site. It is indicated that the sewer has to be diverted at similar grades and will discharge to the existing combined sewer on Thomas Street, at the existing discharge point. The existing system cannot be discharged to the new foul sewer on Thomas Street as pipes would have to be laid over the top of the existing combined sewer, which is not possible due to existing level constraints. The development will also result in an existing combined sewer, which runs from the Powerscourt Centre, under the railway and through the site, also

being diverted at the same grade to discharge to the existing combined sewer in Thomas Street at the south of the site.

7.4.4. In terms of surface water management, the Board will note that the existing site has been extensively covered with concrete / tarmac. The details submitted provide for proposals to deal with surface water, including details of a French drain, petrol interceptor and Hydrocell to ensure the quality and level of surface water discharge from the site to the existing Thomas Street sewer.

7.4.5. While I acknowledge the concerns of the third-party appellant in terms of services, I note that at a minimum, the Planning Authority has not commented beyond raising the initial concerns which were included in the further information request. I would suggest that it is unfortunate that Irish Water didn't comment on the proposed development but would note that the site clearly capable of connecting to public services in Clonmel. I further consider that adequate information has been submitted in relation to water services, in order to facilitate a decision being made. Subject to compliance with conditions of planning permission, I consider that the proposed development is acceptable in principle in terms of water services.

7.5. **Appropriate Assessment**

Having regard to the nature and scale of the proposed development and the nature of the receiving environment, being a brownfield site in the urban area, 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**

8.1. The Board will note that I have no objection in principle to the redevelopment of this urban brownfield site in the town of Clonmel. I am generally satisfied that the site is suitable for a residential development and having regard to the previous use of the site, together with the existence of a car park which is currently in use, that the adjoining road network can appropriately accommodate the development without

undue impacts for existing road users. While I acknowledge the concerns raised by third parties in relation to the servicing of the site, I am satisfied that subject to compliance with appropriate conditions and Irish Water requirements, the proposed development is acceptable.

- 8.2. However, I have raised concerns in term of the low density of the development and I consider that if permitted in its current form, it would represent an inappropriate form of development which would result in an inappropriate scale of development on this urban brownfield serviced site. In this regard, I recommend that permission should be refused for the development as proposed for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to:

- the brownfield nature of the site,
- the location of the site close to the town centre,
- the pattern of development in the area,
- the land use zoning pertaining to the site and the objectives for such land as set out in the Clonmel and Environs Development Plan, 2013 as varied,

it is considered that the proposed development, in terms of the design, layout and density, would represent an inappropriate design response for the site, which would be out of character with and would fail to integrate successfully with adjoining streets and would result in the unsustainable use of serviced land in the town. The proposed development would therefore be contrary to the development Plan objectives and to Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.

A. Considine
Planning Inspector
13th August 2019