



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-306223-19

Strategic Housing Development

Construction of 122 no. residential units including a home with a childcare unit, new vehicular and pedestrian access, demolition of a section of wall onto Mitchel Street and 3 no. outbuildings and ancillary site works. An NIS has been submitted with the application.

Location

Mitchel Street, Thurles, Co. Tipperary

Planning Authority

Tipperary County Council

Applicant

Liberty Square Consulting Ltd.

Prescribed Bodies

Irish Water

Transport Infrastructure Ireland

National Transport Authority

Tipperary County Childcare Committee

Observer(s) 12 submissions- see Appendix A

Date of Site Inspection March 19th 2020

Inspector Lorraine Dockery

1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The subject site, which has an overall stated area of 4.96 hectares, is located at the north-eastern edge of Thurles, c. 1 km from the town centre. The River Suir flows nearby to the north-west. The site is bound by Mitchel Street to the south and by Bohernamona Road to the east 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.
- 2.2. 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 business immediately adjacent to the Mitchel Street frontage. The Bohernamona Road frontage is also formed by a stone wall.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development will consist of 212 residential units which includes for a home with childcare unit, provision of new vehicular and pedestrian site access from Mitchel Street to the south and from Bohernamona Road to the east, pumping station and all ancillary site works. The works also include for the demolition of a section of wall onto Mitchel Street and demolition of 3 no. outbuildings within the site.
- 3.2. The following tables set out some of the key elements of the proposed scheme:

Table 1: Key Statistics

Site Area	4.96 ha (gross) of which 3.7 ha is residentially zoned lands and 1.26 ha is zoned amenity
No. of units	122 units
Other uses	Home with childcare facility (10 childcare spaces)
Density	32.4 units/ha (residentially zoned lands)
Height	2-3 storeys
Car Parking Provision	242 spaces
Part V	12 units

Table 2: Unit Mix

	1 bed	2 bed	3 bed	4 bed	Total
Duplex	-	12	12	-	24
Houses	-	16	62	20	98
Total	-	28	74	20	122
As % of total	0%	23%	61%	16%	100%

- 3.3. In terms of site services, the proposal provides for a new connection to the public water mains while proposed wastewater treatment is by means of a new connection to the public sewer. The wastewater drainage from each dwelling is to connect to a gravity pipe network within the proposed development and discharge to a proposed pumping station, which is to be located at the north-west corner of the site. The proposed pumping station is to be designed with 24-hour storage capacity and in accordance with Irish Water Code of Practice for Wastewater. Surface water disposal is via run-off to underground cellular storage units before discharging via controlled flow rate to existing land drains. An Irish Water Pre-Connection Enquiry (dated 24/01/19) in relation to water and wastewater connections has been submitted, as required. It states that in the case of wastewater connections this assessment does not confirm that a gravity connection is achievable. Therefore a suitably sized pumping station may be required to be installed on the site. All

infrastructure should be designed and installed in accordance with the Irish Water Code of Practice. In terms of wastewater, the existing foul sewer on Mitchell St. narrows in parts to 150mm diameter. To accommodate this development, the applicant will be required to upgrade these sections of sewer to a larger diameter. In terms of surface water, it is noted that surface water from this development cannot discharge to the combined sewer network in Thurles. An Irish Water Statement of Design Acceptance (dated 14/10/19) has been submitted which states that Irish Water has no objection to the proposal.

- 3.4. A letter of consent from Tipperary County Council (dated 13/12/19) has been submitted with the application which gives consent to Liberty Square Consulting Ltd to make a SHD planning application to An Bord Pleanála on referenced road network at land to the north of Mitchel Street, Thurles, Co. Tipperary. A map is attached with the letter of consent.
- 3.5. The application is accompanied by a Natura Impact Statement (NIS) and Ecological Impact Assessment.

4.0 Planning History

Subject Site:

06540053

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. crèche, vehicle and pedestrian site entrance, associated site works.

07540045

Relating to the southern portion of the development site and access from Mitchel Street. Permission GRANTED to amend Planning Permission No. 06540053 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.

08540031

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.

Nearby Sites:

The Chief Executive Report outlines a number of applications within the vicinity of the lands and I refer the Bord to same.

5.0 Section 5 Pre Application Consultation

5.1. A Section 5 pre application consultation 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. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála. The issues raised were as follows:

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;

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.

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

The applicants were also advised that 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.

Applicant’s Statement

5.2. A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement details a response to the specific information raised in the Opinion.

5.3. It is noted that there is an increase in two units from that proposed at pre-application consultation stage. In terms of the provision of an urban rather than suburban response at the potential urban street/road frontage at the Bohernamona Road side of the development, the applicants consider that this would adversely affect the character of the development proposed and of Bohernamona Road itself. The architectural approach has always been to set the building line back at this location and this stance is being maintained.

6.0 Relevant Planning Policy

6.1. National Planning Policy

The following list of section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

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

- Design Manual for Urban Roads and Streets
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Childcare Facilities – Guidelines for Planning Authorities

Other relevant national guidelines include:

- National Planning Framework 2018
- Mid-West Regional Planning Guidelines 2010
- Regional Spatial and Economic Strategy for the Southern Region 2020
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999

6.2. Local

There are currently two County Development Plans, namely 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.

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

Zoning:

The southern portion of the site (3.7 ha) is zoned R1 'New 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 AM 'Amenity' while those to the north-east are zoned

AG 'Agriculture'. The plan does not identify population targets for specific sites or include sequential zoning objectives.

Applicant's Statement of Consistency

A Statement of Consistency with local and national policy has been submitted with the application, as per Section 8(1)(iv) of the Act of 2016.

7.0 Third Party Submissions

7.1. In total, 12 third party submissions were received. It is noted that some of the submissions received support the proposed development in principle. A submission from Bohernamona Road Residents was received. The content of the submissions may be broadly summarised as follows, with the topics expanded upon where necessary within my assessment:

- Traffic and transport concerns; entrance at Mitchel Street and associated double yellow lines; increase in greenhouse gases; health and safety concerns
- Contrary to policies of Development Plan including Policy HSG 1 and HSG 8
- Boundary treatments; impacts on wildlife; provision of greenway through the lands
- Drainage: Capacity of sewerage system; flooding
- Lack of cycle/pedestrian linkage to town centre
- Other Matters: Ownership matters; adequacy of drawings; community facilities levy should be applied

7.2. I have considered all of the documentation included with the above third party submissions.

8.0 Planning Authority Submission

8.1. In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Tipperary County Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received

by An Bord Pleanála on 24th February 2020. The report may be summarised as follows:

Information Submitted by the Planning Authority

Details were submitted in relation to description of proposal, site location and description, planning history, internal reports, submissions/observations, views of elected members, policy context, zoning, principle of development, legal entitlement, design considerations, layout, design and density; mix; open space; pedestrian and cycle connectivity; traffic impacts; impacts on adjacent properties; open space, amenity and landscaping; childcare facility; services- water and waste water; flood risk; archaeology; ecology NIA/AA/EIA; Part V; phasing and taking in charge development contributions and bond. A summary of representations received was outlined.

Summary of Inter-Departmental Reports (reports not received, summarised within Opinion)

Thurles Municipal District:

Conditions recommended

Roads Design Division:

No report at time of writing

Housing Section:

Recommended conditions attached

Water Services:

No report at time of writing

Environment Section:

No report at time of writing

An informative report has been received from the planning authority and I shall refer to pertinent issues raised therein within the body of my assessment. The report concludes that the planning authority welcomes an application for a residential scheme on this site, however a number of conditional revisions are required.

Conditions attached

The report includes the minutes of the views of relevant Elected Members, as expressed at the Thurles Municipal District Committee meetings held on 20/01/2020 and on 18/02/2020 and these are summarised below:

- Additional housing welcomed
- Traffic and parking concerns
- Future links and access to adjoining lands
- Issues raised regarding flooding; drainage; childcare provision; landscaping; tree planting cause of trip hazard; impacts on local businesses

9.0 Prescribed Bodies

9.1. The applicant was required to notify the following prescribed bodies prior to making the application:

- Transport Infrastructure Ireland
- Irish Water:
- Tipperary County Childcare Committee:

One body has responded and the following is a brief summary of the points raised. Reference to more pertinent issues are made within the main assessment.

Transport Infrastructure Ireland:

No observations to make

10.0 Assessment

10.1. I have had regard to all the documentation before me, including, *inter alia*, the report of the planning authority; the submissions received; the provisions of the Tipperary

County Development Plans; the provisions of the Thurles and Environs Development Plan 2009; relevant section 28 Ministerial guidelines; provisions of the Planning Acts, as amended and associated Regulations. I have visited the site and its environs. In my mind, the main issues relating to this application are:

- Principle of Proposed Development
- Design and Layout
- Impacts on Amenity
- Access and Transportation
- Drainage and Flooding
- Other Matters
- Appropriate Assessment Screening
- Environmental Impact Assessment Screening

10.2. Principle of Proposed Development

- 10.2.1. Having regard to the nature and scale of development proposed, namely an application for 122 residential units substantially located on residentially zoned lands, I am of the opinion 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.
- 10.2.2. The provision of residential development is considered acceptable in principle on the residentially zoned element of the site and generally in accordance with the zoning objectives for the area. The southern element of the site is zoned 'Objective New Residential', the objective of which is to 'provide for new residential development. Residential development is located on this part of the site. The northern portion of the site is zoned 'Objective Amenity' which seeks to 'preserve and enhance amenity facilities'. No residential development is located on these lands.
- 10.2.3. I draw the attention of the Bord to the fact that Thurles is identified as a Key Town in the RSES for the Southern Region with significant employment potential, regional and inter-regional connectivity. RPO 21 applies:

- a. *To support and promote the role of Thurles as a strategically located urban centre of significant influence in a sub-regional context and driver of county and regional prosperity by harnessing the employment and economic potential of the town together with Lisheen, Thurles National Bio Economy Hub and the emergence of a new economic model focused on two principal pillars: low carbon growth and resource efficiency, while leveraging its strategic location and accessibility on inter-regional road and rail networks;*
- b. *To support and promote the role of Thurles as a centre for international and national standard sporting facilities. This builds on the opportunities and landholdings available to the third level institutions and sporting bodies within the town;*
- c. *To support the delivery of the infrastructural requirements identified for Thurles including support for the delivery of projects submitted under the Urban Regeneration and Development Fund subject to the outcome of the planning process and environmental assessments;*
- d. *To strengthen 'steady state' investment in existing rail infrastructure and seek investment for improved infrastructure and services 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;*
- e. *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 avoids negative impacts on the nutrient sensitive River Suir.*

10.2.4. A submission has been received which states that the development site is located in an area zoned for low density residential development. I draw the attention of the Bord to the fact that there is a zoning objective 'R2- Low Density New Residential' and a zoning objective 'R1-New Residential' within the Thurles and Environs Development Plan. In the interests of clarity, I again reiterate that the site is located within an area zoned objective 'R1- New Residential' where there are no density figures outlined. Section 8.7 of the aforementioned Plan states that the Councils do not wish to set minimum or maximum residential densities, but to seek efficient and

sustainable development on all residential zoned land while Section 3.3.1 of the Plan states that proposals for new residential development will be assessed in accordance with section 28 guidelines. I am satisfied that the appropriate redevelopment of these lands would be in accordance with the provisions of the National Planning Framework with regards to the sustainable development of such sites. I am of the opinion that given its zoning, the delivery of residential development on this prime, underutilised site, in a compact form would be generally consistent with policies and intended outcomes of the NPF and Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness in this regard.

10.2.5. In my opinion, the site should be developed to a scale appropriate to its designation as Key Town within the RSES. It has been identified as a large/strategically located town which has an accessibility and influence in a regional and sub-regional context with significant employment potential and regional/inter-regional connectivity. The site is located in an existing serviceable area, close to the town centre with all the services and amenities it has to offer. The appropriate development of this site, would, in my opinion, represent a sequential approach to development and is to be welcomed in principle. I have no information before me to believe that existing services and facilities within the general area do not have capacity to support the proposed development. I note that the town is recognised as an educational hub with primary, secondary and third level colleges including a campus of Limerick Institute of Technology and Mary Immaculate College. Therefore, having regard to all of the above, the proposal is considered acceptable in principle.

10.3. **Design and Layout**

10.3.1. The proposal involves the construction of 122 residential units in a mix of houses and duplex units. Amenity zoned lands are located to the north of the site and this area is largely being utilised as a public park. The proposed residential units comprise 24 duplex units and 98 houses. Over 65% of units proposed are semi-detached houses. A central open space is proposed, with other areas of open space being somewhat residual in nature. The site in its current form, is agricultural in use and adds little to the streetscape at this location and I am of the opinion that the appropriate re-development of these lands would add significantly to the visual amenity of the area. Density, at 32 units/ha, is considered marginal but acceptable.

10.3.2. The site is located within the development envelope of Thurles, a designated Key Town within the RSES for the Southern Region. As has been stated above, it has been identified in the RSES as a large/strategically located town which has an accessibility and influence in a regional and sub-regional context with significant employment potential and regional/inter-regional connectivity. The development site is a short distance to the historic town centre on serviceable, zoned lands. It is located within an urban location. The site is located approximately 1.6km walk (20 minutes) from Thurles Rail Station or a 5 minute cycle. It is recognised within the RSES that the town is one of the most connected towns in the region with motorway and intercity rail connections. A perusal of the Irish Rail website shows that there are six trains to Dublin between 6.19am and 10.45am; 5 trains to Limerick junction and four services to Cork (Kent station) before 11.15am weekdays, with corresponding figures in the evenings. The site is located approximately 1km from the nearest bus stop, which operates a number of local and private services. I also note that a 445-hectare site in Lisheen, Thurles will be a significant national economic and employment driver following its designation by the European Union as one of 6 sites within in the EU, for the piloting of the next generation of the bio-economy, including bio-energy and bio-technology. It is anticipated that Thurles will be the focus of associated residential growth and grow in its service and enterprise base.

10.3.3. Having regard to all of the above, I have a number of reservations in relation to the proposed development, in particular relating to the layout of the proposed scheme and am of the opinion that the proposal before me is not the optimal urban design or architectural solution for this site. The site is rectangular in shape and extends for in excess of 125 metres along its length at Bohernamona Road. It has a gross site area of almost 5 hectares. It has the potential to create its own identity without detriment to the character of Thurles. There is the potential to create character areas, a sense of place, a greater variety of unit type and areas of higher/lower density in accordance with the principles of the Urban Design Manual. This has not been satisfactorily achieved in this current proposal. Any development on this site will be an important intervention at this location and therefore needs to be of a high quality layout and design.

10.3.4. I consider that the layout of the proposed scheme is suburban in nature. The applicants state that development proposals on these lands have always had such a setback and propose to continue with this rationale in this current application. I do not agree. I acknowledge that low density development prevails in the immediate environs and that the subject site is located in somewhat of a transitional location between the built up town and its hinterland. Nonetheless, I consider that a more urban approach would be more appropriate at this location, given its context. A strong built edge along the Bohernamona Road would signal the entry to the built up area of the town as, at this point, it is the entry to the built up area of the town. While low density housing and setbacks from the road edge prevail at this location currently, I am of the opinion that such development is an unsustainable use of land into the future and a more urban approach would be more appropriate, given the status of Thurles going forward. The suburban approach proposed with large setback, landscaped strip and parallel road is considered not to be appropriate in this instance. This is an opportunity to provide a quality streetscape at this location, in line with the status of the town going forward. This streetscape does not have to comprise apartment blocks- terraced housing or duplex units would be appropriate at this location.

10.3.5. In terms of consistency with DMURS, I note little in the way of a street hierarchy and I consider the scheme to be roads dominated. Cul-de-sacs are commonplace, footpaths are shown on only one side of streets in many instances, particularly around areas of open space; some footpaths just terminate; footpath located on opposite side of street to area of public open space to north; there are no cycle facilities through the site; the length of some of the streets may give rise to speeding and therefore a number of ramps are proposed; blocks lengths in excess of 130 metres are noted. A footpath is only provided on one side of the access street through from Mitchel Street, again with no cycle facilities. This is considered to be a wholly unsatisfactory response on a greenfield site, with little in the way of limitations.

10.3.6. I have issue with the unit mix and tenure and consider the proposal to be suburban in nature with an inappropriate unit mix. Over 67% of all units are semi-detached properties with little variety between layout and elevational treatment. Types A and B are essentially the same house, except for the number of bedrooms. No variation

in brick or design is proposed between streets and the proposal does not form any character areas. In support of this opinion, I refer the Bord to Drwg No. 110PL Street Scapes which best demonstrates this. In addition, 77% of units are three and four bed properties and no one-bed units are proposed. Of the 28 two-bed units proposed, 8 are proposed for Part V, leaving only twenty (16%) available for the open market. As proposed, the development does not cater for a good population mix within the scheme, nor does it cater to persons at varying stages of the lifecycle. I note section 28 ministerial guidelines in this regard, in particular the Sustainable Residential Development in Urban Areas- Guidelines for Planning Authorities and the associated Urban Design Manual, which sets out 12 criteria, drawn up to encapsulate a range of design considerations for residential development. Criteria No. 4, variety, recognises that a successful neighbourhood will be one that houses a wide range of people from differing social and income groups and recognises that a neighbourhood with a good mix of unit types will feature both flats and houses of varying sizes. In addition, the NPF recognises that currently, 7 out of 10 households in the State consist of three people or less, with an average household size of 2.75 people. This is expected to decline to around 2.5 people per household by 2040. Yet, the stock of housing in Ireland is largely comprised of detached and semi-detached houses with three to four bedrooms. The NPF further recognises the varying housing needs that are required to be met, which include the housing needs of older people, people with disabilities, the travelling community, social housing generally, families of varying sizes and income levels and students. I consider that given the scale of the proposed development, it will be an important and substantial intervention at this location. It is therefore imperative that it adheres to good planning practices, is not catering to a homogenous population and adds variety to the general area. In addition, I note Policy HSG 1: New Estate Housing of the Thurles and Environs Development Plan, which seeks to ensure the provision of a wide range of house types and sizes to meet the needs of different sections of the population. This is not being achieved in this instance. This is especially pertinent given that most of the surrounding development are larger, family sized houses. I consider that this development, as proposed, is essentially providing more of the same for Thurles, which already appears quite well served with such properties.

10.3.7. In terms of public open space provision, I note a central area of open space, which is well supervised. It is however surrounded on all sides by roads. No mix of active/non-active uses are proposed, it is purely a lawned area. No play facilities are proposed. The landscaping is such that desire lines through the space towards the amenity lands to the north have not been provided for. The area of open space adjoining the Bohernamona Road is peripheral in nature and more akin to a landscaped buffer zone in character and function than a destination space. The proposed pedestrian entrance is located to the north of the main vehicular entrance. Given that most pedestrians will be travelling from the town centre/Mitchel Street direction, the provision of the pedestrian path south of the vehicular access may have been more appropriate. The area of lands zoned 'Amenity' are located to the north of the site, within the red line boundary. The 'Amenity' zoned lands continue further north, immediately abutting the application lands, all within the control of the applicant. The landscaping plan is such that connectivity through to adjoining lands further north (also zoned 'Amenity') is non-existent. In fact, a shelter belt tree plantation is proposed to prevent the two spaces running into each other, with further proposed separation by way of a 'post and rail secure fence'. It is a basic assumption that pedestrian and cycle links through to wider amenity lands within the same applicants control would be shown. The location of the pump station and its associated access route on these lands is also considered inappropriate. Room has been left surrounding the building, so as to accommodate possible future requirements, which will eat into the public open space even further. The rationale behind the landscaping of this area over three distinct phases is unclear.

10.3.8. Given the location of the site on zoned lands, within the built-up area of Thurles, a designed Key Town in the RSES, I am satisfied that there are sufficient services and facilities within the general area to cater for a development of the nature and scale proposed. I note the proposal in relation to childcare facilities and am not satisfied with same. Given existing employment base in the area and the anticipated growth of its service and enterprise base into the future, as identified above, I cannot understand that there is/will not be a demand for childcare facilities within the area, as has been stated within the documentation submitted. On a calculation for one childcare space per 75 residential units, as per section 28 guidelines, there is a requirement for approximately 32 childcare spaces. It is noted that no one-bed units

are proposed. The applicants are not providing a stand-alone facility, instead a 'home with childcare facility' with capacity for 9 children (or stated 10 children elsewhere in documentation). While the scale of this facility is of concern, of greater concern is the fact that the proposal continues by stating that if there is no need for such a facility within 6 months of its completion, that it revert to being mainstream residential use. Who determines whether there is a need or otherwise is unclear. I am not satisfied with the proposal in this instance. No data has been provided as to the existing facilities within the town, their capacity, whether places are available or otherwise, whether they are full-time or sessional services. Feedback quoted within the Planning Report from the local Childcare Committee states that such service should be large enough to cater for at least 11 children of varying age groups. The idea of the residential use reverting to mainstream residential accommodation within 6 months of completion of the development is completely unacceptable. Given the lack of information provided in this regard, I am unable to comprehensively assess whether there is need or otherwise for such a facility. In any event, the development as proposed generates a requirement for approximately 32 places and these are not being provided. I am not satisfied in this regard.

10.3.9. I note Policy HSG 1 of the operative Thurles and Environs Development Plan which seeks to provide (a) high quality residential layouts that are traffic calmed by design, provide sequencing of streetscape and open spaces and conform to Residential Housing Guidelines; (b) to ensure the provision of a wide range of house types and sizes to meet the needs of different sections of the population (c) to conform with section 28 guidelines in terms of density and (d) to provide suitable and supervised amenity areas for children, teenagers and adults. Having regard to all of the above, I consider that the proposed development is not consistent with this policy of the operative Thurles and Environs Development Plan.

10.4. **Impacts on Amenity**

10.4.1. I note the concerns raised in relation to impacts on the amenity of the area. The site is undeveloped at the current time, surrounded on many sides by existing development. I acknowledge that there will be a change in outlook for many of the residents of Bohernamona Road but I don't consider this to be necessarily a negative. Given the separation distances involved, the locational context and the

orientation of the site, I am of the opinion that overlooking, overshadowing or loss of sunlight would not be so great as to warrant a refusal of permission. This is an urban location. I do acknowledge that there will be some disruption/inconvenience during the course of the works. Such disturbance is anticipated to be relatively short-lived in nature. The nature of the proposal is such that I do not anticipate there to be excessive noise/disturbance/vibrations once construction works are completed. However, if the Bord is disposed towards a grant of permission, I recommend that such issues like wheel wash facilities, hours of works and the like be dealt with by means of condition. In addition, a Construction Management Plan should be submitted and agreed with the Planning Authority prior to the commencement of any works on site.

10.4.2. The level of amenity being afforded to future occupants is considered to be generally good. Adequate separation distances are proposed between units to avoid issues of overshadowing or overlooking. Private open space is provided to all units. I note the submission from the joinery yard, which adjoins the subject site to its south, in terms of noise and dust emissions. The proximity of some of the proposed dwellings to this yard are noted. I note that no assessment of impacts on proposed properties from dust or noise from this yard has been undertaken. Little attention in the layout appears to have been given to the location of this existing facility. The only noise mitigation measures proposed are a timber insulated acoustic fence. Whether this justifies refusing permission is a matter for the Board to determine, however a balance needs to be achieved between safeguarding residential amenity and providing much needed residential units. It is my opinion that the proposed development would provide a substantial amount of residential accommodation at an accessible location at a density and height that is generally in keeping with national policy. A revised layout which removes dwellings from the immediate proximity to the boundary of this yard might be appropriate, together with improved acoustic solutions to reduce noise. I would question whether this is the most appropriate location for such a joinery yard but the appropriateness or otherwise of such a yard at this location is not within the remit of this assessment. I would also say that it may be a question of buyer beware and that people intending to move into the units closest to the yard would in all likelihood be aware of its existence.

10.4.3. I have no information before me to believe that the proposed development would lead to the devaluation of property in the vicinity. Having regard to all of the information before me, including the layout of the proposed development and the separation distances involved, I consider that impacts on the amenity of the area would not be so great as to warrant a refusal of permission. The proposal will offer a benefit to the wider community by virtue of its public open space provision and childcare facilities.

10.5. **Access and Transportation**

10.5.1. It is proposed to provide two no. new entrances to the development site, with the entrance on Mitchel St. acting as the primary. The existing site entrance on Bohernamona Road is to be replaced by a new secondary entrance to the north of its existing location. I note many of the submissions received raise concerns in relation to traffic issues, in particular increased congestion and on-street parking restrictions. While I acknowledge the concerns raised, I consider that this is a zoned piece of land in an urban location and I have no information before me to believe that the existing road network in the vicinity could not accommodate a development of the nature and scale proposed. I note the report of the planning authority in this regard, which does not raise concerns in relation to traffic and transport matters, subject to conditions.

10.5.2. A Traffic Impact Assessment and Road Safety Audit have been submitted with the application and four junctions were examined during this assessment. The following peaks were identified 08:15 – 09:15 am and 17:00 – 18:00 pm and the proposed development is expected to generate approximately 19 arrivals and 46 departures during the AM peak hour while approximately 43 arrivals and 27 departures are expected in the PM peak hour.

10.5.3. Table 8.3 of the Plan sets out standards for car parking and gives a requirement for 140 spaces. The proposed development includes for 242 no. parking spaces, which includes for visitor parking. Given national guidance in this regard, I consider that the level of parking provided is excessive and includes unnecessarily impinging on public open space.

10.5.4. The proposed provision of double yellow lines along Mitchel Street at the entrance to the proposed development has been raised in a large number of submissions received,

in particular with regards to limitation of on-street parking at this location. Having visited the site and environs, I note that there is a substantial amount of on-street parking along the length of Mitchel Street. The proposed measures recommended by the planning authority, which includes for double yellow lines to prevent parking and ensure adequate sightlines are considered necessary from a road safety viewpoint and I do not have issue with same. If the Bord is disposed towards a grant of permission, I recommend that such a condition be attached to any such grant.

10.5.5. I am generally satisfied with the proposal from a transportation viewpoint. This is an urban location and a certain degree of congestion and traffic is to be expected. I have no information before to be believe that the proposal if permitted would lead to the creation of a traffic hazard or obstruction of road user in the vicinity and consider the proposal to be consistent with the proper planning and sustainable development of the area.

10.6. **Drainage and Flooding**

10.6.1. It is noted that the wastewater drainage from each dwelling is to connect to a gravity pipe network within the proposed development and discharge to a proposed pumping station, which is to be located at the north-west corner of the site. The proposed pumping station is to be designed with 24-hour storage capacity and in accordance with Irish Water Code of Practice for Wastewater. The proposed pumping station is to discharge to the existing public wastewater infrastructure via a 100mm rising main and discharge manhole. In terms of surface water drainage, underground attenuation tanks that will be provided to discharge stormwater generated by the development at green-field run off rates to an existing land drain to the north of the site. It is proposed to reduce and restrict the rainfall runoff, discharging from the proposed development to greenfield equivalent.

10.6.2. An Irish Water Pre-connection enquiry, together with a Design Submission was submitted with this current application. Irish Water states that based on the information provided, they have no objections to the proposal. No submission was received at application stage from Irish Water.

10.6.3. The River Suir is located approximately 150-200m north of the subject site, with the northern boundary of the site being in close proximity to the river floodplain. A Site-Specific Flood Risk Assessment was submitted with the application, which states

that the development site is located within Flood Zone C, with no significant risk of flooding. All drainage infrastructure is to be installed in line with relevant standards. The OPW website, www.floodmaps.ie shows no reported incidents of flooding in the vicinity of the site.

10.6.4. In my opinion, the matter of drainage could be adequately dealt with by means of condition, if the Bord is disposed a grant of permission. I note the report of the planning authority in relation to such matters, which raises no objections in this regard, subject to conditions. I have no information before me to believe that the proposal would be prejudicial to public health and am satisfied with the information before me in this regard.

10.7. Other Matters

10.7.1. A typographical error is noted in the documentation. The application form states that there are 121 residential units proposed. There are nine no. Type E units as opposed to eight stated. Notwithstanding this, it is noted that the public notices, both newspaper and site notices, correctly state 122 no. units. I have assessed the application based on this figure of 122 units.

10.7.2. An Ecological Impact Assessment has been submitted with the application. The information contained therein appears reasonable and robust. As is stated above, the site is currently in agricultural use and comprises a number of agricultural fields. The wider land uses are a mix of commercial, residential and agricultural. None of the bird species recorded within or adjacent to the development site are protected under Annex I of the EU Birds Directive or Red listed under the Birds of Conservation Concern in Ireland. Bird species recorded were an assemblage of common birds, likely to be common and widespread in the area. A single badger print was recorded within the proposed development site, no badger setts were recorded. The hedgerow habitat occurring on site provide suitable habitat for foraging and commuting bat species and these were identified during surveys. The site does not support suitable features for roosting bats. Habitats that support higher biodiversity value i.e., hedgerows and scrub will be retained where possible and enhanced with additional planting. The hedgerows along the western, northern and north-eastern boundary of the site will be retained and enhanced. Supplementary planting is also proposed. It is considered that the proposed development will not

result in the loss of habitats or species of high ecological significance and will not have any significant effects on the ecology of the wider area. If the Bord is disposed towards a grant of permission, I recommend appropriate conditions in relation to bat and badger protection be attached to any such grant. I acknowledge that there is likely to be a loss of wildlife on the lands as they change from agricultural fields to a development of the nature and scale proposed. The site is located within an urban area, zoned, serviceable lands and I consider that the mitigation measures proposed are acceptable in this instance.

- 10.7.3. The provision of a greenway through the lands has been suggested in some of the submissions received. While this may be something to be examined in a policy context by the PA, there are no such policies within the operative Plans for this suggested proposal.
- 10.7.4. A total of 12 units are proposed to satisfy the requirements of the legislation in relation to Part V. This matter may be adequately dealt with by means of condition. The planning authority has not raised concern in this matter, subject to conditions.
- 10.7.5. I have no information before me to believe that an increase in greenhouse gases as a result of proposed development would be so great as to warrant a refusal of permission.
- 10.7.6. HSG 8 of the Thurles and Environs Development Plan states that it policy that in assessing new applications for housing, the Councils will seek, where necessary, services that are required to meet the needs of the community, and/or to impose levies to assist in the provision of community facilities. Where housing is allowed outside principal locations the Councils will seek community levies towards the provision of community facilities at the nearest centre. I draw the attention of the Bord to this policy, in the event that they are disposed towards a grant of permission.
- 10.7.7. Matters have been raised in the submissions received in relation to land ownership/boundaries. I am satisfied that the applicant has demonstrated sufficient legal interest to make this application. Such issues are considered to be legal matters outside the remit of this planning application. As in all such cases, the caveat provided for in Section 34(13) of the Planning and Development Act 2000, as amended, applies which stipulates that a person shall not be entitled solely by

reason of a planning permission to carry out any development. I also note the provisions of Section 5.13 of the Guidelines for Planning Authorities, Development Management, 2007 in this regard.

11.0 **Appropriate Assessment**

10.5.1 This section of the report considers the likely significant effects of the proposal on European sites with each of the potential significant effects assessed in respect of each of the Natura 2000 sites considered to be at risk and the significance of same. The assessment is based on the submitted Natura Impact Statement (NIS), prepared by McCarthy Keville O'Sullivan, Planning and Environmental Consultants. The information contained therein appears reasonable and robust. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified and sound scientific information and knowledge was used. The information contained within this report is considered sufficient to allow me undertake an Appropriate Assessment of the proposed development.

11.1.1. Site surveys were undertaken in November 2018 and August 2019. It is noted that none of the habitats within the development site correspond to those listed on Annex I of the EU Habitats Directive. No suitable habitat occurs within the site for them. No invasive species were recorded within or adjacent to the development site. No evidence of Annex II listed faunal species was recorded within the proposed development site.

11.1.2. The applicant's assessment notes that only one designated site, the Lower River Suit SAC occurs within 15km radius of the development site. The Qualifying Interests of the site are outlined below:

Designated Site	Distance from Development Site	Qualifying Interests
Lower River Suir SAC (002137)	3.67km (5.5km surface water distance)	<ul style="list-style-type: none"> • Atlantic salt meadows • Mediterranean salt meadows • Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation • Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels • Old sessile oak woods with Ilex and Blechnum in the British Isles • Alluvial forests with Alnus glutinosa and Fraxinus excelsior • Taxus baccata woods of the British Isles • Freshwater Pearl Mussel • White-clawed Crayfish • Sea Lamprey • Brook Lamprey • River Lamprey • Twait Shad • Salmon • Otter

11.1.3. The River Suir is 150m north-west of the proposed development site boundary. The river is entirely outside the boundary of the proposed development site. There are no watercourses on site that could support aquatic species known to occur in the wider area. There is no potential for direct impact on this SAC. Indirect impacts on the following Qualifying Interests can be ruled out due to the terrestrial/coastal nature

of the habitats, the distance from the proposed development area and the absence of a complete source-pathway-receptor chain:

- Atlantic salt meadows
- Mediterranean salt meadows
- Old sessile oak woods with Ilex and Blechnum in the British Isles
- Taxus baccata woods of the British Isles

Indirect impacts on the Freshwater Pearly Mussel can also be ruled out, as this population is in a separate hydrological sub-catchment to the proposed development site. Indirect disturbance to the otter can also be ruled out due to lack of appropriate habitat, distance from the watercourse and no potential pathway for disturbance.

11.1.4. The proposal has connectivity to the River Suir, which is located downstream of the proposal, via existing land drains on the NW boundary of the site and the non-designated upper section of the River Suir, which is located 153 metres from the proposed development site. A potential pathway has been identified for indirect impacts in the form of deterioration of surface water quality on the following QI habitats and species:

- Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation
- Alluvial forests with Alnus glutinosa and Fraxinus excelsior
- Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels
- White-clawed Crayfish
- Sea Lamprey
- Brook Lamprey
- River Lamprey
- Twaite Shad
- Salmon
- Otter

11.1.5. Populations of species occurring downstream of the site within the SAC are on International Importance. Therefore, the SAC is considered to be within the Likely

Zone of Impact and further assessment is required with regard to the above listed QIs of the SAC. I would concur with this conclusion within the submitted NIS.

11.1.6. Conservation Objectives for all Qualifying Interests have been set out, which aim to 'maintain or restore to the favourable conservation condition' in all cases. The NIS states that:

- There will be no direct impacts on the Lower River Suir SAC, located more than 5km downstream of the development site
- Identified pathway for indirect effects on the surface water dependent QIs of the SAC was identified in the form of deterioration of surface water quality resulting from pollution, associated with construction and operational phases of development
- This identified pathway was considered in the design of the project and section 2.2 of the NIS sets out environmental management framework to be adhered to ensure no adverse impact on the integrity of European sites
- All wastewater treatment will comply with best practice- existing site is currently greenfield, with no existing wastewater discharge to the public wastewater infrastructure
- IW confirmed that the existing public wastewater infrastructure has capacity to take the discharge from the proposed development, albeit requiring upgrade. IW have confirmed that a new pumping station will be required to serve the proposed development
- SuDS measures are proposed in the form of underground attenuation tanks which will discharge at greenfield run-off rates to an existing land drain
- Measures described in section 2.2 of NIS ensure that the proposed development does not prevent or obstruct any of the Qualifying Interests from reaching favourable status as per Article 1 of the EU Habitats Directive
- Measures described in section 2.2 of NIS ensure that the proposed development does not adversely affect the integrity of European sites
- Likely cumulative impacts of the proposed development on European Sites, in-combination with other plans and projects have been addressed and

concludes that there is no potential for impact on EU designated sites in combination with other plans and projects

- 11.2. It is concluded within the NIS that all identified potential pathways for impact are robustly blocked through the use of avoidance, best practice and appropriate design. The measures ensure that the construction and operation of the proposed development do not adversely affect the integrity of European Sites. Therefore, it can be objectively concluded that the proposed development, individually or in combination with other plans or projects, will not adversely affect the integrity of any European site.
- 11.2.1. I have examined all of the information before me in this regard, including submissions received from observers; submissions received from prescribed bodies; together with the reports of the Chief Executive of the planning authority. I note all of the information before me in relation to this matter. I note that the development site is not located within a designated area, therefore there will be no reduction in habitat. There will be no fragmentation/loss or disturbance of any designated site, given the separating distances involved. There is an indirect pathway acknowledged in the form of deterioration of surface water quality resulting from pollution, associated with development. However, this identified pathway was considered in the design of the project and section 2.2 of the NIS sets out environmental management framework to be adhered to ensure no adverse impact on the integrity of European site. It is noted that none of the habitats within the development site correspond to those listed on Annex I of the EU Habitats Directive. No suitable habitat occurs within the site for them. No invasive species were recorded within or adjacent to the development site. No evidence of Annex II listed faunal species was recorded within the proposed development site. I note the nature and scale of development proposed and the fact that it will connect into municipal sewers. I note the zoning objective for the site, as set out in the adopted Thurles and Environs Plan and the fact that the preparation of this Plan was informed by both Strategic Environmental Assessment and Appropriate Assessment, which were undertaken as a parallel process in tandem with the development of the County Development Plans. At the end of that process, the Plans were adopted with a 'New Residential' zoning objective for the majority of the site, under which residential development is permitted in principle. Irish Water

have issued a Design Statement for the proposal and have expressed no objections within same.

11.2.2. In light of the above assessment, I am of the opinion, on the basis of the information before me, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the relevant European site, Lower River Suir SAC (002137), in view of their Conservation Objectives.

11.3. **Environmental Impact Assessment Screening**

11.3.1. The current proposal is an urban development project that would be in the built-up area of a town but not in a business district. It is therefore within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and an environmental impact assessment would be mandatory if it exceeded the threshold of 500 dwelling units or 10 hectares. The number of proposed dwellings is 122 and the site area is 4.96 hectares (gross). The proposed development is therefore well below the applicable thresholds. It would be located within the built up area of the city on land that has been previously subject to works. A preliminary examination of the nature, size and location of the proposed development has therefore concluded that there is no real likelihood of significant effects on the environment, having regard to direct, indirect and cumulative effects, and an EIA is not necessary.

12.0 **Conclusion and Recommendation**

12.1. Thurles has been identified in the RSES as a large/strategically located town which has an accessibility and influence in a regional and sub-regional context with significant employment potential and regional/inter-regional connectivity. The development site is a short distance to the historic town centre on serviceable, zoned lands. The site at almost 5 hectares in area has the potential to be a significant, positive intervention within the town. It has the potential to develop its own character and contribute positively to the streetscape at this location.

- 12.2. I consider the principle of residential development to be acceptable on this site. This is a zoned, serviceable site within the development boundary of Thurles. The area is well served in terms of facilities and services and the site bounds zoned amenity lands.
- 12.3. As has been addressed above, I have concerns with regard the layout of the proposal; the lack of an identifiable street hierarchy and consistency with DMURS; the lack of appropriate mix and tenure catering to a mixed population; lack of variety of house type and design; lack of positive connections to the wider area, in particular the area of amenity zoned lands to the north and the inadequate proposals for childcare provision. This is a greenfield site with little in the way of constraints. The layout of the scheme would not provide the standard of development put forward within the various section 28 guidelines, in particular the Urban Design Manual and the 12 criteria espoused therein. Mix and tenure are considered to be contrary to the provisions espoused in the NPF. The lack of connections, both pedestrian and cycle, which include for a lack of connections to the 'Amenity' zoned lands to the north is unacceptable.
- 12.4. I also have concerns with regards the level of parking proposed and possible impacts on residential amenity from the joinery business adjoining the proposed development.
- 12.5. I recommend that permission be refused.

13.0 Reasons and Considerations

1. The "Urban Design Manual – a Best Practice Guide" issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas includes key criteria such as context, connections, inclusivity, variety and distinctiveness. It is considered that the development as proposed results in a poor design concept that is suburban in layout with weak street frontage onto Bohernamona Road and inappropriate setbacks, inconsistent with its location within the Key Town of Thurles. The proposed development also lacks variety and distinctiveness, fails to establish a sense of place and has poor connectivity. It is also considered that the proposed development strategy and in particular the

unit type and mix; together with the lack of high quality, usable open spaces with accessible linkages does not provide an acceptable design solution, all of which lead to conditions injurious to the residential amenities of future occupants. Furthermore, the layout of the proposed scheme, being dominated by roads and parking with little in the way of street hierarchy, together with inadequate pedestrian and cycle connectivity is contrary to the provisions of the Design Manual for Urban Roads and Streets, issued by the Department of the Environment, Community and Local Government and the Department of Transport, Tourism and Sport in 2013. The lack of adequate childcare provision is contrary to the provisions of Childcare Facilities – Guidelines for Planning Authorities.

Furthermore, it has not been adequately demonstrated that the proximity of the existing joinery yard on Mitchel Street to some proposed units would not have negative impacts on residential amenity given its proximity and the layout proposed.

The proposed development would, therefore, seriously injure the residential amenities of future occupants, would be contrary to these Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.

Recommended Draft Board Order

Planning and Development Acts 2000 to 2019

Planning Authority: Tipperary County Council

Application for permission under section 4 of the Planning and Development (Housing) and residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 20th day of December 2019 by Liberty Square Consulting Ltd care of MKO, Galway.

Proposed Development:

Permission for a strategic housing development on lands at Mitchel Street, Thurles, Co. Tipperary.

The proposed development will consist of:

- 1) Construction of 122 no. residential units including a 'home with childcare unit', comprising:
 - 11 no House Type A (4 bed semi-detached house)
 - 62 no House Type B (3 bed semi-detached house)
 - 16 no House Type C (2 bed terrace house)
 - 24 no House Type D (Duplex - 2/3 bed townhouse over 2 2-bed ground floor units, 4 to a block)
 - 9 House Type E (4 bed semi-detached dual aspect house)
- 2) Provision of a new point of vehicular and pedestrian access from Mitchel Street to the south and from Bohernamona Road to the east.
- 3) Demolition of a section of wall onto Mitchel Street and partial demolition of 3no. outbuildings within the site

- 4) Provision of shared communal and private open space, landscaping, car parking, public lighting, pumping station including access, site services and all associated development works.

Decision

Refuse permission for the above proposed development based on the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. The “Urban Design Manual – a Best Practice Guide” issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas includes key criteria such as context, connections, inclusivity, variety and distinctiveness. It is considered that the development as proposed results in a poor design concept that is suburban in layout with weak street frontage onto Bohernamona Road and inappropriate setbacks, inconsistent with its location within the Key Town of Thurles. The proposed development also lacks variety and distinctiveness, fails to establish a sense of place and has poor connectivity. It is also considered that the proposed development strategy and in particular the unit type and mix; together with the lack of high quality, usable open spaces with accessible linkages does not provide an acceptable design solution, all of which lead to conditions injurious to the residential amenities of future occupants. Furthermore, the layout of the proposed scheme, being dominated by roads and parking with little in the way of street hierarchy, together with inadequate pedestrian and cycle connectivity is contrary to the provisions of the Design Manual for Urban Roads and Streets, issued by the Department of the Environment, Community and Local Government and the Department of

Transport, Tourism and Sport in 2013. The lack of adequate childcare provision is contrary to the provisions of Childcare Facilities – Guidelines for Planning Authorities.

Furthermore, it has not been adequately demonstrated that the proximity of the existing joinery yard on Mitchel Street to some proposed units would not have negative impacts on residential amenity given its proximity and the layout proposed.

The proposed development would, therefore, seriously injure the residential amenities of future occupants, would be contrary to these Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.

Lorraine Dockery

Senior Planning Inspector

25th March 2020

Appendix A- List of submissions received

Michael Lowry

Aileen Leahy

Bohernamona Road Residents

John Smith

Kay O'Gorman

Mary Walsh

Michael and Aideen O'Sullivan

Michael O'Gorman

Pat Molloy

Transport Infrastructure Ireland

Tomas Bourke

Tony Mahon