



An
Bord
Pleanála

Inspector's Report

ABP-308619-20

Development	Construction of 4 houses
Location	Poulmaleen, Faugheen, Carrick-on-Suir, Co. Tipperary.
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	19600973
Applicant(s)	Beaton Homes Limited
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Bernadette Bartley and Others.
Observer(s)	None
Date of Site Inspection	4 th of March 2021
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. Faugheen is a small rural village located 6.5km north of Carrick-on Suir town. The village is built along a bend in the road adjacent to a church and a public house. It's a very small village with c.13No. dwellings in the nucleus.
- 1.2. The subject site is a field west of the village is currently an agricultural grazing field. The site, 0.17Ha, is the corner of a larger field.
- 1.3. The southern boundary of the site is a mature hedgerow. The eastern site boundary is a dwelling house. The northern and western site boundaries are open into the field.
- 1.4. To the west there are more houses accessed from a laneway.
- 1.5. The site is level and the roadside boundary is outside of the 50kmh speed limit.

2.0 Proposed Development

- 2.1. The proposed development is for 4No. semi-detached dwellings which are two storey and an entrance onto the public road, connection to public services, landscaping and boundary treatment and all other associated site works.

3.0 Planning Authority Decision

3.1. Decision

Tipperary Co.Co. granted planning permission for the proposed development subject to 23No. conditions by Manager's Order on the 16th of October 2020.

The majority of the conditions are standard planning conditions with a number of site specific ones;-

2. The delivery of footpaths.
3. Connection to sewer

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

There was further information submitted by the applicant on 22nd of September 2020. This included revised site layout, cross section drawings, a design statement, consultations with Irish Water, footpath linking the development to the village and a gravity connection to the sewer.

3.2.2. **Other Technical Reports**

Engineer: There should be a lighting design report. The setback at the entrance is only 3metres and it should be 4.5metres. The sightlines are acceptable.

3.3. **Prescribed Bodies**

Irish water: Agreement is required.

3.4. **Third Party Observations**

- There is an abandoned housing estate in the village, and foundations for 6No. dwellings never completed.
- The development is a traffic hazard
- Invasion of privacy
- Planning permission was previously refused on the site on three previous occasions
- Inadequate sewer
- Negative impact on adjoining farm
- Lingaun Valley highly sensitive landscape

4.0 **Planning History**

4.1 **Planning Ref: 12/179** – Permission sought on the landholding for 13No. units. The application was WITHDRAWN.

- 4.2 **Planning Ref: 08/612 (An Bord Pleanála PL 230236)** Refusal of permission for 34No. houses which was upheld by the Board.

It is the policy of the South Tipperary County Development Plan that the design of residential developments should respect the local scale and character of the village in which they are to be located. This policy is considered to be reasonable. The village of Faugheen is a small rural settlement with limited local services. Having regard to the scale of development proposed compared with the scale of the existing settlement, the location of the site on the edge of this small rural village and removed from existing built form and the planning history of the site, it is considered that the proposed development would result in an inappropriate amount of residential development for this settlement, would be out of character with the surrounding pattern of development, would conflict with the policies and objectives of the Development Plan in relation to new development and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board has particular regard to the planning history of the site, the overall quantum of development proposed which is in excess of the total growth in housing planned for the entire village and considered that notwithstanding the location of the site within the development boundary of the village and the improvements made in the layout and scheme design compared with the previous refusal, the quantum of development proposed was excessive.

- 4.3 **PL23. 221281, Reg. Ref. 06/591** – The Board refused permission on 20th July 2007 for 25 houses on this site.

5.0 **Policy Context**

5.1. **Development Plan**

In the Tipperary County Development Plan, 2009 Faugheen is listed as a 'Local Service Centre'; in the Settlement Strategy.

The site is zoned 'Low/ Medium' density Residential Development, 'To facilitate low-density development proposals to meet local housing demands within the settlement

boundary in accordance with the principles of proper planning and sustainable development'.

The development plan targets a density of 10-15 units per Ha on Low-Medium density zoned lands.

Specific Objectives for Faugheen:

GO 1: To facilitate development proposals to meet local housing demands together with the provision of local community services/ facilitates within the settlement boundary in accordance with the principles of proper planning and sustainable development.

SO 2: Where development is proposed on land zoned for new residential development, the Council will seek to ensure adequate access is provided. The scale, design and layout of any of any development shall enhance the individual rural character of the village and not seriously detract from existing views.

5.2. Natural Heritage Designations

The following Natura 2000 sites are within 15km of the site:

Lower River Suir

River Barrow and River Nore SAC

Hugginstown Fen SAC

5.3. EIA Screening

Having regard to the small scale of the proposed development, the proposed connection to public water and drainage infrastructure and the separation from any environmentally sensitive sites, 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 appeal.

6.1.1 **The development should be refused as it contravenes the TCC Design and Best Practice Guidelines for Cluster Housing and constitutes a suburban form of development which is out of character with the area.**

The four semi-detached dwellings are grossly at odds with the guidance, it is an ill-conceived development for the western end of the village. It does not integrate with the rest of the village or with overall vision for the lands.

Policy SO 2: Where development is proposed on land zoned for new residential development, the Council will seek to ensure adequate access is provided. The scale, design and layout of any development shall enhance the individual rural character of the village and not seriously detract from existing views.

The subject development elongates the village rather than providing a compact form. The semi-detached dwellings are inappropriate and should be replaced by detached dwellings. The suburban form of the development is out of character with the existing building line, with the immediate area or enhance the village.

6.1.2 **The house design, external finishes and landscaping proposals are not of sufficiently high standard to overcome the issues raised above.**

The architectural treatment or the specifications are not to a high standard. There is a failure to enhance the village.

6.1.3 **The proposed development is contrary to objective GO1**

There is no local housing demand to serve the proposed development. There is an unfinished estate which remains derelict has to be taken into consideration before any further development is permitted. The completion and occupation of the existing estate is more than enough to meet any local housing demands. The proposed development is premature pending completion of the derelict housing estate.

6.1.4 **Request Consideration of a Planning Condition**

Should the Board decide to grant the development a condition should be attached regarding the lands in blue:

- (a) All houses be accessed from the single entrance permitted in the application.
- (b) The full length of the western site boundary shall be defined by a 1metre earthen boundary which is heavily planted with shrubs and trees. No entrances including pedestrian entrances shall be developed at the western site boundary.

6.1.5 Roads and Traffic Issues

The road network is substandard. A continuous footpath should be installed before the occupation of any dwelling.

6.1.6 Wastewater and Surface Water Disposal

There is no information presented in the application which demonstrates the capacity in the wastewater treatment plant. It is understood to be overloaded.

In view of the scale of the development and the absence of a management company, the costs and maintenance requirements for pumping would give rise to concerns relating to the longterm functioning and maintenance. Only a gravity connection would be appropriate. This element could part of the conditions.

The bohren at the western side of the site is subject to flooding which would be exacerbated by the proposed development.

6.2. Applicant Response

- The proposed development is not a cluster development but the landholding has the potential to facilitate a cluster to the rear subject to planning permission. The four semi-detached houses are an extension of the existing village streetscape. The masterplan was at the request of the planning authority and it demonstrates how the land could be developed to the rear of the four dwellings.
- The previous proposal on the subject site, ABP PL23.230236 (P08/612) provided for a village streetscape along the front of the site in the same location as the current 4No. semidetached units. There was no objection to

the proposed layout only the quantum of units. The proposed density of the landholding has been materially reduced.

- The proposed house design is not dissimilar to the houses in the village. The design is simple and void of clutter and add-ons. The applicant has no objection to the conditioning of a revised landscaping scheme.
- The proposed development is low density, and is compliant with development plan standards. In the past 12 months there have been two one-off permitted on rural sites nearby (Ref: 19/600904 and 20/898). If there were housing opportunities in the village, these could have been accommodated.
- Between the previous two Censuses (2011 and 2016) the population of the village declined by 6, rendering the village in population decline.
- In terms of the unfinished estate in the village, the permission for some has expired. The developer went out of business and the local authority acquired the remainder of the houses and finished them. The subject site is zoned for residential development and the applicant cannot wait until other zoned lands in the village are developed until he develops his lands.
- The applicant agrees with the access location, and a condition to be imposed.
- The applicant is agreeable to the suggested condition regarding the footpath.
- Irish Water has confirmed the connection can be facilitated, and a gravity connection is sufficient.
- The surface water will be disposed of by soakpits.
- It has been confirmed there will be no impact on the National Monument.

6.3. Planning Authority Response

Tipperary Co. Co. has indicated in response to the appeal:

- The proposed development is not a cluster housing scheme and was not assessed against the Tipperary County Council Cluster Housing Guidelines. The development was assessed against the policies, objectives and standards contained in the South Tipperary County Development Plan 2009,

as varied, regarding new residential development and against the Settlement Plan for Faugheen.

- The proposed development is modest in scale and satisfies the requirements of the Tipperary South Development Plan 2009, as varied, in terms of density, layout and design.
- Irish Water have confirmed that development can be facilitated with a connection to the municipal wastewater system serving Faugheen. The method of discharge (pumping or gravity) is a matter between the applicants and Irish Water.
- The appeal requests that condition be amended to require the development of a footpath link to the existing footpaths in Faugheen prior to the occupation of the first dwelling. This requirement is reasonable.

7.0 **Assessment**

7.1 Having considered the appeal file and inspected the site, I consider the relevant planning issues arising can be assessed under the following headings:

- Compliance with Development Plan
- Planning History of Site
- Design and Layout
- Services
- Appropriate Assessment

7.2 ***Compliance with Development Plan***

The relevant development plan is the South Tipperary County Development Plan 2009 (as Varied) includes the County Settlement Strategy, which is in line with the objectives of the Regional Planning Guidelines 2010. The fundamental objective of the County Settlement Strategy is to encourage population growth in the settlements throughout Co. Tipperary. Faugheen village, is designated as a **Local Service Centre**. The Local Service Centres are the lowest tier of the settlement strategy, and development growth is targeted at low density developments relative to the scale of the settlement and located close to the core area. The subject site is included in the

development boundary for Faugheen, and it is zoned *Low/Medium Density Residential* in the Plan.

The proposed development complies with the provisions of the development policy. The proposal is a low-density development in close proximity to the village core, and the scale of the development is in keeping with the scale of existing residential developments in Faugheen village. The proposed development also complies with the two objectives in the development plan relating to Faugheen:

GO 1: *To facilitate development proposals to meet local housing demands together with the provision of local community services/ facilitates within the settlement boundary in accordance with the principles of proper planning and sustainable development.*

SO 2: *Where development is proposed on land zoned for new residential development, the Council will seek to ensure adequate access is provided. The scale, design and layout of any of any development shall enhance the individual rural character of the village and not seriously detract from existing views.*

The proposal appears as a natural progression of the village footprint, as it is located alongside the existing built up area and includes semi-detached dwellings of a similar scale to the housing in the village. The development plan states low to medium density is 10-15 units per Ha, which is the current proposal.

In conclusion, the proposed development is in compliance with development plan policies and is acceptable in principle.

7.2 Planning History of the Site

The relevant planning history relates to the entire field area where the subject site is positioned in the south east corner. The planning history is associated with refusals for higher density residential developments (25No. dwellings and 34No. dwellings), which were appealed and refused by An Bord Pleanala back in 2007 and 2008 under Planning Registration Reference 08/612 (ABP PL 230236) and Planning Registration Reference 06/591 (ABP PL23. 221281).

The current proposal represents a reduced density to the previously permitted scheme on the site, and it includes a small portion of the original site area. The

current design and layout is for 4No. dwellings only, and there is an indicative Masterplan for the residual field area.

There has been a new development plan adopted in Tipperary since the previous planning refusals on the subject site. The site is now zoned under the current development for low to medium residential development, which undermines the relevancy of the previous refusals relating to the site.

7.3 Design and Layout

The overall layout is a simple uncomplicated layout involving a short cul de sac serving the 4No. semi-detached dwellings, and the proposed entrance will serve the current proposal and any future housing proposals in the residual field area. The dwellings are two storey units with parking to the front of the curtilage and 11metre rear gardens.

The third-party appellants consider the overall design and layout is inappropriate and does not relate to the built form of Faugheen. The subject site is edge of centre and located off the Main Street in the village to the west of the church. I noted semi-detached two storey dwellings on approach to the site from the village centre within 30metres of the site boundary. Therefore, semi-detached units are in keeping with the built form of Faugheen. There is no formal building line, and the proposed building line will be acceptable. The house design is simple with no finishes that are alien to the existing architecture.

7.4 Services

Irish Water has confirmed the development can be facilitated and the foul sewage will be disposed of by a gravity sewer. Surface water is to be discharged via soakpits.

7.5 Other Matters

It is not the responsibility of the applicant or development plan policy to ensure other housing estates are completed or other zoned lands are developed prior to granting planning permission for further residential developments.

7.6 **Appropriate Assessment**

Having regard to the nature and scale of the proposed development, the availability of public services, the nature of the receiving environment, and the significant distance from any European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 **Recommendation**

- 8.1. I recommend the planning authority's decision to grant planning permission for the proposed development.

9.0 **Reasons and Considerations**

Having regard to the provisions of the Tipperary County Development Plan 2009 (as varied) whereby Faugheen is designated as a Local Service Centre within the Settlement Strategy for the county, and the site is zoned for low to medium density residential development, to the location of the site in an established village and at a significant remove from the nearest European Site, and to the nature, form, scale, density and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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 22nd day of September 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>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.</p> <p>Reason: In the interests of amenity and of traffic and pedestrian safety.</p>
4.	<p>(a) 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.</p> <p>(b) The proposed footpath link to the village centre shall be agreed in writing with the planning authority prior to the commencement of the development, and shall be provided before the occupation of the proposed development.</p> <p>Reason: In the interest of pedestrian safety.</p>

5.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, 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 any dwelling unit.</p> <p>Reason: In the interests of amenity and public safety.</p>
6.	<p>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.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
7.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Full details of all surface water disposal, surface water management and all necessary legal entitlements to carry out works to adequately service the proposed development shall be agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
8.	<p>Prior to the commencement of the development the applicant shall consult and agree in writing with Irish Water the following:</p> <ul style="list-style-type: none"> a) The required investigative testing of the existing water supply and sewage treatment infrastructure to cater for the proposed development; b) Proposals for necessary upgrading measures to water supply and sewage treatment infrastructure to cater for the proposed development;

	Reason: In the interest of public health
9.	<p>To ensure full implementation of the proposed landscape plan, the developer is required to retain the services of a Landscape Consultant throughout the life of the site development works. A completion certificate shall be signed off by the Landscape Consultant when all works are completed and in line with the submitted landscape drawings. This completion certificate shall be submitted to the planning authority for written agreement upon completion of works.</p> <p>Reason: In the interest of amenity.</p>
10.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of 0800 to 1400 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.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity</p>
11.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity</p>
12.	<p>(a) All areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.</p> <p>(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p>

	<p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
13.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.</p> <p>Reason: In the interest of orderly development and the visual amenities of the area.</p>
14.	<p>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.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
15.	<p>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.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission
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Caryn Coogan
Planning Inspector

30th of March 2021