



An
Bord
Pleanála

Inspector's Report

ABP-307536-20

Development	Construction of 16 houses
Location	Main Street, Cappagh, Cappagh White, Co. Tipperary.
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	19600794
Applicant(s)	Revington Land Limited.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Revington Land Limited
Observer(s)	None
Date of Site Inspection	2 nd of November 2020
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. Cappagh White is a village in County Tipperary, and is located on the R505 Regional Road from Cashel to County Limerick, in close proximity to the Limerick county bounds. The close major towns near the village include Tipperary Town which is 12km south of the village, and Cashel which is 24km east of the village.
- 1.2. The village is similar to a crossroads village. The Main Street (R505) is the spine of the village going east to west. There are two roads to the north and south of Main Street, with a number of small estates off each road.
- 1.3. The site (0.47ha) is a greenfield site off the Main Street to the rear of two commercial properties. There is a stone wall along the southern boundary on Main Street with a narrow road frontage which opens up into a deep site. There is a residential property and yard area to the east, which is totally exposed when viewed from within the subject site.
- 1.4. A boundary wall forms the northern site boundary and this extends partially along the eastern site boundary. The western site boundary is a mature hedge. The site slopes gently upwards from the southern street boundary to the northern rear boundary.
- 1.5. There is a full range of commercial and community facilities within walking distance of the site including a national school.

2.0 Proposed Development

- 2.1. The proposed development consists of 16No. two storey terraced and semi-detached dwellings facing onto a short cul de sac. This was revised to 15No. dwellings. Each dwelling has three bedrooms and will have 2No. carparking spaces. The house designs are understated and include a simple palette of materials.

3.0 Planning Authority Decision

3.1. Decision

Tipperary Co. Co. Refused the proposed development for ONE reason which stated:

Policy DM 1 (Development Standards) of the South Tipperary County Development Plan 2009, as carried, states that it is policy of the Council to require development to comply with the relevant standards identified in Chapter 10. Having regard to the failure of the applicants to demonstrate compliance with these requirements with respect to sightlines, consistent road widths and appropriate footpath connectivity, and the precedent that a grant of permission for the proposed development would create for other similar developments in the vicinity, it is considered that the proposed development would endanger public safety by reason of a traffic hazard or obstruction of road users. The proposed development is therefore considered to be contrary to Policy DM 1 (Development Standards) of the South Tipperary County development Plan 2009 as varied and contrary to the proper and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

It is noted the planning authority requested further information relating to Design Impact Assessment, Density and Housing Mix, Boundary treatment, Design and Layout, Sightlines, Traffic Impact Assessment, Water and Drainage. The further information response addressed the issues raised and also reduced the number of dwellings to 15No. units. One four-bedroom unit was introduced, but the scheme is devoid of a housing mix. The planning authority considered a density of 10-12 units per hectare to be more appropriate and in keeping with the development plan.

- The Foul Water will be discharged into an existing sewer by gravity.
- There are two attenuation storage tanks proposed.
- No consent has been provided by the neighbour to improve sightlines.
- Refusal recommended.

3.2.2. *Other Technical Reports*

District Engineer

- Sightlines
- Road Safety audit

- Traffic Impact Assessment
- Public lighting
- Road specification
- Drainage

3.3. **Prescribed Bodies**

An Taisce indicated a number of mature trees should be retained.

Department of Culture, Heritage and Gaeltacht stated archaeological conditions are applicable.

No objection from Irish Water.

3.4. **Third Party Observations**

Michael White

- The proposed entrance is via the queuing area for funeral home
- Two dwellings are very close to the rear of the funeral home

4.0 **Planning History**

Planning Registration Reference Number 07/1194

Planning permission was granted for 14No. dwellings on the subject site which was not executed.

5.0 **Policy Context**

5.1. **Development Plan**

South Tipperary Development Plan 2009 (as extended)

In the Settlement Strategy of the development plan, Cappagh White is a designated Service centre.

Role of Service Centres

Service Centres are robust settlements that have a capacity to accommodate new

residential growth, employment and enterprise and other appropriate uses. The service centres are being targeted for growth at an appropriate scale to service their local hinterlands and to consolidate housing, local employment, public transport and a range of services. These towns and villages perform important roles as retail and service providers in their local economy and are targeted for continued growth

The subject site is zoned village centre where the land use zoning objective is '*To provide and enhance the service base of the town through the provision of mixed use development including retail, office service and community facilities.*

Cappagh White Settlement Plan

SO1: To seek to ensure the delivery of sustainable neighbourhoods with an inappropriate mix of house types, amenities and services as part of a new residential development to cater for housing needs of the community. The following policies and objectives of the plan apply to the development.

5.2 National Policy

National Planning Framework (Project Ireland 2040)

National Policy Objective 11

In meeting urban development requirements there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns villages, subject to development meeting appropriate planning standards and achieving targeted growth.

National Policy Objective 13

In urban areas, planning and related standards including particular building height and car parking will be based on performance criteria that seeks to achieve a well-designed high-quality outcome in order to achieve targets growth.

National Policy Objective 33

Target the delivery of 550,000 additional households up to 2040 in accordance with the policy objectives of Ireland 2040

National Policy Objective 37

Increase residential density in settlements, through a range of measures including

reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

The Department of Environment, Community and Local Government and other agencies have published a range of guideline documents which relate to development of residential estates. All residential developments will be assessed having regard to these guidelines as may be amended, and in particular the following:

- I. DEHLG Sustainable Residential Development in Urban Areas, 2009
- II. DEHLG Urban Design Manual – Best Practice Guide, 2009.
- III. DEHLG Sustainable Urban Housing : Design Standards for New Apartments – Guidelines for Planning Authorities 2018
- IV. DEHLG Quality Housing for Sustainable Communities, Best Practice Guidance for Delivery of Houses and Sustainable Communities, 2007.
- V. DECLG & DoTTS, Design Manual for Urban Roads and Streets 2014 (DMURS)
- VI. Building for Everyone: A Universal Design Approach, National Disability Authority 2012.
- VII. Design Manuel for Urban Roads and Streets

5.2. Natural Heritage Designations

Lower River Suir SAC, Site Code: 002137 – 8km to the east of Cappagh White
Lower River Shannon SAC, Site Code: 002165 -8km to the west of Cappagh White

5.3. EIA Screening

Having regard to the nature of the proposed development comprising of one dwelling, in an established zoned settlement and where infrastructural services are available, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The following is a summary of the grounds of the applicants' appeal.

- The density requirements of ***Project Ireland 2040 National Planning Framework*** to secure a more compact and sustainable urban development. There is a major new emphasis on renewing and developing existing built-up areas, Objective 11 is the relevant policy. The policy document acknowledges that infill and brownfield sites are more challenging to deliver than greenfield development. The Census reveals a decline in the population of Cappaghwhite, and the housing stock in the village has remained static since previous census.
- The continuing dependence upon one-off rural houses to accommodate population growth cannot be sustained.
- The minimum development plan standards contained in Chapter 10 Of the development plan have been adhered to.
- The unique constraints of the access to the site would suggest the issue of precedent does not arise. Each planning application should be considered on its own merits. The proposed development is on underutilised and fully serviced appropriately zoned lands, and the access is off the R505, Main Street. There are no other potential access points as the subject site is landlocked with no additional road frontage.
- The proposed development complies with Road Design and Safe Access and DMURS
- The development complies with the **Development Impact Statement** standards of the county development plan. This was lodged with the planning authority on the 4th of February 2020, and it was found that the proposed development will not impact negatively on the receiving environment.
- The residential density of the proposed development is 32units per hectare, and it consistent with the pattern of development in the area.

- Policy DM1 : Development Standards of the South Tipperary County Development Plan 2009 states *It is the policy of the Council to require proposed development to comply with the relevant standards identified in Chapter 10 Development Management Standards.*

Parking, Traffic and Road Safety (10.9)

There are 2No. spaces per dwelling proposed, and 2No. spaces for every 5No. residential units. There is a shortfall of 3No. spaces, and the applicant will comply with a development contribution of €9,000 (3 x€3000). The planning application was accompanied by a Road Safety Audit – Stage 1. The proposed development will facilitate good quality cycle connectivity internally. A condition can be included for a cycle parking facility for 4No. bikes.

- The proposed development will be a single phase development, and should take 12-18months to complete. The public open space area (732sq.m.) accounts for 15.5% of the overall site area. Each dwelling unit is provided with ample private open space ranging from 48.2sqm- 129.4sq.m.. There is 22metres separation distance between opposing first floor windows. There is a construction waste plan with the planning application.
- The densities of existing residential schemes in the village is high. The New House development to the east of the subject site is 37.5units per hectare and Father Callanan Park (to the south) is 39.2 units per hectare. The proposed density is 32 units per hectare within a central village location having regard to Sustainable Residential Development in Urban Areas (2009) Guidelines.
- In terms of the sightlines which the planning authority prescribe at 90metres at 4.5metres setback from the road edge (Pages 129-130 of the South Tipperary County Development Plan 2009). The proposed development complies with Road Design and Safe Access development standards as outlines in the Department of Transport Tourism and Sports documents published in 2019 *Design Manual for Urban Roads and Streets (DMURS)*. There is wording prescribed by the applicant as regards a condition relating to the entrance.
- Cappagh White, Main Street which passes the entrance to the subject site provides a direct vehicular route to the village. The Main Street does not

experience traffic congestion. The site is to the rear of the former Credit Union offices and are considered backlands in nature. The proposed site entrance will result in the removal of the existing stone wall fronting the site, and this intervention is consistent with the overall rhythm of the built form of this part of Cappagh White. , and the stone wall materials will be re-used at the entrance.

- The Road Safety Audit identified 6No. problems relating to:
 - Sight distance at main entrance
 - The pedestrian crossing point at the entrance
 - Public lighting
 - Surface water drainage gullies
 - Signage and road lining,
 - Road width consistency.

The developer will comply with the recommendations of the road safety Audit- Stage 1.

- The appeal dismisses the reason for refusal. The proposed development represents a successful response to the pressing need for sustainable infill residential development of underutilised and appropriately zoned land within the village

6.2. Planning Authority Response

There was no new issues or further comment raised by the planning authority on appeal.

7.0 Assessment

I consider the issues arising in this case can be assessed under the following headings:

- Zoning Provisions and Suitability of the site for the proposed development
- Design and Compliance with Standards
- Access

- Other Issues
- Appropriate Assessment

7.2 Zoning Provisions and Suitability of the Site for the Proposed Development

7.2.1 The subject site, is located in the heart of Cappagh White village which is close to the Limerick county boundary in Tipperary. It is located along the Main Street of the village alongside other houses, community and commercial facilities.

7.2.2 The Tipperary County Development Plan 2009 as extended, states Cappagh White is a designated **Service Centre**. The role of Service Centres according to the Plan is to accommodate new residential growth, employment and other appropriate uses. The zoning of the subject site is '**village centre**'. I consider the zoning objective to be reasonable given the compact configuration of the village, and the absence of in-depth medium density housing along the Main Street. The existing in depth housing in the village is located off spur roads in the village to the north and south of the Main Street, with two short residential cul de sacs located at the eastern extremity of the Main Street. The Main Street is mainly commercial in nature with two storey buildings along the streetscape. The entrance to the proposed site is flanked by single storey structures. The site is adjacent to several community facilities and a convenience store. I consider the development of 15No. dwellings (as revised by way of further information) to be in keeping with the zoning of the area. The subject site is within walking distance of a national school to the north of the site.

7.2.4 I am of the opinion that given its immediate context, the delivery of residential development on this underutilised, serviced site, in a compact form comprising higher density units, would be consistent with the provisions of the current County Development Plan. The proposed development is also consistent with the policies and intended outcomes of current Government policy, specifically the National Planning Framework 2040, which looks to secure more compact and sustainable urban/village development within the existing built envelope, in particular **Objective 11**, seeks to develop urban lands to their full potential in favour of development that can encourage more people and generate more jobs and activities within existing cities.

7.2.4 **National Policy Objective 33** has a target the delivery of 550,000 additional households up by 2040 in accordance with the policy objectives of Ireland 2040 and **National Policy Objective 37** aims to increase residential density in settlements, through a range of measures including re-use of existing buildings, infill development schemes or site-based regeneration and increased building heights. I consider the density proposed (34 units per hectare) for the site, to be in keeping with local and national sustainable planning policy.

7.3 **Design and Compliance with Standards**

7.3.1 The overall design of the scheme was improved, following the request for further information by the PA which requested revisions to the elevations, specifications, storage and compliance with Design Guidelines. Therefore, the scheme to be assessed by the Board should not be the original scheme but the revised scheme presented in the further information submitted to the planning authority on the 4th of February 2020, which is an enhanced scheme in terms of circulation and open space design.

7.3.2 The main elevation is the western elevation, whereby 12 of the 15No. dwellings are laid out into 4No. blocks backing onto an open eastern elevation. The streetscape elevation (southern) is non-existent, as this is the narrow strip which solely accommodates the proposed entrance to the development. Given the backland nature of the site, the overall design impact on the wider village will be small because it will not be visible. However, I consider the development will make a positive contribution to the character of the neighbourhood because it represents the utilisation of a wasteland in the village, and it will create definitive boundaries and a physical building envelop conducive to its urban setting. The proposed density (34units/ hectare) supports urban consolidation and provides a diversity of housing to meet the future needs of the community. The immediate area is supported by physical and social infrastructure, and there is capacity to cater for the proposed development.

7.3.3 The proposal meets with Residential Design Guidelines standards in term of the design and quantum of private and public spaces areas. There is no loss of existing residential amenities associated with the proposal in terms of overlooking or overshadowing.

7.4 Access/ Traffic

7.4.1 The planning application was accompanied by a Traffic and Transportation Assessment and a Road Safety Audit Stage 1. The access and sightlines comply with the Design Manual for Urban Roads and Streets, which supersedes the standards of the Tipperary County Development Plan. The proposed access is located in the centre of the village where the lowest national speed limit is applicable. I did note the sightline is somewhat restricted by the width of the splayed recess relative to the forward building line of the existing walls and buildings on adjoining sites.

However I do consider the planning authority's refusal for this reason to be onerous considering the overall planning gain to the village the development represents. I note the second Engineering report on the planning file, dated 15th of June 2020, recommended a refusal, whereby in order to achieve the stated sightlines third party properties would need to be altered and no consent to carry out the required works has been given to the applicant. I note, the revised drawings submitted with the further information demonstrate a sightline of 45metres in both directions which in terms of DMURS, is adequate for an urban location. Traffic turning movements into the site from both directions will be uninhibited, because there is sufficient width within the splayed entrance to accommodate two cars.

7.4 Other Matters

The storm network pipeline on the public road must be upgraded by the applicant as part of the overall development. According to the Engineer's report it will need to be upgraded from the Church junction to the proposed entrance

The subject site had the benefit of planning permission for housing under planning reference 07/1194.

Part V Social and Affordable Housing Condition is applicable.

7.5 Appropriate Assessment

The proposed development is located within an urban area on zoned lands that are serviced. It is reasonable to conclude, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the

proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on any Natura 2000 designated sites.

8.0 Recommendation

I recommend the Board overturn the planning authority's refusal, and grant planning permission for the proposed development.

9.0 Reasons and Considerations

Having regard to:

(a) the National Planning Framework Project Ireland 2040,

(b) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) issued by the Department of the Environment, Heritage and Local Government in May 2009,

(c) The site been located within a designated Service Centre in the Tipperary County Development Plan 2009,

(d) the location of the site within a village centre;

(e) the pattern of development in the vicinity,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in keeping with the development plan policies for the area and would comply with National Policy Objectives 11, 33, and 37 which prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location and increase densities in settlements; would not seriously injure the residential or visual amenities of the area, and be in accordance with traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 4th of February 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours, and textures of all the external finishes to the proposed development and the boundary and surface treatments, including details of balcony finishes, shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed standards of the planning authority for such works.

Reason: In the interests of amenity and of traffic and pedestrian safety.

4. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities

for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

5. All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

6. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of pedestrian safety.

7. (a) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

(b) Prior to the commencement of the development, the applicant shall agree in writing proposals to augment the mains stormwater drain from the church to the subject site.

Reason: In the interests of public health and surface water management.

8. The developer shall enter into water and/or wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

9. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

10. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be soiled, seeded and landscaped in accordance with the landscaping scheme submitted to the planning authority on the 4th of February 2020. The works shall be completed before any of the housing units are made available for occupation.

Reason: In order to ensure the satisfactory development of the public open space areas.

11. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of the development.

Reason: In the interests of amenity and public safety.

12. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

13. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

14. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive and between 0900 and 1300 on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

15. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Caryn Coogan
Planning Inspector

25th of November 2020