



An
Bord
Pleanála

**S. 6(7) of Planning and
Development (Housing)
and Residential
Tenancies Act 2016 (as
amended)
Inspector's Report on
Recommended Opinion
ABP-304703-19**

Strategic Housing Development

Demolition of existing buildings, 120
no. residential units and crèche

Location

Mitchel Street, Thurles, Co. Tipperary

Planning Authority

Tipperary County Council

Prospective Applicant

Liberty Square Consulting Ltd.

Date of Consultation Meeting

25th July 2019

Date of Site Inspection

18th July 2019

Inspector

Sarah Moran

1.0 Introduction

- 1.1. 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, 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 site is located at the north eastern edge of Thurles, c. 1 km from the town centre and comprises lands above the River Suir, which flows nearby to the north west. It is bound by Mitchel Street to the south and by Bohernamona Road to the east. The site has a total stated area of 4.96 ha and is currently in agricultural use with some old agricultural buildings close to the frontage to Mitchel Street. There are several field boundaries / hedgerows within the site. There is currently no direct access to Mitchel Street and there is a high stone wall along the street frontage. There are several residential properties and a joinery immediately adjacent to the Mitchel Street frontage. The Bohernamona Road frontage is also formed by a stone wall. The applicant also owns c. 1.7 ha of lands to the north of the development site (blue line boundary). The site is adjacent to the Lower River Suir SAC (002137). The Flood Risk Assessment submitted indicates that the site is located outside Flood Zones A and B associated with the River Suir.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed residential development comprises 120 no. residential units as follows:

Unit Type	No. of Units	%
Houses		
2 bed	12	10%
3 bed	68	57%
4 bed	20	17%
Apartments / Duplex		
2/3 bed duplex	20	17%
Total	120	

3.2. The development has a stated net residential density of 34.4 units / ha. The residential development is laid out on the residentially zoned lands and the amenity zoned lands are landscaped as public open space. The primary vehicular access is via a new entrance to Mitchel Street ('Road A') with a secondary access to Bohernamona Road ('Road B'). The development is to be phased as follows:

- Phase 1 at the Bohernamona Road. 32 units, construction access and services;
- Phase 2 at Mitchel Street. 44 units, access from Mitchel Street.
- Phase 3 at the northern end of the site. 44 units and amenity area.

3.3. It also includes:

- Demolition of existing agricultural buildings and boundary wall at Mitchel Street adjacent to Bourkes Joinery.
- A 'home with childcare facility' in lieu of a creche.
- Part V proposal to transfer 12 units on site comprising 4 no. 2 bed houses in Phase 1, 4 no. 2 bed houses in Phase 2 and 4 no. 3 bed duplex units in Phase 3.
- New pumping station at the north western corner of the amenity lands.
- Surface water drainage design with SUDS measures including attenuation tanks and permeable paving.

4.0 Planning History

4.1. Reg. Ref. 06540053

- 4.1.1. Relating to the southern portion of the development site and access from Mitchel Street. Permission granted for Phase 1 of an overall housing development of 151 dwellings and 1 no. Creche. Phase 1 consisting of 13 no. 4 bed detached houses, 20 no. 3 bed semi-detached houses, 24 no. 3 bedroom townhouses, 12 no. 3 bed apartments, 6 no. 2 bed apartments, 209 sq.m creche, vehicle and pedestrian site entrance, associated site works.

4.2. Reg. Ref. 07540045

- 4.2.1. Relating to the southern portion of the development site and access from Mitchel Street. Permission granted to amend Planning Permission No. 06/54/0053 in respect of a development of 84 units, 3 service sites, vehicle and pedestrian entrance and associated site works. Development to consist of the construction of a temporary pumping station, rising main and sewer, to facilitate the discharge of treated effluent from a treatment plant on the Mitchel Street lands to the existing public sewer at the junction of Mitchel Street and the Bohernamona Road pending construction of the proposed Local Authority Pumphouse in the area.

4.3. Reg. Ref. 08540031

- 4.3.1. Permission granted for alterations to previously granted planning permission 06540053 to consist of 35 no. apartments, including 9 No. 1 Beds, 26 No. 2 Bed units and 1 office area in one 3 storey block to replace 3 blocks of 3 three storey duplex units, also included ancillary site services and revised internal site road layout & car parking.

5.0 National and Local Planning Policy

5.1. Section 28 Ministerial Guidelines

- 5.1.1. Having considered the nature of the proposal, the receiving environment and the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines and other national policy documents are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated 'Urban Design Manual')
- Design Standards for New Apartments – Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets (DUMRS)
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices')
- Childcare Facilities Guidelines for Planning Authorities

5.2. **Draft Regional Spatial and Economic Strategy (RSES) for the Southern Region**

5.2.1. The draft RSES was open to public consultation from 18th December 2018 to 8th March 2019. Thurles is identified as a Key Town in the strategy with significant employment potential, regional and inter-regional connectivity. RPO 16 applies:

- a) It is an objective to support and promote the role of Thurles as a driver of county and regional prosperity by harnessing the employment and economic potential of the town together with Lisheen National Bio Economy Hub and the emergence of a new economic model focused on two principal pillars: low carbon growth and resource efficiency.*
- b) It is an objective to support the delivery of the infrastructural requirements identified for Thurles subject to the outcome of the planning process and environmental assessments.*
- c) To strengthen 'steady state' investment in existing rail infrastructure to ensure its continued renewal and maintenance to high level in order to provide quality levels of safety, service, accessibility and connectivity including improved frequency and journey times.*
- d) Future growth of the town should be planned for on a phased basis in consultation with the local authority and Irish Water to ensure that sufficient wastewater capacity is accounted for and that further growth does not contribute to degradation of the water environment and in particular the River Suir*

5.3. **North Tipperary County Development Plan 2010 (as varied)**

5.3.1. There are currently 2 County Development Plans, i.e. South Tipperary County Development Plan 2009 and North Tipperary County Development Plan 2010. Both

have been subject to several variations. The North and South County Councils joined in 2014 with the establishment of Tipperary County Council and the existing County Development Plans had their lifetimes extended under section 11A of the Planning and Development Act 2000 (as amended) and will remain in effect until the new RSES is made by the Southern Regional Assembly. A new single County Development Plan will then be made. The North Tipperary County Development Plan identifies Thurles as a Sub-Regional town, along with Nenagh, at the second tier of the settlement hierarchy below the Regional Town of Clonmel. Table 2.2 of the Core Strategy identifies a population target of 9,372 for Thurles up to 2022 with 67 ha of land zoned for residential development.

5.4. Thurles and Environs Development Plan 2009 – 2015 (as varied)

- 5.4.1. The southern portion of the site (3.7 ha) is zoned R1 'New/Proposed Residential' and the lands at the northern end of the site (2.5 ha) are zoned AM 'Amenity'. The 1.7 ha of lands further to the north, within the blue line boundary, that are also in the applicant's ownership, are zoned AG 'Agriculture'. The plan does not identify population targets for specific sites or include sequential zoning objectives.

6.0 Forming of the Opinion

- 6.1. 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 a brief detail on each of these elements hereunder.

6.2. Documentation Submitted

- 6.2.1. 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, the following:

Completed Application Form; Design Statement; Landscape Design Statement, Landscape Masterplan, details of boundary treatments; Planning Report; Statement of Consistency; Section 247 Consultation details; Part V proposals; Childcare

Assessment; Natura Impact Statement; Ecological Impact Assessment; Engineering Services Report including Flood Risk Assessment; Traffic Impact Assessment; Site Layout, phasing plan, Part V layout, details of house designs and types; Roads layouts and sections; surface water drainage layout and sections, attenuation details; watermain design layout.

I have reviewed and considered all of the above mentioned documents and drawings.

6.3. Planning Authority Submission

6.3.1. 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 copy 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 12th July 2019. The planning authority's 'opinion' included the following matters.

- The development is acceptable in principle with regard to the relevant zoning objectives.
- The design, density and layout are considered acceptable.
- The quantum and location of public open space are considered to satisfy the relevant development plan standards.
- No TIA submitted to the planning authority. The development layout needs to incorporate traffic calming by design. Roads A and B could be further modified to incorporate additional traffic calming measures. The main spine road should have adequate width to function as a distributor road, discrepancy in documentation submitted. The developer should consider incorporating additional visitor car parking.
- No significant surface water issues raised.
- The design and layout of the pumping station should facilitate the future needs of zoned lands in the immediate vicinity of the site. Permission was granted for a housing development on the site which was subject to a Serviced Land Initiative for a pumping station and associated network.

- There is Part V agreement in principle for 12 no. 2 and 3 bed units.
- Further details of Taking in Charge are required.

I note that the TIA referred to was subsequently submitted to the planning authority for their consideration in advance of the tripartite meeting.

6.4. **Submission of Irish Water**

6.4.1. The following points are noted:

- The proposed connection to the IW network can be facilitated subject to a valid connection agreement.
- The applicant must upgrade the existing foul sewer on Mitchel Street to facilitate the connection.

6.5. **Consultation Meeting**

6.5.1. A section 5 Consultation meeting took place at the offices of Tipperary County Council on the 25th July 2019. 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.

6.5.2. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advanced and contained the following issues:

1. Part V
2. Thurles Town and Environs Plan 2009 - 2015; phasing of development; residential density and housing mix.
3. Design of residential accommodation. Residential layout including open space provision, public realm, relationship with adjoining lands.
4. Roads layout, DMURS, traffic impacts.
5. Wastewater treatment, surface water drainage and flood risk assessment.
6. Any other matters

6.5.3. In relation to Part V, ABP representatives sought further elaboration / discussion on:

- Clarity was sought from the prospective applicant regarding Part V with reference to the layout and design of the proposed development and the PA requirements for the proposed units.

6.5.4. In relation to the Thurles Town and Environs Plan 2009 - 2015; phasing of development; residential density and housing mix, ABP representatives sought further elaboration / discussion on:

- Clarity was sought regarding the Thurles Town and Environs Plan 2009 – 2015; phasing of development; residential density and housing mix for this proposed development with regards to local and national planning policy.

6.5.5. In relation to design of residential accommodation, residential layout including open space provision, public realm, relationship with adjoining lands, ABP representatives sought further elaboration / discussion on:

- Clarity was sought from the prospective applicant regarding the design of residential accommodation and residential layout including open space provision, public realm, relationship with adjoining lands.
- Interface with Mitchel Street and frontage to Bohernamona Road
- Creation of a connecting ‘street’ through the development to reflect the urban location of the site
- Retention of trees and hedgerows, tree survey, landscaping details, compatibility with SUDS measures and DMURS wrt street trees
- Parking and pumping station located in amenity zoned lands

6.5.6. In relation to roads layout, DMURS and traffic impacts, ABP representatives sought further elaboration / discussion on:

- Clarity was sought from the prospective applicant regarding roads layout, DMURS, traffic impacts.
- The access to Mitchel Street should be designed in accordance with DMURS and have adequate sight distances.

- 6.5.7. In relation to wastewater treatment, surface water drainage and flood risk assessment, ABP representatives sought further elaboration / discussion on:
- Clarity was sought from the prospective applicant regarding wastewater treatment, surface water drainage and flood risk assessment.
- 6.5.8. In relation to any other matters, ABP representatives sought further elaboration / discussion on:
- Appropriate Assessment
 - Childcare. Why not a full size purpose built facility to cater for no. of spaces required by childcare guidelines?
- 6.5.9. Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-304703-18', which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

7.0 Conclusion and Recommendation

- 7.1. 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.
- 7.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, 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 development plan for the area.
- 7.3. Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following element:

Design and Layout of Development

Pedestrian and Cycle Connectivity

details of which are set out in the Recommended Opinion below.

- 7.4. Having regard to 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.
- 7.5. 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.

8.0 Recommended Opinion

- 8.1. An Bord Pleanála 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.
- 8.2. 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.

- 8.3. In the opinion of An Bord Pleanála, the following issue needs 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:

Design and Layout of Development

Further consideration of the documents as they relate to the design and layout of the proposed development with regard to national and local planning policy, in particular the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas', the updated 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities', the 'Urban Developments and Building Heights Guidelines for Planning Authorities' and the National Planning Framework. The prospective applicant should satisfy themselves that the proposed development provides the optimal urban design and architectural solution for this site and that it is of sufficient quality to ensure that the development makes a positive contribution to the character of the area over the long term. In this regard, the submitted documents should allow for further consideration of the following matters:

- 1) Provision of an urban rather than suburban response at the potential urban street/road frontage at the Bohernamona Road side of the development;
- 2) Provision of a satisfactory interaction with the public realm at the Mitchel Street, including an access that is in keeping with the existing character of the street and sympathetic to surrounding buildings;
- 3) The quantum of open space proposed, 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, to include consideration of the provision of open space and recreation land uses at the amenity zoned lands at the northern end of the site;
- 4) Connectivity and interaction with adjoining land uses and potential impacts on adjacent residential amenities;
- 5) The proposed roads layout to have a hierarchy and to be designed to reduce vehicular speeds in accordance with the provisions of DMURS;

The further consideration of these issues may require an amendment to the documents and/or design rationale submitted.

Pedestrian and Cycle Connectivity

Further consideration of the documents as they relate to the design and layout of the proposed development with regard to the provision of satisfactory pedestrian and cycle connectivity into and out of the site and through the site between Mitchel Street and Bohernamona Road, as well as pedestrian access to the amenity space at the northern end of the site, which will serve the wider area. The further consideration of this issue may require an amendment to the documents and/or design rationale submitted.

8.4. 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:

1. Rationale for proposed residential density and housing mix with regard to the provisions of the North Tipperary County Development Plan 2010 (as varied), the Thurles and Environs Development Plan 2009-2015 (as varied) and relevant national and regional planning policy including the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'); The 'Design Standards for New Apartments – Guidelines for Planning Authorities' (2018) and the 'Urban Development and Building Heights – Guidelines for Planning Authorities' (2018).
2. Phasing details to include:
 - Vehicular access from Mitchel Street and Bohernamona Road
 - Proposed pumping station and associated foul water infrastructure
 - Part V provision
3. Layout of areas to be Taken in Charge.
4. Landscaping proposals to include (i) Arboricultural Impact Assessment and details of measures to protect trees and hedgerows to be retained at the site; (ii)

rationale for proposed public open space provision, to include an open space hierarchy and detailed layouts for the public open spaces.

5. A site specific flood risk assessment and details of proposals for the drainage of the site and the attenuation of surface water runoff, as well as details demonstrating the capacity of the receiving waters for stormwater effluent.
 6. Rationale for proposed childcare provision with regard to, inter alia, the 'Childcare Facilities Guidelines for Planning Authorities', circular letter PL 3/2016, and the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018). The applicant is advised to consult with the relevant Childcare Committee in relation to this matter prior to the submission of any application.
 7. Traffic and Transport Impact Assessment, to be prepared in consultation with Tipperary County Council.
 8. Rationale for the proposed car parking provision with regard to Development Plan car parking standards and the performance related approach set out in the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018), to include a car parking management strategy for the apartments.
 9. Statement of compliance with DMURS
 10. Stage I Road Safety Audit
 11. Ecological Impact Statement to consider the retention and management of hedgerow boundaries at the site.
- 8.5. 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. Transport Infrastructure Ireland

3. National Transport Authority
4. 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.

Sarah Moran
Senior Planning Inspector
2nd August 2019