



An
Bord
Pleanála

**S. 6(7) of Planning and
Development (Housing) and
Residential Tenancies Act 2016**

**Inspector's Report on
Recommended Opinion
308840-20**

Strategic Housing Development	118 residential units (67 no. houses, 51 no. apartments), crèche and associated site works.
Location	Townland of Croan Lower, Coleville Road (R680), Clonmel, Co. Tipperary
Planning Authority	Tipperary County Council
Prospective Applicant	Torca Developments Ltd
Date of Consultation Meeting	April 29 th 2021
Date of Site Inspection	21 st April 2021
Inspector	L. Dockery

1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority and the documentation received from the prospective applicant, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

2.1 The subject site, which has a stated area of circa 3.91 hectares, is located on Coleville Road in the townland of Croan Lower approximately 1.3km to the south east of Clonmel town centre, Co. Tipperary. The site is adjoined to the north by the River Suir. On the northern bank of the lands, addressing the lands, are a number of uses. Adjoining the western boundary there is a detached dwelling accessed from Coleville Road but set into the site close to the riverbank. To the east, the site is bounded by a local road which leads into an estate of industrial units/warehouses (Dudley's Mills Business Park) behind a single house. The western and southern boundary are bounded by a dry stone walls of varying heights. The site comprises of an agricultural field, which rises quite steeply in level from the river into the site levelling off across the site with localised undulations and dips within the site and rising again as it adjoins the Coleville Road.

3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises the construction of 118 residential units, crèche and associated site works.

The following details are noted:

Parameter	Site Proposal
Application Site	3.91 ha (3.24 ha developable; 0.67 ha amenity zoned SAC lands)
No. of Units	118 units (67 no. houses and 51 no. duplex/apartments)
Other Uses	Childcare Facility- 217m ²
Height	2-3 storeys
Density	30 units/ha(gross)/36.4 units/ha (nett) (stated)
Plot Ratio	0.43
Dual aspect	100%
Public Open Space	5271m ² (16.3%)
Car Parking	200 spaces
Bicycle Parking	150 spaces
Vehicular Access	From Coleville Road (R680)
Part V	12 units

The breakdown of unit types is as follows:

Unit Type	1 bed	2 bed	3 bed	4 bed	Total
Duplex/Apartment	16	9	26	-	51
House	-	-	47	20	67
Total	16	9	73	20	118
% Total	13.5%	7.5%	62%	17%	100%

An Irish Water Confirmation of Feasibility and Statement of Design acceptance have been submitted with the documentation.

4.0 **National and Local Planning Policy**

4.1 National

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- 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 (2020)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013)
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009)
- Climate Action Plan

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999
- National Planning Framework
- Rebuilding Ireland- Action Plan for Housing and Homelessness 2016
- Southern Region- Regional Spatial and Economic Strategy 2020
 - Clonmel with a population of 17,140 is the 8th largest town in the Southern Region. It is designated "Key Town" in the RSES settlement strategy with a large population and urban centre that functions as a self-sustaining regional driver. A targeted growth rate of 30% is envisaged for the town.

4.2 Local

Lands to the south of Coleville Road are located within the administrative area of Waterford County Council and the Waterford County Development Plan 2011-2017, as extended, is the operative County Development Plan for those lands.

The site is located within the administrative area of Tipperary County Council and the Clonmel and Environs Development Plan 2013-2019 applies.

The Development Plan states that there is a housing requirement of c.1666 units for Clonmel and its environs.

The subject lands along Coleville Road have been identified as infill opportunity for residential development within its core strategy.

Zoning:

The site is largely zoned 'New Residential' which seeks to 'to provide for new residential development'.

The northern portion of the site is zoned 'Amenity', which seeks to 'to preserve and enhance recreation and amenity areas'.

This area is also designated part of the Lower Suir SAC

There is a Recorded National Monument, Standing Stone (Record No. TS083-021006), located in the area zoned 'Amenity' in the NE corner of the site.

Policy AH 6: Amenity and Recreation It is the policy of the Council to actively encourage, promote and develop facilities and opportunities for the retention, improvement and development of amenity and recreational spaces and facilities.

Chapter 6 relates to Housing

Section 6.4 Layout, Density and Design of New Residential Development

Policy HSG 3: Urban Densities It is the policy of the Council to encourage a range of densities and housing types and styles having regard to neighbouring developments, the urban form of the town and the objectives of proper planning and sustainable development in order to provide a balanced pattern of house types throughout the town and within developments.

Lands at Coleville Road (4.5 ha) have a specified density of 17 units/ha with an average number of units stated as 77 units (Figure 3).

Footnote 36 states that “every planning application shall be assessed on its individual merits and the reference to a proposed average density shall not prejudice the development of the sites at the lower or higher densities as appropriate to the individual site”.

Section 9.9 Multi Unit Residential Developments

	Minimum Standards for Multiple Unit Residential Development
Design	The establishment of building design and urban design criteria by a suitably qualified Architect, experienced designer or similar, which shall place an emphasis on modern architecture with a varied building language, avoids standard suburban designs, enhances and augments local vernacular buildings/streetscapes. Opportunity shall be provided for landmark buildings at key nodes and focal points to promote legibility throughout the new development. All proposed residential units will attain high standards of energy efficiency, incorporating sustainable energy technologies, water conservation/reuse, ventilation, daylight analysis and bio-climatic site design.

Density	<p>The guided density for residential development within the Plan area is set out below. Densities achieved on any site will be influenced by location, topography, design, layout, housing type and mix etc.</p> <ul style="list-style-type: none"> • Coleville Road 17/ha (7/acre)
Public Open Space	<p>Provision of at least 15% of the site area for public open space. Integration of buildings and public amenity areas to ensure overlooking and passive supervision. Provision of pedestrian and cycle linkages within and without the site. Existing vegetation such as hedgerows, trees and natural features shall be retained and incorporated into the design where practicable. Emphasis will be on high quality usable spaces.</p>
Housing Mix	<p>Satisfactory mix of dwelling types including 1-2 bedroom units with direct access from ground level, extendable/flexible housing which can accommodate change over their life cycle, semi-detached and detached units, serviced sites and large detached units on generous plots etc, ensuring that a range and choice of building types, finishes and sizes are available.</p>
Separation Distances	<p>A minimum separation distance of 4m between the gables of dwellings, 22m between directly opposing transparent windows at first floor level, 35m between directly opposing transparent windows at second floor level.</p>

Footnote 57: The Council recognises that a relaxation in Development Management Standards may be justified where considered appropriate by the Planning Authority

Section 9.10 Development Impact Assessment (DIA)

New residential development proposals (which are subject to the provisions of Part V of the Planning and Development Acts 2000 – 2013) shall be accompanied by a Development Impact Assessment (DIA) to be submitted at Planning Application stage. Scoping for DIA should consider the

- Impact of the proposed development on the visual qualities and distinctive characteristics of Clonmel,

- A sequential approach to housing density based on the location of the site
- Phasing of the development
- Principles of Universal Design as advocated by the NDA
- Capacity of schools and childcare places
- Capacity of community facilities
- Open space
- Retail and other commercial uses
- Trip generation
- Car parking
- Pedestrian movements and general traffic safety and
- Infrastructure such as waste and surface water treatment/disposal and water supply.

Where constraints are identified in the assessment, the developer will be required to identify mitigating measures to address deficits and the Council will require that the assessment is submitted as part of the planning application. The Council will assess each development on its own merits, having regard to the statutory requirements of the development, the nature and use(s) proposed, the range of existing services available and having regard to other relevant policies and standards of the C & EDP.

Section 9.12.2 Private Open Space for Apartments

Private open space can be provided in the form of rear gardens or patios for ground floor units, and balconies at upper levels. It is important that in the latter case adequate semi-private or communal open space, in the form of landscaped areas, should also be provided. Roof gardens offer only limited potential in this regard, due to climatic and safety factors, and should not form the major share of such space...

A minimum width of 1.5 metres for one-bedroom units, and 1.8 metres for apartments with 2 or more bedrooms, is recommended, generally extending for the full length of the external living room wall. While wider balconies might be desirable in certain cases, this has to be balanced against the need to avoid overshadowing the living room.

5.0 Planning History

06550005 (PL 52.222478)

Permission GRANTED on appeal for demolition of one no. outbuilding and construction of 137 no. residential units, change of use of two offices to crèche and shop, together with all associated site works.

ABP-305770-19 (SHD Application) on lands to north of town

Application for 217 residential units on three plots. SPLIT DECISION.

Permission GRANTED on Plots 1A and 1B for 36 step-down units and 35 two-storey dwellings. Permission REFUSED for remainder of development, with the reasons for refusal in summary relating to poor design concept, proposal lacking variety and distinctiveness, failing to establish a sense of place and poor quality of architectural and landscape design.

6.0 Section 247 Consultation(s) with Planning Authority

6.1 It is stated by the planning authority that a pre-application consultation took place with the planning authority on 10th June 2020.

7.0 Submissions Received

Irish Water

Confirmation of Feasibility issued for this site for 118 no. residential units, subject to the following:

Wastewater:

As part of the confirmation of feasibility assessment the applicant has been notified of the requirement to enter into a Project Works Service Agreement (PWSA) with Irish Water to carry out studies and investigations to determine downstream capacity

to facilitate the proposed development. The outcome of the studies and investigations as part of the PWSA will confirm any infrastructure upgrades and third-party consents which may be required.

The applicant is required to engage with Irish Water to determine the scope of these studies and or works which must be agreed with Irish Water prior to progressing to SHD application stage.

Water:

In order to accommodate the proposed connection to Irish Water network at the Premises, upgrade works are required to replace existing 3" cast iron watermain by approximately 290m of new 150mm ID main. Irish Water currently does not have any plans to replace its network in this area. Should the applicant wish to progress with the connection they will be required to fund this network upgrade. The applicant will be responsible for securing any appropriate consents which may be required.

Please note, Irish Water records indicate existing Irish Water infrastructure(s) within the site boundaries. The applicant is required to engage with Irish Waters diversion section in regard to an assessment of feasibility any diversions which may be required. The outcome of this feasibility assessment must be agreed with IW ahead of progressing to SHD application to ensure adequate protection of existing assets and to ensure appropriate separation distances can be achieved as per IW standards codes and practices.

8.0 **Forming of Opinion**

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite consultation meeting. I shall provide brief detail on each of these elements hereunder.

8.1 Documentation Submitted

- 8.1.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, completed application form, a completed pre-connection enquiry feedback form from Irish Water, Irish Water Statement of Design Acceptance; Planning Report, Statement of Consistency; Part V details; architectural drawings; Bat Assessment; Tree Survey; EIA Screening Report; Architectural Design Statement; AA Screening Report; landscape drawings; Planning Application Services Report; Engineering drawings; Landscape Design Rationale and Landscape Specification, Traffic and Transport-Progress Note; Badger and Otter Engagement Letter and Flood Risk Assessment.
- 8.1.2. I have considered all of the documentation submitted by the prospective applicant, relating to this case.

8.2 Planning Authority Submission

- 8.2.1 In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Tipperary County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 3rd February 2021.
- 8.2.2 The planning authority's 'opinion' included the following matters: minutes of section 247 meetings; policy context; principle of development; density, design and layout; roads, access and circulation; surface water drainage; flood risk and levels; boundary treatment and lighting; housing; development contributions; bond and planning history. The following points are noted:
- Development acceptable in principle having regard to land use zoning objectives of the site
 - Section 9.9 of Clonmel and Environs Development Plan 2013 sets out a guided density of 17 units/ha on the Coleville Road, however every application is assessed on individual merits and reference to a proposed

average density shall not prejudice the development of sites at lower or higher densities as appropriate to the individual site

- Concern that proposed houses at W side of site access road may impact on amenity of adjoining residential property. Relationship between existing house and proposed houses needs to be illustrated on section drawings
- Concerns with regards adequacy of low wall along southern boundary in protecting the amenity and privacy of adjoining residential properties- not a uniform boundary type/height along southern boundary
- Access arrangement unclear to amenity zoned lands; maintenance to apartment block and associated access ways; securing of river edge; opportunity for habitat enhancement
- Quantum and location of public open space is considered to satisfy relevant standards
- No requirement to upgrade Coleville Road; proposal should include widening of footpath concerns regarding quantum and layout of car parking provision, together with other transport concerns
- No issues regarding surface water layout, however clarification required in relation to number/location of gullies; sizing of attenuation tanks
- Discrepancies contained in documents regarding flood risk
- Recommendations regarding boundary treatments outlined
- Part V agreement in principle required
- Development contributions and bond required

8.2.3 I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

8.3 Consultation Meeting

8.3.1 A Section 5 Consultation meeting took place via Microsoft Teams due to Covid-19 restrictions on the 29th day of April 2021, commencing at 10.00 am. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

8.3.2 The main topics raised for discussion at the tripartite meeting were as follows:

- Development Strategy as it relates to density, unit mix, open space, materials/finishes
- Residential amenity
- Traffic and Transportation
- Drainage
- Ecology
- Archaeology
- Any other matters

8.3.3 In relation to development strategy, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Density proposed in the context in the context of the Sustainable Residential Development Guidelines and local policy context
- Unit mix and extent of three and four bed units
- Materials/finishes, in particular extent of render on duplex/apartment blocks; Building Lifecycle Report
- Open space provision in particular proposals for amenity zoned lands to north; landscaping; boundary treatment; root protection for mature trees along avenue to east
- Extent/layout of surface car parking provision and impacts on layout/streetscape

8.3.4 In relation to residential amenity, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Potential impacts on nearby residential properties development in terms of overlooking, overshadowing, overbearing and noise; boundary treatments
- Compliance with Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020);

daylight/sunlight/overshadowing analysis; schedule of floor areas for duplex/apartment units

8.3.5 In relation to traffic and transportation, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Matters raised within section 3 of PA Opinion in relation to roads infrastructure, access and circulation
- Pedestrian access to town centre

8.3.6 In relation to drainage and flood risk, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Matters raised within section 3 of PA Opinion in relation to surface water drainage, flood risk and levels
- Matters raised in report from Irish Water, received by ABP on 18/01/2021

8.3.7 In relation to ecology, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Proximity of site to River Suir and associated designated site
- Ecology of site; badger/otters/bats; tree protection measures
- Need for up-to-date surveys
- Liaise with PA and NPWS as necessary

8.3.8 In relation to archaeology, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Proximity of site to National Monument Standing Stone (Ref. TS083-021006); queried if buffer zones/setbacks were required; any potential impacts to be addressed at application stage; submission of archaeological impact assessment
- Liaise with PA and Department for Housing, Local Government & Heritage, as necessary

8.3.9 In relation to other matters, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Submission of schedule of floor areas; areas to be taken in charge; landscaping/boundary treatments; submission of CGIS/visualisations/cross sections

8.4 **Conclusion and Recommendation**

- 8.4.1 Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 8.4.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.
- 8.5 Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act: **constitutes a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.**
- 8.6 I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

9 **Recommended Opinion**

The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and

amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, **An Bord Pleanála is of the opinion that the documentation submitted would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission arising from this notification:

Notwithstanding that the documentation submitted constitutes a reasonable basis for an application for strategic housing development to An Bord Pleanála, the applicant is advised to address the following:

1. Further consideration/justification of the documents as they relate to the layout of the proposed development particularly in relation to the extent of surface car parking. In this regard, the prospective applicant should satisfy themselves that the extent and arrangement of surface parking does not detract from the quality of the proposed development and does not represent an excessively dominant feature within the proposed scheme, in particular have regard to the criteria set out in the Urban Design Manual relating to 'Public Realm' which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.
2. Further consideration/justification of the documents as they relate to the proposed housing mix, having regard to the proportion of three bed and larger units within the overall proposed scheme, particularly in relation to the criteria set out in the Urban Design Manual relating to 'Inclusivity' and 'Variety' which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas. The further consideration of this

issue may require an amendment to the documents and/or design proposals submitted.

3. A Materials Strategy that specifically addresses the proposed materials and finishes for buildings, open spaces, paved areas and boundaries, having regard to the requirement to provide high quality and sustainable finishes and details. This strategy shall include details of the colour, tone and texture of proposed materials. Particular attention is required in the context of the strategic location and visibility of the site and to the long term management and maintenance of the proposed development. The use of extensive areas of render on should be avoided. A Building Lifecycle report should also be submitted in this regard, which includes an assessment of the long term running and maintenance costs associated with the development in accordance with Section 6.13 of the 2020 Guidelines on Design Standards for New Apartments.
4. A report, including CGIs, visualisations and cross sections, as necessary, which clearly show the relationship between the proposed development and existing development in the immediate and wider area and which illustrates the topography of the area. Details should also include boundary treatments and public realm.
5. Landscaping proposals including an overall landscaping masterplan for the development site and a site layout plan indicating the full extent of tree retention and removal. Details of proposed tree protection measures during construction. Details pertaining to the quantity, type and location of all proposed hard and soft landscaping including details of play equipment, street furniture including public lighting and boundary treatments should be submitted.

If the applicant continues with the strategy as proposed in the documentation submitted for the area of amenity zoned lands within the red line boundary, a detailed justification for this proposal should be included, which includes for the maintenance and management of this area into the future.

6. Ecological Surveys

7. Further consideration/clarification of the documents as they relate to wastewater and water infrastructure constraints in the network serving the proposed development, as raised in the Irish Water report to An Bord Pleanála (dated 18/01/2021) and as discussed in the pre-application consultation meeting. The documentation at application stage should clearly indicate the nature of the constraints, the proposals to address the constraints and the timelines involved in addressing these constraints relative to the construction and completion of the proposed development. (The prospective applicant may wish to satisfy themselves that an application is not premature having regard to the information sought above).
8. Additional details in relation to surface water management for the site, having regard to the requirements of the Drainage Division as indicated in the Planning Authority's Opinion. Any surface water management proposals should be considered in tandem with a Flood Risk Assessment specifically relating to appropriate flood risk assessment that demonstrates the development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk.
9. Additional details in relation to roads, access and circulation, having regard to the report of the Transportation Division of the planning authority as detailed in their Opinion and as discussed at the pre-application consultation meeting.
10. Details of cycle and pedestrian connections from the development site to Clonmel town centre, public transport links, schools and other surrounding areas. Details of proposed upgrades to facilitate adequate pedestrian connection shall be submitted, where necessary, together with details as to who will undertake these works and the timeframe involved.
11. Archaeological Impact Assessment
12. A detailed phasing plan for the proposed development
13. Details of re-routing or undergrounding of any overhead power lines
14. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority. Streets should be shown up to the boundary to facilitate future access, with the avoidance of any 'ransom strips'

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. Minister for Housing, Local Government & Heritage
3. The Heritage Council
4. An Taisce
5. Transport Infrastructure Ireland
6. Inland Fisheries Ireland
7. Waterford City and County Council

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Lorraine Dockery
Senior Planning Inspector

04th May 2021

