



An
Bord
Pleanála

Inspector's Report

ABP-304695-19

Development	44 houses which comprise of 22 detached and 22 semidetached houses.
Location	Moangarriff, Clonmel, Co. Tipperary.
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	18600858
Applicant(s)	Morrissey Construction Ltd
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Philip and Caroline Hayes John and Mary O'Brien And others
Observer(s)	None
Date of Site Inspection	5 th of November 2019
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. The subject site is located in Clonmel town, Co. Tipperary. It is a 3.082ha greenfield site on the eastern outskirts of Clonmel town, circa 2.65Ha north east of the town centre, west of the N24 (limerick -Waterford National Primary Route).
- 1.2. The site is bounded to the east and south by residential developments, the railway line to the north. The site is accessed currently from an existing residential estate road serving Lower Moangarriff however, it is proposed to access the site via an existing housing estate at the top of Moangarriff Road to the east of the site called Meadowlands, where the majority of the third-party appellants reside.
- 1.3. Moangarriff Road is a cul-de sac running from a small round about on the N24 to the site/ Meadowlands, serving a residential area.
- 1.4. The site is currently used for grazing horses. There is a 2metre wall plastered and capped between the existing estate, *Meadowlands*, and the subject site.

2.0 Proposed Development

- 2.1. There are 44No. dwellings proposed with all associated site development works, these will consist of 22No. detached dwellings and 22No. semi-detached dwellings.
- 2.2. The access to the development will be via the existing residential estate Meadowlands at the top of Moangarriff Road.

3.0 Planning Authority Decision

3.1. Decision

Tipperary County Council granted the proposed development on 23rd of May 2019 subject to 24No. conditions. The majority of the conditions are standard residential estate conditions. The following are site specific conditions.

2. Construction shall not start on site until 2No. sections of footpath on the east side of Moangarriff Road have been developed. The crossing point and speed ramp on Moangarriff Road has been provided.

4. Alterations to the site layout in terms of the footpath, visitor parking spaces, surface water and road gullies, public lighting.
8. The existing hedgerow alongside House No. 1 shall be retained.

3.2. **Planning Authority Reports**

3.2.1. ***Planning Reports***

Report No. 1

Extensive Further Information is required following a significant number of third party concerns to the proposed development and submission documentation, and the concerns cited in the internal reports of the planning authority.

Report No. 2

- The TIA notes no anticipate capacity issues from the proposal onto the local road or the junction with the N24.
- The local authority are going to provide some of the additional footpath along Moangarriff Road which is to be provided in advance of the dwellings on site.

3.2.2. ***Other Technical Reports***

The Clonmel Town Engineer in his report of 17th of August 2018, found extensive anomalies on the submitted drawings, effectively resulting in extensive further information been issued regarding misinformed landscaped plans, discrepancies over parking, surface water, gullies, road plans, TIA and footpaths.

Following receipt of information, clarification was sought, and upon receipt of the clarification information in April 2019, the following reports issued:

District Engineer: No objection subject to conditions.

Housing: Part V applicable.

3.3. **Prescribed Bodies**

Irish Water: the applicant proposes to discharge to sewer that is in private ownership, And IW need certain requirements before taking in charge.

3.4. Third Party Observations

There were 18No. number of third-party submissions regarding the proposed development. A summary of the key points raised in the submissions is as follows:

- Inaccuracies in drawings and claims in planning application
- Inadequacy in footpath
- Traffic volumes
- Cyclists/ horse traffic
- Overbearing, Overlooking
- Flooding
- Low water pressure

The adjoining landowner to the west submitted the design lacks variety and character. Future access to lands to the west.

4.0 Planning History

There is no relevant planning history.

5.0 Policy Context

5.1. Development Plan

Clonmel and Environs Development Plan 2013 the subject site is zoned '***New Residential***'.

Section 6.3 of the development plan is relevant regarding New Residential Development

Policy HSG 2: New Residential Development

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).

6.3 New Residential is to provide for high quality new residential development.

6.4 Residential developments need to have regard to the layout of the adjoining developments.

6.4.2 Mix of House Types

Policy HGS 3: Urban densities

Policy HGS 4; Residential Amenity

6.4.2 Mix of House Types

Note: The relevant Extracts from the Clonmel Development Plan are appended to this report

5.2. Natural Heritage Designations

The nearest Natura 2000 site is the Lower River Suir SAC (Site Code 002137) located c. 2km south of the site.

5.3 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 Appeals

There are 6No. separate appeals from residents living in the general vicinity of the site. The six appeals raise mainly the same issues and concerns, and rather than summarise each appeal separately leading to unnecessary repetition. I will list the names and addresses of the 6No. appellants and summarise the points made in each appeal collectively.

- (i) John and Annie Falvey, 11 Meadowlands, Clonmel;
- (ii) HRA Planning on behalf of Some Residents of Meadowlands

- (iii) Philip and Caroline Hayes, 15 Meadowlands
- (iv) John and Mary O'Brien, 9 Meadowlands
- (v) Fergal O Keeffe, 31 Meadowlands
- (vi) Edgar and Catherine Lonergan, Moangarriff

6.1. Grounds of Appeal

6.1.1 *Development Plan*

The proposal is not consistent with Clonmel and Environs Development Plan. In particular sections 6.4 of the development plan in relation to having regard to existing adjoining developments, streets and movement.

There is no master plan for the 8Ha to the west of the subject site.

When the appellants bought their houses in 2009 there was a boundary wall along the site boundary and the development plan stated that Moangarriff Road was incapable of taking additional traffic.

6.1.2 *Traffic*

The increased volumes of traffic from the Moangarriff Roundabout is a safety concern. The approach road is very congested. The road is narrow and does not have the capacity to cater for the additional traffic associated with the proposed development.

The TIA submitted by the applicant is flawed, and it contains contradictory information.

There are deficiencies in the footpath infrastructure serving Moangarriff Road. The applicant does not have the legal consent to carry out the necessary works to the footpath and the double crossings are a safety concern for pedestrians and are unacceptable.

The roundabout at the Applegreen Service Station has insufficient sightlines to the west.

Prior to the current development plan, planning policy stated Moangarriff Road was not suitable for further development. Planning histories reveal refusals dating back to 2000, that were refused because the road could not carry the additional traffic.

Collisions have been recorded on the Moangarriff Road.

The De Jong report from 20 years ago is cited and it referred to inadequacies of the Moangarriff Report, and the concerns of the report are still valid as nothing has changed along the road.

The factory at the end of Moangarriff Road is zoned for light industry and employment and there are a lot of heavy-duty vehicles use the access/ local road/ junction with N24.

6.1.3 **Potential Flooding**

Poor drainage is an on-going issue in Meadowlands during wet weather. The proposed soakaways are an inadequate way of dealing with the surface water associated with the proposed development as the land is impervious.

6.1.4 **Design and Density**

- The proposed development is not in keeping with the existing development of the area.
- There were changes during the course of the assessment of the planning application, and the overall permitted scheme is roads dominated, and detrimental to the amenities of the existing residents of Meadowlands. The proposal fails to present any coherent legibility, hierarchy or urban design.
- Safety concerns regarding the design and layout of the open space areas.

6.1.5 **Water**

The public water supply serving the area is low in pressure.

6.1.6 **Residential Amenity**

- Impact negatively on existing residential amenities
- The applicant had committed in the past to access the subject site from the Gortnafleur Road.
- Property values of Meadowlands will decrease as the houses will form part of a larger estate.
- The dwellings will have an overbearing impact, and cause overlooking to existing dwellings in Meadowlands and Moangarriff.

6.1.7 **Breach of Planning Permission**

The western wall of Meadowlands estate was erected in accordance with Condition No. 18 of the planning permission for Meadowlands. The addition of two new entrance along this boundary will be contrary to the parent planning permission, and will carry the traffic from the current development proposal and future lands to the east.

6.2 **Applicant Response**

The applicant has responded to the third party appeals, in two submissions and these can be summarised collectively as they raise the same issues . A summary is as follows:

- The Design Manual for Urban Roads and Streets indicates that the standard carriageway width should be between 5-5.5metres. With the exception of the road that provides for future access to the adjoining lands, each road is a short access road serving ten houses or less. The roads are too short for speeding to be an issue. The Board can reduce the overall road width to 5.5m if it is considered necessary and the 0.5m be included into the open space area
- Additional traffic into the area will not impact on existing residential amenities as new housing is a normal aspect of a well-planned
- Moangarriff Road acts as a distributor road and will act in capacity until 2035. There will be no impact to existing dwellings caused by the junction onto Moangarriff Road, as per the findings of the Traffic Impact Assessment submitted on file. The concerns of the appellants is not supported by any technical data in this regard.
- The land is zoned for residential use. The open space design and provision will benefit the existing residences. There will be improvements to the public footpath that will benefit the residents of the area.
- Drawing M23-02, illustrates a single footpath in parts with a double footpath in other parts, and the works have to be carried out before any works commence on site. Relevant letters of consent from third parties are attached to the planning file in relation to provision of the footpath.

- The site is outside of Flood Risk zones A and B. There is no flood risk associated with the site.
- The proposed density is 14No. dwellings per hectare, and this is similar to existing densities in the area.
- There is no supporting evidence regarding the public water supply in the area.
- The distance between house 1 Meadowlands and the proposed development is 32.8metres. No. 1 is at a higher finished floor level than the nearest proposed dwelling. There will be no overbearing impact.
- The residential amenities of existing dwellings are not compromised by the proposed development.
- The applicant does not own the adjoining lands to the west, however the applicant had engaged with the adjoining landowner regarding future access to his lands via the proposed development.
- The N24 Moangarriff Road can cater for the additional traffic as indicated in the TIA.

6.3 Planning Authority Response

- The planning authority consider the 6m road width to serve the main access road within the site will extend to the western site boundary to serve adjoining lands. The same considerations apply to the altered access road that serves the Meadowlands development.
- The planning authority does not consider the layout to be over engineered. The layout is similar to the prevailing character of the area. The points made in the submission that the layout is contrary to DMURS centre on local street width only, the proposed development has road widths of 6metres where DMURS recommends 5-5.5metres under Section 4.4.1
- The housing type, and open space are similar to prevailing residential developments.

- The Traffic Impact Assessment demonstrates the roadway has the capacity to cater for the additional traffic.
- The lands are zoned for residential development
- The footpath improvements are required by condition and can be provided along certain sections by the local authority.

6.4 Further Responses

HRA Planning Consultants on behalf of a number of residents from Meadowlands estate responded to the applicant's appeal submission. The following is a summary of the relevant issues.

- The applicant acknowledges the oversized road. The road width should be reduced in line with DMURS Section 4.4.1 to between 5-5.5metre. This issue cannot be dealt with by condition at the end of the planning process and should be addressed at the initial design stage. The scheme is road dominated, contrary to DMURS by the applicant's own admission, and therefore contrary to proper planning and sustainable development of the area.
- The concept of residential amenity extends far beyond just overlooking. There will be impacts to existing residences at the proposed junctions and this is not addressed by the applicant. The addition of new open space areas is a frivolous comment and should be rejected. The applicant has not addressed the issue of consent regarding the footpath enhancement and pedestrian crossing provision.

John and Mary Obrien made a further submission citing whereby the planning authority has overlooked the De Jong report of 2003. There was the Clonmel East LAP. The report refers to the lack of amenities at Meadowlands, and there have been no community facilities provided in the area since that report in 2003. A masterplan is required for the area to address the future development of 71No. units in the area along with the current 44No. units.

7 Assessment

7.1 The appeal is assessed under the following headings:

- Principle of the Proposal
- Development Plan Policy
- Residential Amenity
- Traffic/ Roads
- Other Issues
- Appropriate Assessment

7.2 *Principle of the Proposal*

The subject site is zoned in the *Clonmel and Environs Development Plan 2013* as **New Residential**. The proposed development includes 44No. new dwellings on the eastern outskirts of Clonmel town adjoining existing residential areas. According to the development plan there are 8Ha designated for *New Residential* within Moangarriff with the potential to provide circa 120No. dwellings. The principle of the proposed residential development is acceptable.

7.3 *Development Plan Policy*

The development proposal is to be accessed from an existing housing estate to the east, Meadowlands. In terms of Policy HSG 2, the proposal provides a new residential development on existing zoned and serviced lands within the development boundary for Clonmel town and environs.

Layout, Design Density

Section 6.4 of the development plan states that residential development must have regard to the character of an area. The plan states there is a need to move away from the sameness of types, that development should offer a range of styles, sizes and finishes to create a visual interest and sense of individuality. In my opinion, the overall layout and design is very poor. The proposed detached units are separate to the semi-detached units. The blocks of semi-detached detached units continue the

same building line as Meadowlands creating a monotonous layout. There is no variety in design, legibility or specifications throughout the scheme.

According to the government publication '*Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas*' 2009, the primary consideration, in respect of layout design and space standards, is that new development relates successfully to the structure of the smaller town or village. In terms of overall scheme design, each residential scheme within a small town or village should be designed to:

- *make the most effective use of the site,*
- *make a positive contribution to its surroundings*
- *have a sense of identity and place*
- *provide for effective connectivity,*
- *include a design approach to public areas such as streets, plazas and open spaces that is guided by the best principles of passive surveillance to encourage a safe sense of place, discourage anti-social behaviour and facilitate effective community policing.*

There is nothing unique about the proposed development, there is no diversity in terms of living accommodation, and the layout does not represent the most effective use of the site. I am also concerned about the proposed road layout. There are 2No. road running parallel to each other which front onto the existing Meadowlands housing estate creating a poor visual and physically connection between the existing and proposed dwellings, I would also be concerned about the safety of locating a large open space area between two service roads one of which is the main spine road. The overall design and layout are substandard and should be refused on this basis. In my opinion, the third-party appellants that raised this issue made some valid points, and the applicant had an opportunity to address these concerns but failed to do so. The proposed development will only cater for a segment of the population mainly families and fails to create a purposeful living environment for all ages and family sizes within the community. The existing housing in Moangarriff is mainly detached family homes, I consider a greater mix of housing is required to ensure sustainable residential living in this area.

In terms of density each dwelling will have generous rear garden areas and complies with national planning standards. There will be 15% of the site area devoted to public open space, the site area is 3.08Ha with the total open space area will be 0.47Ha. However, I consider the open space areas would have been better located centrally instead of the proposal to provide the bulk of the new open space areas along the main estate road. The proposed playground area is located in front of 4No. dwellings only on the western edge of the estate and would have been better located centrally within the scheme. I note the play area is in compliance with section 6.4.1 of the development plan regarding distance from the houses within the estate.

There are 40No. four-bedroom dwellings proposed and 4No. three-bedroom semi-detached dwellings proposed. As stated, I consider this to be a one-dimensional type of development that will cater for families only and does not create a sustainable development to cater for a broad range of households across the community. The proposed development should cater for single households, starter homes, and downsizing for the older section of the population as well as standard family homes.

7.4 Residential Amenity

There will be no loss of existing residential amenities to the housing east and south of the site on adjoining lands. I am satisfied the proposed dwellings provide sufficient separation distance from the existing housing to ensure no loss of sunlight, privacy or create an overbearing impact when viewed from the surrounding area. The concerns of the third parties expressed on appeal regarding residential amenity should be dismissed by the Board. The land is zoned for 'New Residential' development in the current development plan for the area, and the residents should accept that the residential development of the subject site is encouraged by the prevailing planning policy, and that this is a suburban area, and certain loss of privacy and existing amenities is to be anticipated with any new development.

7.5 Traffic/ Roads

In the first instance, the augmentation of the public footpath and the provision of two pedestrian crossings along Moangarriff Road is a planning gain for the area. The applicant has the consent of the local authority to carry out the required works and included as a condition on the permission that the works to the public footpath from the site to the roundabout on the N24 be completed prior to any works commencing on site.

Moangarriff Road varies in width from 5.5m to 6m and it is a cul de sac giving access to a housing estate, Meadowlands, a petrol filling station and a number of houses and industrial units. The Traffic Impact Assessment demonstrated the road is adequate to cater for the traffic associated with the proposed development and the roundabout on the N24 junction mainly carries traffic on the N24 during peak times and that traffic from Moangarriff Road has very little influence on the capacity of the roundabout, with most of the influence shown from the traffic surveys to arise from the Applegreen station. Moangarriff Road serves local traffic it is not a through road. I am satisfied the findings of the Traffic Impact Assessment are accurate.

The proposed road layout fails to comply with the basic requirements in terms of road width and design as outlined in the, specifically section 4.4.1 of DMURS regarding the required 5-5.5metres width which would assist in slowing traffic approaching and throughout the proposed development. The overall layout is dictated by 6metres wide roads, and the predominant feature of the scheme are the roads which is an over engineered design response with very little consideration given to aesthetics, sustainable urban living or future amenities.

7.6 ***Other Matters***

I referred earlier in the report to the Clonmel Town Engineer of 17/08/19, which detailed 4No. pages of discrepancies, anomalies and errors in the submission documents. This formed the basis of an extensive further information request by the planning authority, and further clarification because the items requested were not fully addressed. In my opinion, the planning authority had to give extensive considerations to the submission documents in order for basic principles in housing estate design to be included. These issues were also the subject of extensive third-party objections and remain salient concerns of the appellants in the appeal process. Of note:

- It is impossible for the Traffic Impact Assessment to include accurately the potential traffic from the development of lands outside of the site boundary. Predictions can only be based on the density level prescribed in the development plan.
- The proposed turning bays are adequate in size and compliant with *'Recommendations for Site Development Works for Housing Areas'* as revised proposed were eventually submitted by the applicant after a request for clarification on this issue on 29th of April 2019.
- All surface water connections and gullies require agreement with the planning authority, as the town engineer was not satisfied with the proposals submitted as per the further information.
- Landscaping should be in accordance with the detailed recommendations of the Town Engineer in his report of the 17th of January 2019.

The Clonmel and Environs Development Plan emphasises the requirement for high quality new residential development on lands zoned for New Residential Development. I do not consider the proposed development represents a high-quality scheme, and I am recommending a refusal on this basis.

7.7 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), 2km 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

I recommend the planning authority's decision to grant planning permission for the proposed development be **REFUSED**. The overall design and layout of the scheme is inappropriate and unacceptable in sustainable planning terms.

7.0 Reasons and Considerations

It is considered that the proposed layout is generally substandard and is not in accordance with the design and layout guidelines set out in the Clonmel and Environs Development Plan 2013, Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) Guidelines issued by the Department of the Environment, Heritage and Local Government in May, 2009 or the Design Manual for Urban Roads and Streets with regard to the mix of housing types, the layout of streets and parking, and the public open space location and design. The proposed development therefore would represent substandard residential amenity for future occupiers. It is further considered that the proposed layout fails to ensure a sustainable provision of house sizes and individual designs to cater for different sizes of family units in the community. The proposed development would, therefore, seriously injure the residential and visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

Caryn Coogan
Planning Inspector

20th of November 2019