



An
Bord
Pleanála

Inspector's Report

ABP-309294-21

Development	Construction of 63 no. dwellings
Location	Dún Lia, Lognafulla , Thurles. Co. Tipperary
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	20540
Applicant(s)	Ormonde Homes (Thurles) Limited
Type of Application	Permission
Planning Authority Decision	Grant permission with conditions
Type of Appeal	Third Party vs Decision
Appellant(s)	Maria Quinlan
Observer(s)	None
Date of Site Inspection	3 rd December 2021
Inspector	Phillippa Joyce

1.0 Site Location and Description

- 1.1. The appeal site is located at Dún Lia, Lognafulla in Thurles. The site is approximately 1.5km to the east of the town centre, located on the southern side of the Loughtagalla local road L4009. The site's road frontage has a straight alignment with good visibility and is within the 50kph speed limit zone. The site is at the eastern edge of the town's built-up area, proximate to a mix of uses.
- 1.2. Adjacent to the east and south of the site are existing residential estates, Dún Lia and Elmwood/ Hazelwood respectively, to the north are the grounds of a soccer and a rugby club, to the northwest of the site is a car sales garage, and southwestern and southeastern boundaries are agricultural fields.
- 1.3. The site, an approximate 'L' shape in configuration, is stated as measuring 2.34 ha. The site comprises undeveloped lands associated with the adjacent Dún Lia estate, which contains 59 (numbering staggered between 1-89 Dún Lia) detached and semi-detached houses, internal roads, open space areas, and services (construction of the estate is indicated to have ceased in 2011/ 2012). Included within the site's redline boundary are an existing turning head, paved area, and part of the internal road of the estate (in the northern part of the site), and two other turning heads (western and southeastern parts).
- 1.4. Save for the paved area, road, and turning heads referred to above, the site is greenfield in nature. The site comprises undeveloped grassed lands and revegetated grassed areas in the southwest of the site under which services infrastructure for the wider estate has been previously installed. The topography of the site fluctuates, with ground levels rising in a southerly direction across the site. There is a more notable difference along the southern boundary with the Elmwood/ Hazelwood properties being at a higher level. The site boundaries comprise a mix of timber fencing, adjacent to the Dún Lia estate, and stone walls, trees, and hedgerows.
- 1.5. The blue line boundary, indicating lands under the control of the applicant, is the same as the red line boundary. The Dún Lia estate has been taken in charge by the planning authority.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of 63 dwellings, a combination of detached, semi-detached, and terrace units, of single storey or two storey height, and all site works. The total floor space of the proposal is stated as measuring 5,538 sqm. The net residential density of the proposal is c.27 dwellings per hectare (dph).
- 2.2. The proposed development is an extension to the existing Dún Lia residential estate, comprising the extension of the existing internal road at three points (currently cul de sac turning heads), the continuation of a similar layout, arrangement, and design of the proposed dwellings, and the connection to existing services within the estate (water services drainage and supply, electricity, public lighting, footpaths).
- 2.3. In respect of services, new piped infrastructure will connect the proposed dwellings to the existing water supply, wastewater, and surface water drainage public systems. Water supply is sourced from the watermains in the Loughtagalla Road at the estate entrance via the existing estate infrastructure. Wastewater disposal is through a proposed gravity fed sewer connecting to the existing foul sewer in the public road. Surface water drainage is through a new storm water network connecting into the existing infrastructure in the estate, (which includes an existing attenuation area with a c.1,100m³ capacity chamber in the public open space area to the southwest of the site) and into the main storm water drain in the public road.
- 2.4. In addition to the standard application plans and particulars, the application was accompanied by:
- Planning Application Design Report;
 - Housing Quality Assessment;
 - Landscape Report; and
 - Public Lighting Report.
- 2.5. The planning authority requested Further Information (FI) in respect of the site layout (car parking, bicycle storage, lighting, site levels), house designs, landscaping and boundary treatment, construction environmental management plan (CEMP), roads, flooding, and water services capacity. A FI response was received by the planning

authority on 2nd October 2020, which was deemed to be significant (SFI). At SFI response stage, the following revised/ new reports were submitted:

- Housing Quality Assessment;
- Public Lighting Report;
- Structural Stability Report;
- Road Safety Audit Report with auto track details;
- Construction Environmental Management Plan; and
- Irish Water pre connection enquiry correspondence.

The SFI response satisfactorily addressed the CEMP, flood risk, and water services capacity.

- 2.6. The planning authority requested Clarification of Further Information (CFI) in respect of parking, bicycle storage, lighting, boundary treatments, house designs, and the Road Safety Audit. The CFI response was received by the planning authority on 30th November 2020.

At CFI response stage, the following revised/ new reports were submitted:

- Housing Quality Assessment;
- Public Lighting Report;
- Taken in Charge documentation; and
- Road Safety Audit Report with auto track details.

The CFI satisfactorily addressed the outstanding items and/ or required conditions.

- 2.7. In the interest of clarity, the following assessment is undertaken on the finalised plans and particulars submitted at CFI response stage, and the implications, as relevant, of conditions attached. At CFI stage, 63 dwellings remained proposed, and alterations/ additions had been made to the quantum of the different dwelling types (I determine there to be 4 detached, 34 semi-detached, and 25 terrace units), the designs of each dwelling type, number and arrangement of car parking spaces (135 spaces), bicycle parking (24 spaces), bin storage, and site boundaries.

3.0 Planning Authority Decision

3.1. Summary of the Decision

- 3.1.1. On the 4th January 2021, the planning authority issued a notification to grant permission for the proposed development subject to 23 conditions. The conditions are standard in nature for a residential scheme including, inter alia, agreement on/ compliance with Part V; phasing plan and/ or occupation restriction until services and landscaping complete; Irish water connections; site boundaries and boundaries between proposed dwelling; buildings' external materials; construction methods (clean roads, demolition waste, hours of operation; reuse material or dispose of at an authorised location); construction traffic management plan; service cables underground; public lighting scheme; naming and numbering; surface water drainage; section 48 development contribution; and lodgement of a security bond.
- 3.1.2. The conditions of note for the appeal determination include the following:
- Condition 1: specification of the quantum and design type of the 63 dwelling units granted permission;
- Condition 2: prior to commencement agreement of a revised site layout plan indicating a pedestrian link/ footpath connecting the bicycle store at car parking space 84 to the footpath at car parking space 83;
- Condition 15: construction of the access road, footpaths, and kerbs to standards in 'Specification for Site Development Works for Housing Areas' November 1998, Department of the Environment and Local Government; and
- Condition 22: payment of a special development contribution in accordance with section 48(2)(c) of the Planning and Development 2000 Act, as amended, of €12,600 towards the cost of additional traffic calming measures.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's reports are the basis for the planning authority decision. The key items from the planner's initial report, subsequent SFI report, and final CFI report are summarised as follows:

- Proposal is in compliance with Existing Residential zoning objective and will complete the Dún Lia estate;
- Proposed density of c.27 units per hectare is considered acceptable being between the densities indicated at national and local policy levels;
- Private open space requirements, in terms of size (from 48 sqm upwards) and siting of rear gardens, are achieved;
- Public open space requirements, in terms of quantum (15% of site, three main areas) and quality (accessible, overlooked and permeable) are achieved;
- Proposed dwellings are uniform and repetitive, a greater range of house designs and external finishes required (revisions to roof profiles, building lines, additional external finishes in the SFI response, and corresponding plans in the CFI response, are accepted);
- Dwellings identified as failing to meet minimum accommodation standards (revisions/ clarifications provided in the SFI and CFI responses are accepted);
- Requirement for a layout ensuring optimum solar gain and a shadow analysis (SFI response analysis, justification for layout, and revisions to roof profiles are accepted);
- Requirement for traffic improvements through the redesign of/ information on circulation, road safety, car parking, bicycle parking, and pedestrian links (revisions/ clarifications provided in the SFI and CFI responses are accepted);
- Requirement for amenity and services improvements through the redesign of/ information on wheelie bins, public lighting, site boundary treatments, construction management measures (revisions/ clarifications provided in SFI and CFI responses are accepted);
- Connection to/ capacity in the water services infrastructure, and no flood risk arising (SFI response demonstrating same is accepted);
- Preliminary agreement for Part V compliance noted; and
- Requirement for Appropriate Assessment and Environmental Impact Assessment are screened out.

3.2.2. Other Technical Reports

District Engineer: initial reports formed basis of FI and CFI requests in respect of traffic, parking, and potential flood risk issue. Final report, no objections subject to conditions including on surface water drainage, additional pedestrian link, and payment of €12,600 towards traffic calming measures necessary for the existing estate.

Housing Section: preliminary Part V agreement in principle for six of the 63 units.

3.3. Prescribed Bodies

Irish Water – correspondence with Irish Water provided by applicant indicating capacity in the water supply and wastewater systems to accommodate the proposal.

3.4. Third Party Observations

- 3.4.1. The planning authority's reports indicate submissions were received from 27 third party observers during the processing of the application. The observers have indicated addresses in the surrounding Dún Lia, Elmwood and Hazelwood estates. Third parties continued to make observations on the SFI and CFI responses received by the planning authority. On the latter, 13 third party observers, all with addresses in Dún Lia, submitted the same observation.
- 3.4.2. As is outlined in detail in Section 6.0 below, the basis of the grounds of appeal, includes all of the substantive traffic related issues raised in the third party submissions (existing estate road is too narrow, current high occurrence of on-street car parking along the road, emergency and large vehicles are restricted in access, adverse impacts arising from the proposed development through an increase in traffic movements, traffic hazard, safety risks for residents, and demand for on-street car parking).
- 3.4.3. Additional issues in the third party submissions included concerns relating to noise disturbance and antisocial behaviour, and those cited by the third party observers of Elmwood and Hazelwood properties. These related to the shared boundary wall, potential for overlooking and loss of privacy, and screening measures, as these appear to have been satisfactorily addressed at the SFI response which included a structural report for the boundary wall and a range of boundary treatment/ landscaping proposals.

4.0 Planning History

Appeal Site

The planning history at the site comprises the parent permission for the Dún Lia estate dating from 2004, which has been part implemented, and subsequent permissions for amendments (two apartment blocks revised to housing units, and four omitted dwellings were reinstated) and extensions of duration, all of which are now expired. From a review of the planning register, I note the following:

PA Ref. 04/54/0007 (PA Ref. 09/54/0037 and PA Ref. 11/54/0013, associated extension of duration permissions):

Permission granted on the 17th November 2004 for 117 dwelling units (specified by condition), a combination of houses and two blocks of apartments, and a creche facility on a site measuring 4.79 ha.

PA Ref. 06/54/0047 (PA Ref. 09/54/0038 and PA Ref. 11/54/0012, associated extension of duration permissions) and PA Ref 06/54/0048 (PA Ref. 09/54/0040 and PA Ref. 11/54/0010, associated extension of duration permissions):

Permission granted revising the layout and replacing the two apartment blocks with houses.

PA Ref. 06/54/0049 (PA Ref. 09/54/0049 and PA Ref. 11/54/0011, associated extension of duration permissions):

Permission granted reinstating four dwellings omitted from the parent permission.

5.0 Planning Policy Context

5.1. Having considered the nature of the proposed development, the receiving environment, the application, and the appeal documentation, I consider the following policy and guidance to be of particular relevance to the determination of the appeal.

5.2. National Policy

National Planning Framework, Project Ireland 2040 (NPF)

5.2.1. A number of overarching national policy objectives (NPOs) are of relevance, targeting future growth within the country's existing urban structure, in particular to

higher functioning towns such as Thurles. NPOs for appropriately located and scaled residential growth include:

- NPO 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements;
- NPO 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being; and
- NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

Section 28 Ministerial Planning Guidelines

5.2.2. The following Section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. For ease of reference, I propose using the abbreviated references for the titles of certain guidelines, as indicated below (listed chronologically).

- Childcare Facilities, Guidelines for Planning Authorities, 2001 (Childcare Guidelines);
- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009, (Sustainable Residential Development Guidelines) (as accompanied by the Urban Design Manual: A Best Practice Guide, 2009, and Circular NRUP 02/2021 Residential Densities in Towns and Villages, April 2021); and
- Design Manual for Urban Roads and Streets, 2013, update May 2019 (DMURS).

5.3. Regional Policy

Regional Spatial and Economic Strategy for the Southern Region 2019-2031 (RSES)

5.3.1. The Regional Spatial and Economic Strategy (RSES) for the Southern Region, 2020-2032 identifies Thurles as one of fourteen 'Key Towns' in the region, and one of four in the Mid-West sub region. The strategic framework in the RSES focuses on enhancing the strong network of towns in the region, with targeted population growth of 30% for the Key Towns. Specifically relating to Thurles, the RSES identifies that

the town has significant potential for services and enterprise-based employment growth with an associated demand for residential development.

5.4. Local Policy

North Tipperary County Development Plan 2010-2016 (as varied and extended)

- 5.4.1. At a strategic level (settlement hierarchy and core strategy), the North Tipperary County Development Plan 2010-2016 (as varied and extended) (CDP) categorises Thurles as a sub-regional town (along with Nenagh), the second highest tier in the county's settlement hierarchy below the regional town, Clonmel.
- 5.4.2. The CDP's core strategy (Table 2.2) indicates that the 2016 population in Thurles was 7,940 persons, and projects a population target of 9,372 persons for 2022 with 67 ha of lands zoned for residential development.
- 5.4.3. The CDP, as varied in December 2017, indicates that the existing Town Development Plans will remain the statutory plans for each respective town until the preparation of a new town plan. As such, the more specific policy and development management standards applicable to the appeal are those in the Thurles and Environs Development Plan.

Thurles and Environs Development Plan 2009-2015 (as varied and extended)

- 5.4.4. At a local level, the appeal site is located within the development boundaries of the Thurles and Environs Development Plan 2009-2015, as varied and extended (TEDP). The site is zoned as objective 'Existing Residential' zoning objective which seeks 'To preserve and enhance existing residential amenity'. Residential is a permitted in principle use class.
- 5.4.5. The overarching residential development policy is Policy HSG 1: New Estate Housing in Chapter 3 Housing and Settlement of the TEDP, as follows:

Policy HSG 1: New Estate Housing

It is the policy of the Council to provide new housing on land zoned for residential development or for a mixture of residential and other uses based on the community concept, as follows:

a) to provide 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 the - DoEHLG 'Density Guidelines for Planning Authorities'

- DoEHLG Sustainable Residential Development in Urban Areas, 2008

- DoEHLG Urban Design – Best Practice Guide, 2008

- DoEHLG Sustainable Urban Housing: Design Standards for New Apartments, 2007

- DoEHLG Quality Housing for Sustainable Communities, 2007

d) to provide suitable and supervised amenity areas for children, teenagers, and adults.

e) To provide high quality residential layouts that are traffic calmed by design.

f) To ensure that a sufficient amount of land is zoned for housing purposes, in appropriate locations within the designated town boundary.

5.4.6. In respect of development management standards, Chapter 8 Development Management of the TEDP, as varied, outlines requirements for density, residential design, open space, and parking. Of relevance to the appeal determination, are the following requirements which are applicable to residential developments in the town:

- Section 8.8 Development Form – all residential developments will be assessed having regard to the national Sustainable Residential Development Guidelines, accompanying Urban Design Manual, and the Quality Housing best practice guidelines;
- Section 8.8.2 Density – no maximum or minimum densities set; determined on a case by case basis having regard to the Sustainable Residential Development Guidelines; and for 'Urban Fringe' locations a guide of 20-25 units per ha applies;
- Section 8.8.3 Design Statements – qualitative and quantitative design requirements including:

- Traffic management – ensure natural traffic calming measures through design, avoid long straight roads and artificial traffic calming installations;
 - Permeability – ensure linkages with community facilities, and access for pedestrians and cyclists;
 - House designs – reference from prevailing character; and provide a mix of house types for different family types;
 - Public open space – 15% of site area; and high quality mix of hard and soft landscaped areas;
 - Private open space – designed for maximum privacy and sunshine/ shelter; and 1-2 bedroom units require a minimum of 48 sqm and 3-4 bedroom units require 65 sqm;
 - Separation distances between directly opposing above-ground floor windows of 22m.
- Section 8.10 Childcare Facilities – regard given to the Childcare Guidelines; a childcare facility with places for 20 children for each 75 dwellings; and on lands zoned for residential purposes;
 - Section 8.11 Open Space – public open space to be hierarchical, multi-functional, easily and safely accessible, overlooked, and located not to cause nuisance;
 - Section 8.12.4 Parking – qualitative and quantitative parking requirements including:
 - Illustration of turning movements required for delivery areas;
 - If parking to the front of buildings, planting, and boundary wall/ railings be used for visual amenity purposes; and
 - 1 space per dwelling with up to 3 bedrooms, and 2 spaces per dwelling of 4 and more bedrooms.
 - Section 8.13 Bicycles – secure bicycle parking facilities provided for new developments.

Tipperary County Council Development Contribution Scheme 2020

- 5.4.7. The Council's Development Contribution Scheme makes provision for general (section 5.1) and special development contributions (Section 5.2). The types of public infrastructure listed as funded by general contributions include the provision of roads (c), and infrastructure to facilitate cycle and pedestrian facilities and traffic calming measures (d).
- 5.4.8. Special development contributions can be levied where specific exceptional costs not covered by the general contribution scheme are incurred by the Council in respect of providing public infrastructure and/ or facilities which directly benefit the proposed development. The nature and costs of the particular works are required to be specified in a condition attached to the grant of permission.

5.5. Natural Heritage Designations

- 5.5.1. The appeal site is not located in or immediately adjacent to a European Site, a Natural Heritage Area (NHA) or a proposed NHA. The Cabragh Wetlands pNHA is the most proximate designation to the site, located c.2.2km to the northwest. There are no watercourses at or adjacent to the site.
- 5.5.2. There is one European Site designation within a precautionary 15km distance to the appeal site, which is the:
- Lower River Suir SAC (002137) is c.3.38km to the southwest.

5.6. Preliminary Examination Screening for Environmental Impact Assessment

- 5.6.1. Having regard to:
- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10(b)(iv) *Infrastructure Projects* of the Planning and Development Regulations 2001 (as amended);
 - The location of the site on lands that are zoned for 'Existing Residential' under the provisions of the Thurles and Environs Development Plan 2009-2015, as varied and extended, and the results of the strategic environmental assessment of the Development Plan, undertaken in accordance with the SEA Directive (2001/42/EC);
 - The location of the site within the existing built-up urban area, which is served by public water services infrastructure, and the existing pattern of development in the vicinity;

- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended), and the mitigation measures proposed to ensure no connectivity to any sensitive location;
- The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003); and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended):

I have concluded that by reason of the nature, scale and location of the appeal site, the proposed development would not be likely to have significant effects on the environment, and that on preliminary examination, an environmental impact assessment report for the proposed development was not necessary in this case.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The third party appeal has been made by M. Quinlan of 81 Dún Lia, who indicates that the appeal has the support of all residents who had made similar submissions to the planning authority on the application.
- 6.1.2. The following is a summary of the main issues raised in the third party grounds of appeal:
 - No objection to the proposed housing development as residents always knew more houses to be built;
 - Thought that the part-built roads (pictures 1, 2, 3) were installed to form a new access road and, as this is not the case, there are now traffic safety concerns;
 - Ease of movement for normal day to day traffic is non-existent due to the estate road being narrow and the occurrence of on-street car parking;
 - Emergency vehicles and HGVs are very restricted in accessing existing properties, having to reverse into the estate due to inadequate turning areas;

- Houses at most risk from the proposed development are No.s 46-89 along the estate road, as these houses have no front gardens with off-street parking spaces, and have to use on-street car parking;
- Existing shortage of car parking spaces will be made worse by additional houses and increased demand for spaces;
- Disputes the nature of the photographs used in the applicant's Road Safety Audit, (pg 3, Houses 54-67);
- Speed is not the most dangerous problem, and the traffic calming measures (proposed speed ramps) will not address the problem of increased traffic flows;
- Traffic safety issues for children at play as they play on the estate road due to no safely accessible play area;
- 63 additional houses will result in a substantial increase in traffic movements, potentially 150-200 cars per day, along with service vehicles;
- Construction Traffic Management Plan has not been prepared so the contents are not known; and
- Requests the use of an alternative access route through the creation a one-way system entering through the main Dún Lia entrance and exiting through the gate adjacent to Cleary's Motors.

6.2. Applicant Response

6.2.1. The applicant has responded to the third party appeal, the main points of the response can be summarised as follows:

- Existing estate has a number of roads accommodating dwellings with off-street parking;
- Central spine of the access road is designed with parallel parking spaces to the kerb within bays;
- Reason trucks have to reverse into the estate/ along the central spine, as highlighted by the appellant, is because the estate is not completed and there is no functioning turning bay at the end of the road;

- Proposal will complete the estate, providing turning bays at the ends of the extended access road, which will allow safe turning movements and forward-gear access and exit of larger vehicles;
- Central spine carriageway is c.6m wide and allows two cars to pass each other, and claims of non-existent ease of movement are incorrect and exaggerated;
- New access point is not feasible as the lands are not under the control of the applicant, and a one-way system would result in increased traffic speeds, safety risks, and be inappropriate for a residential estate;
- Traffic generated from 63 houses can easily be accommodated in the existing road network;
- Appeal response includes a DMURS: Street Design Quality Review of the existing and proposed roads, and finds these to be constructed and designed (swept path analysis confirm carriageway widths sufficient to allow vehicles to pass, dimensions of parallel and perpendicular parking bays) to meet the DMURS standards;
- In respect of the central spine carriageway, the DMURS Review finds that:
 - Its width is c. 6m between kerbs increasing to 9.6m at areas where on-street parallel parking bays are provided between Houses 45-89;
 - its alignment and geometry increase driver caution resulting in calming traffic and self-regulating speeds; and
 - its design with on-street parallel parking visually narrows the carriageway and the close positioning of the houses provide a sense of enclosure, surveillance, and activity that are effective in lowering travel speeds;
- Congestion indicated in the appellant's photos and videos was not apparent at the two site visits undertaken by the authors of the DMURS review (50% use of parallel parking bays observed, similar to google earth images); and
- Proposal is in accordance with the zoning, is a residential scheme of an appropriate density, completes the estate including the roads with turning bays, provides new dwellings with varied house designs, achieves the applicable TEDP

standards, is a scheme that has quality public open spaces, a traffic calmed layout, and a high level of car parking.

6.3. Planning Authority Response

No response was made by the planning authority on the third party appeal.

6.4. Observations

No observations have been made.

6.5. Further Responses

No further responses were made or received on the appeal.

7.0 Assessment

7.1. Introduction

- 7.1.1. Having examined the appeal and application documentation, inspected the site, reviewed the planning history, and having regard to the relevant national, regional, and local policies and guidance, I consider the main issues in the appeal to be as follows:

- Density, Layout and Design;
- Childcare Facility – New Issue;
- Transportation: Access, Parking, and Traffic Generation; and
- Appropriate Assessment Screening.

7.2. Density, Layout and Design

- 7.2.1. Policy HSG 1 of the TEDP requires new residential developments to conform with the requirements of certain national planning guidelines and best practice design documents. These seek to ensure that residential developments are of an optimum density, a high-quality layout, and a responsive design achieving adequate standards of residential amenity. The planning authority and the applicant in the appeal response both consider that the proposed development complies with Policy HSG 1.
- 7.2.2. While the substantive grounds of appeal are transportation related items, any consideration of these is linked to the headed items in this subsection and the

context set by national policy. As such, it is necessary for regard to be given to same and I consider density, layout, and design below.

Density

- 7.2.3. The proposed development comprises 63 dwellings on a site measuring 2.34 ha, thus yielding a net density of c.27 dwellings per hectare (dph). Section 8.8.2 of the TEDP indicates that there are no maximum or minimum set densities in the Plan, and guides that for 'Urban Fringe' locations, which I consider the appeal site to be, a density in the range of 20-25 units per hectare applies.
- 7.2.4. The Sustainable Residential Development Guidelines indicate appropriate densities for schemes in larger towns (Thurles, as a sub-regional town with a population of c.8,000, comes within this category). Due to its undeveloped nature, transitional context, and distance of c.1.5km from the town centre, I consider the site to be an outer suburban/ greenfield site. In such locations, net densities between 35-50 dph are generally encouraged, while densities of less than 30 dph on sites greater than 0.5 ha are to be generally discouraged (Section 5.11 of the Guidelines).
- 7.2.5. As the proposed development has a density of less than 30 dph and is on a site greater than 0.5 ha, Section 5.12 of the Guidelines is applicable. Under this section, provision is made for lower densities where the average densities within a neighbourhood/ district as a whole achieve any of the applicable minimum standards (i.e. 30 dph for outer suburban/ greenfield sites).
- 7.2.6. Circular NRUP 02/2021 Residential Densities in Towns and Villages, April 2021, clarifies that the neighbourhood/ district referred to in Section 5.12 of the Guidelines can comprise a significant portion of a rural town. I consider this interpretation to be the case for the proposed development and Thurles town. From a review of the planning register, planning history reports, mapping, and aerial photography sources, I consider that the pattern of development in Thurles town, and in the vicinity of the site, support the case for a lower density in this instance. I consider such an interpretation complies with the discretionary approach to residential density highlighted in the Circular.
- 7.2.7. That being, the existing estates adjacent to the proposal of Dún Lia, Elmwood and Hazelwood, and the streets of Moyne Road and Willowmore Drive have patterns of development that are indicative of densities in the range of the baseline figure of 30

dph. Under ABP Ref. 306223-19, an SHD application for 122 dwelling units on lands to the west of site, the proposed density of 32 dph was accepted. While I note permission for that application was ultimately refused on design grounds, I consider that scheme's density to be indicative of the range to be anticipated in future residential schemes at similar locations in the town.

- 7.2.8. As is discussed in the following subsection in respect of childcare facilities, I recommend that Dwellings 4 and 5 be omitted and replaced with a childcare facility to serve the proposed development and indeed the wider Dún Lia estate. I highlight that this will further reduce the net density of the scheme from c.27 dph to 26 dph. However, I consider that the reduction is marginal, and the provision of this facility is necessary for the amenities of residents.
- 7.2.9. On balance, having regard to the national and local policy context on density, and noting the configuration of the site, the part implementation of the parent permission including underground services, the site's location at the eastern edge of the town's development boundary adjacent to agricultural lands, and the pattern of development in adjacent streets/ estates, I am satisfied that the net density of the proposed development, as recommended to be amended by condition, is appropriate in this instance for this site.

Layout and Design of Scheme

- 7.2.10. As outlined previously, the proposed development is an extension to the existing Dún Lia estate. The parent permission was granted in 2004, with amending applications dating from 2006. The construction of the estate is indicated to have ceased in 2011/ 2012. In this regard, the layout of the proposal is dependent on that of the Dún Lia estate, including the extent of existing underground services, and is further restricted by the 'L' shape configuration of the site.
- 7.2.11. Access to the proposed development is through the main estate entrance on the southern side of the Loughtagalla Road. The layout of the proposed development involves the extension of the existing access road to create an approximate 'S' shaped design, terminating in three cul-de-sacs, each with a turning bay for vehicles.
- 7.2.12. The proposed dwellings are laid out in distinct quadrants, 12 units (Dwellings 1-12, a mix of detached and semi-detached, single and two storey units) sited back-to-back in the northern portion of the site, overlooking areas of open space and on-street car

parking; 12 units (Dwellings 13-24, two storey semi-detached units) in a vertical alignment along the western boundary served by on-street parking and overlooking an area of open space; 29 units (Dwellings 25-32, and 43-63, two storey semi-detached and terrace units) positioned either side of an area of open space and/ or the extended access road, with in-curtilage parking and sited back-to-back with existing Dún Lia properties and/ or Elmwood and Hazelwood properties; and finally 10 units (Dwellings 33-36 and 37-42, two storey terrace and semi-detached units) positioned on either side of the extended access road, adjacent to the gables of existing Dún Lia properties, with on-street car parking.

- 7.2.13. In respect of the layout and design of residential schemes, Policy HSG 1 and Section 8.8 of the TEDP refer to the requirements of the Sustainable Residential Development Guidelines and accompanying Urban Design Manual. The Manual includes 12 criteria with indicators that form the basis of good residential design. These criteria include items such as context, layout, public realm, amenity, and detailed design. Furthermore, Section 8.8.3 of the TEDP refers to design statements to be prepared for residential schemes, indicating achievement of certain qualitative and quantitative design requirements. (For clarity, in the following Transportation subsection, I consider the layout with regard to the requirements of the national guidelines Design Manual for Urban Roads and Streets, 2013, updated May 2019 (DMURS).)
- 7.2.14. I have reviewed the plans and particulars, including the Design Report submitted with the application. In relation to the 12 criteria referred to in the Manual, I find that the scheme is reflective of its context, being consistent with the density, layout, and siting of dwellings in the Dún Lia estate. The layout comprises distinct groupings of dwellings addressing areas of open space, with a mix of in-curtilage and on-street parking, the latter being a design solution contributing to traffic calming and streetscape creation (however, as is discussed in the following Transportation subsection, I recommend amendments to ensure that the scheme is not overly dominated by car parking).
- 7.2.15. While the scheme is restricted in access options to the main estate entrance, this is compensated for by providing pedestrian connections through and within the scheme and wider estate (I positively note and concur with the planning authority's Condition 2 in securing an additional pedestrian link across an area of open space to the

bicycle store). The public realm, comprising areas of public open space, footpaths, shared on-street car and bicycle parking areas, is overlooked, accessible, defined, and achieves the relevant quantitative standards. The proposed dwellings are laid out and sited to be provided with sufficient private open space, separation distances, car parking spaces (however, as is discussed in the following Transportation subsection, there is an over-provision of car parking spaces which I recommend be reduced to ensure the residential and visual amenities of the proposal), and refuse storage, thereby ensuring an adequate level of residential amenity. The proposed dwelling types are varied in design offering a range of choice for different types households (building height and bedroom numbers), with variations in architectural design and treatments.

Design of Dwellings

- 7.2.16. In respect of the detailed design of the dwellings, while I note this is not a substantive issue raised in the grounds of appeal, a brief assessment is necessary for a consideration of the merit of a revised layout and access arrangement as sought in the appeal. In addition to detailed design as a criterion included in the Urban Design Manual, Policy HSG 1 and Section 8.8 of the TEDP also refer to compliance with the requirements in the Quality Housing for Sustainable Communities best practice guidelines (the TEDP does not include specific residential standards deferring to the national ones).
- 7.2.17. I note that the planning authority requested FI and CFI to ensure the proposed dwellings achieved compliance with the quantitative standards in the best practice guidelines. I have reviewed the plans and particulars for each dwelling type, the schedule of areas/ accommodation, including the Housing Quality Assessments, and other supporting information including the shadow analysis, landscaping, and boundary treatment details. Briefly, but for the avoidance, I am satisfied that in terms of achieving relevant quantitative standards, gaining access to daylight and sunlight, providing for social housing, including for appropriate landscaping, boundary treatments, and services installation, the proposal will ensure acceptable standards of residential amenity for future residents, and those of existing residents in adjacent estates, and is compliant with national and local policies.

7.2.18. In the interest of clarity, I highlight an error in Condition 1 of the planning authority decision, which specifies the quantum and design type of the 63 dwelling units. The specification in the condition equates to 8 detached and 30 semi-detached units, in addition to 25 terrace units. From my review of the plans and particulars, as submitted and assessed in totality at CFI stage, I determine there to be 4 detached and 34 semi-detached units (and the 25 terrace units). Specifically, the proposed dwellings are as follows:

- 2 single storey 2 bedroom detached units (Type A, A1)
- 8 single storey 2 bedroom semi-detached units (Type B, B1)
- 2 two storey 4 bedroom detached units (Type N, N1)
- 4 two storey 4 bedroom semi-detached units (Type O)
- 22 two storey 3 bedroom semi-detached units (Type C, D, E, and F)
- 11 two storey 2 bedroom terrace units (Type H, K, and M)
- 14 two storey 3 bedroom terrace units (Type G, J, and L)

Dwellings 4 and 5, which I recommend being omitted and replaced with a childcare facility, are single storey semi-detached units (Type B).

Summary

7.2.19. On balance, having regard to the restrictions in layout options referred to previously and with the additional requirement of a childcare facility, I consider that the proposed development is consistent with the national planning guidance on matters of density, layout, and design for residential developments. In turn, I consider the proposal complies with Policy HSG 1 of the TEDP, and the applicable development management standards from the TEDP, which I have cited in Section 5.4.5 above.

7.3. Childcare Facility – New Issue

7.3.1. As outlined in Section 4.0 of this report, the relevant planning history for the proposed development comprises the parent permission PA Ref. 04/54/0007 under which 117 dwelling units and a standalone creche facility were granted permission. In subsequent applications, four dwellings omitted by condition were reinstated and two apartment blocks were amended to houses, generating a final total of 121

dwellings. At present, the Dún Lia estate comprises 59 dwellings and two areas of public open space in the northeastern part of the estate.

- 7.3.2. National policy in the Childcare Guidelines and Sustainable Residential Development Guidelines, and local policy in Section 8.10 of the TEDP highlight the requirement for residential developments to be provided with childcare facilities to meet the needs of households with young children. The recommendation is one childcare facility (equivalent to a minimum of 20 child spaces) for every 75 dwellings. The more-recent Sustainable Residential Development Guidelines indicate that the threshold for provision should be established having regard to the existing geographical distribution of childcare facilities and the emerging demographic profile of areas, in consultation with county childcare committees.
- 7.3.3. I highlight to the Board that the childcare facility permitted in the parent permission has not been constructed. The childcare facility was located in the northwestern corner of the site, corresponding with currently proposed Dwellings 4 and 5, adjacent to the existing paved area and turning head in this corner. I have reviewed the planning history, including the available reports, decisions (descriptions of development and conditions), and site layout plans, and I have not identified an amending application whereby permission for the omission of the childcare facility was applied for and granted.
- 7.3.4. I note that the proposed development is for 63 dwellings, which is below the recommendation of one facility for every 75 dwellings. This may explain the reasons why the application does not refer to, justify the omission of, or demonstrate there is no need for a childcare facility, that the application does not appear to have been referred to the county childcare committee, and that the planning authority reports do not consider and assess same.
- 7.3.5. It is stated by the applicant, accepted by the planning authority, and clearly apparent that the proposed development is an extension of and will complete the Dún Lia estate. As such, I consider the requirement for a childcare facility must be determined having regard to the totality of the Dún Lia estate. This estate comprises 59 dwellings and the proposed development would add a further 61 dwellings (as I propose the replacement of Dwellings 4 and 5 with a childcare facility) thereby

yielding a total of 120 dwellings units in the estate. This total number of dwellings is over 1.5 times the recommended national standard requiring a childcare facility.

- 7.3.6. As the requirement for a childcare facility constitutes a new issue, the Board may wish to recirculate this item to the applicant, planning authority, county childcare committee, and appellant for comment. However, I consider the requirement for a childcare facility is reasonable given the total number of dwellings in the estate, planning history at the site, and is in compliance with the Childcare Guidelines, the Sustainable Residential Development Guidelines, and the TEDP.
- 7.3.7. I consider that the matter can be addressed by way of condition stipulating that Dwellings 4, 5, and adjacent parallel parking bays are omitted and replaced with a childcare facility, and that the childcare facility be subject of a separate planning application thereby allowing the applicant to demonstrate the necessary scale of the facility, which is an evidential based approach provided for by the Sustainable Residential Development Guidelines.

7.4. Transportation: Access, Parking, and Traffic Generation

- 7.4.1. The substantive grounds of appeal relate to transportation issues of access, parking, and traffic generation arising from the proposal. I note that these items were raised in the third party submissions (including from the appellant) on the application during the determination by the planning authority. Through the FI and CFI responses, a Road Safety Audit (RSA), revisions to the car parking design, and bicycle parking were provided. The proposal was determined to be acceptable and conditioned accordingly, including an additional pedestrian link and a special development contribution for traffic calming measures. The appellant remains opposed to the use of the existing estate road to serve the proposed dwellings, citing traffic nuisance and hazard to the existing residents. I propose to address each of the substantive issues in turn.

Access: Use of Existing Estate Entrance and Road

- 7.4.2. In objecting to the use of the existing estate road to serve the proposed development, the appellant highlights the road's restrictive nature (particularly the central portion between No.s 46–89 Dún Lia) (described as too narrow, with on-street parallel parking, vehicles cannot safely pass each other), the high levels of congestion (on-street parking on both sides of the road in frequent use as no other

options), and the substandard design (large vehicles have to reverse into the road as there is insufficient space to turn). In the appeal response, the applicant states that claims of non-existent ease of movement along the central spine carriageway are incorrect and exaggerated, and that the proposed development will complete the estate road with adequately designed turning bays thereby allowing safe turning movements and forward-gear access and exit of larger vehicles.

- 7.4.3. The appellant states it was known that additional dwellings would be built but requests an alternative access point (identified as an existing entrance adjacent to the east of the car sales garage, on the southern side of the main road) and consideration of a one-way system, in-bound from the existing entrance and out-bound from the alternative access point.
- 7.4.4. In determining the appropriateness of the appellant's request, key considerations include the standard and suitability of the existing road, the optimum layout and design for the proposed development and wider estate, and the control of the alternative entrance/ lands. In respect of the existing road and its extension to serve the proposed development, compliance with the recommendations of the national guidelines Design Manual for Urban Roads and Streets, 2013, updated May 2019 (DMURS) is of direct relevance.

Access: Compliance with the DMURS

- 7.4.5. Chapter 4 Street Design of the DMURS outlines alternative approaches to traffic management (from a historic reliance on artificial installations such as speed ramps). Traffic calming measures include road design (narrow, curved roads instead of wide, straight carriageways), use of shared surfaces, incorporation of on-street parallel parking, building lines close to the footpath for streetscape creation, and inclusion of overlooked and enclosed public spaces. I note that the planning authority reports do not refer to the DMURS per se and Condition 15 specifies the access road, cul-de-sac turning bays, and footpaths are to be constructed to the standards of the 1998 guidance.
- 7.4.6. In the appeal response, the applicant has submitted a DMURS: Street Design Quality Review of the existing estate road and of the proposed development. I have considered the Review (in conjunction with the RSA and auto tracking information submitted with the application) and, in respect of the existing road, I find it to be of a

design (main road is long but curving with shorter estate streets, the central section has on-street parallel parking, dwellings are built close to the footpath creating enclosed streetscape conditions to reduce drivers' speed), a width (a carriageway of c.6m between kerbs, achieving the recommended width of 5.5m for a local road whilst allowing two vehicles to pass), an alignment and geometry (swept path analysis indicates curving/ intermittent visibility lines, increasing driver caution and calming traffic speeds) that accord with the recommendations of the DMURS.

7.4.7. Of the proposed development, I find it to be of a design (extended road terminating in three cul-de-sacs, serving smaller groupings of dwellings, with a combination of in-curtilage and on-street parking), a width (carriageway widths of 5.5m, and swept path analysis confirm turning bays at the three cul-de-sacs are of widths sufficient to allow large vehicles to manoeuvre), and of a standard (dimensions of parallel and perpendicular parking bays, footpaths, junction size, visibility splays) that accord, for the most part, with the requirements of the DMURS.

7.4.8. I identify two items of the proposal that are at slight variance to the DMURS recommendations. These are the design of the access road serving the proposed dwellings in the southern portion of the site, and the recommendation of the RSA for speed restriction measures in the existing estate, which forms the basis of Condition 22, including the installation of a raised platform and speed ramps. Of the former item, I consider that while this part of the road is relatively long with a straight alignment, it does terminate in two cul-de-sacs, is not a through road, and serves a sufficient number of dwellings to create traffic conditions that will prevent high speeds.

7.4.9. Of the latter item, I consider that the requirement for speed ramp installations to calm traffic on the existing road (a recommendation of the RSA that I accept as necessary) arises due to these coinciding with the straighter portion of the road where opportunities for increased speed may arise. On balance, I consider that the use of the estate's existing main entrance and access road to serve the proposed development, and the design and layout of the internal road, turning heads, footpaths, and on-street parking (parallel and perpendicular) spaces within the proposal to predominantly comply with the recommendations and requirements of the DMURS, and where not the deviations are marginal and not material, and therefore to be acceptable.

7.4.10. Related to this matter is the planning authority's Condition 22 requiring a section 48(2) special development contribution towards traffic calming measures. As referred to previously, these measures arise from the RSA and requirements of the District Engineer. The final report of the latter specifies the nature of the works, costing at €12,600, including undertaking speed surveys, erecting signage, and installing road markings, raised platforms, and speed junctions in the existing estate. The estate is taken in charge by the planning authority and these works undertaken by the Council are required to safely facilitate the proposed development, as opposed to being works that would be covered under the general development contribution allowance. Having reviewed the relevant plans and particulars, I consider such a condition to be reasonable, necessary and in accordance with the terms of the Tipperary County Council Development Contribution Scheme.

Access: Alternative Entrance and One-Way System

7.4.11. In respect of an alternative entrance and one-way system, the applicant states that the alternative access arrangement is not feasible as the entrance is not in the ownership of the applicant. At my site inspection, I noted the referred-to entrance and that it provides access into the site, along the western boundary. The statement in the appeal is at odds with the information submitted with the application (application form, plans and particulars).

7.4.12. In the site location map submitted with the application, the red line and blue line boundaries correspond, and the latter is stated as indicating land in the applicant's ownership. In the proposed site layout plan, the location of the referred-to entrance corresponds with the extended turning head in the northwestern corner of the site on the street serving Dwellings 1-5. As such, from the information submitted with the application, I consider the applicant does control the entrance/ lands thereon and thereby a potential alternative access point.

7.4.13. However, notwithstanding the control of the entrance/ lands by the applicant, the issue of optimum layout and design for residential schemes is of fundamental importance. As I have outlined in the subsection above, I consider the proposed development is of a layout and design that accords with the applicable recommendations in the Sustainable Residential Development Guidelines, associated Urban Design Manual, the DMURS, and with TEDP policy, and is an

acceptable design solution reflective of the site specific conditions ('L' configuration, relationship with and extension of the Dún Lia estate, and existing services as laid).

- 7.4.14. In my opinion, creating a second entrance at the location suggested by the applicant (i.e. the existing gate in the northwest corner of the site, which corresponds with a turning bay on the cul-de-sac serving Dwellings 1-5) and establishing a one-way traffic flow system with all traffic exiting the estate through that entrance by passing those dwellings, would not be a safe, reasonable, or appropriate arrangement. The appellant has not submitted any supporting evidence for the arrangement that demonstrates otherwise.
- 7.4.15. For the proposal to incorporate a second entrance safely and appropriately, the omission and/ or rearrangement of proposed dwellings, road layout, footpaths, services, and open space would be required. Such a revision would be a material alteration beyond the scope of this current appeal. The creation of a one-way system is unacceptable being at odds with the guidance in the DMURS. A one-way system would cause a change in driver's behaviour (removing the current relatively high level of designed-in caution), create a car based, driver-dominated environment, result in increased traffic speeds on estate roads (changing their function as self-regulating streets), endanger public safety, and cause a significant degree of inconvenience in travel patterns to certain existing properties.
- 7.4.16. Finally, I consider there to be merit in using the alternative entrance for construction related traffic movements. This entrance is located at a point on the Loughtagalla Road which has a straight alignment with good visibility and is within the 50kph speed limit zone. The entrance provides direct access into the site and its use for construction related traffic, as opposed to that travelling through the existing estate, will lessen the impact on the amenities of the existing properties during the construction phase of the development. I consider this matter can be addressed by condition, stipulating the use of the entrance as part of an agreed construction management plan with the planning authority. In the interest of clarity, I do not consider this to be a new issue as the requirement for an agreed construction management plan is a standard condition and the applicant has indicated control of the entrance/ lands thereon in the plans and particulars lodged with the application.

Parking: Car and Bicycle

- 7.4.17. The grounds of appeal cite dissatisfaction with the current car parking provision in the estate, in particular the on-street parallel parking along the central part of the estate road, and concern that the proposed dwellings will result in an increased demand for on-street spaces in the existing estate.
- 7.4.18. In respect of the existing car parking provision, I highlight that the majority of properties within the existing estate (35 dwellings, No.s 1-45) have off-street parking spaces to the front of the houses. The remaining properties (24 dwellings, No.s 46-89) are served by parallel parking spaces on both sides of the access road.
- 7.4.19. In the previous subsection, I considered the design and layout of the existing parking provision on the road to determine the suitability of the road to also serve the proposed dwellings. I consider the on-street parallel parking to be a design solution recommended in the DMURS and that there remains sufficient space on the carriageway for vehicles to pass safely, and that the existing arrangements are acceptable.
- 7.4.20. In respect of the proposed development, from a review of the planning authority's reports, it is apparent that parking provision, particularly car parking, was a significant concern during the determination of the application. In response to the FI and the CFI requests, alterations were made to the design, arrangement, and accessibility of parking spaces. These included revisions from parallel to perpendicular parking spaces, siting spaces in closer proximity to dwellings and/or footpaths, to ensure safer traffic movements, easier access, and increased passive surveillance.
- 7.4.21. In similarity with the existing estate, the car parking provision for the proposal is a combination of in-curtilage and on-street in design. Dwellings 25-32 and 43-63 (29 units) are provided with two in-curtilage spaces within the properties' curtilages. The remaining 34 units are provided with on-street parking spaces, and visitor car parking is also indicated as being provided for. The on-street spaces are arranged to be perpendicular to or parallel with the road and are separated from the dwellings by public footpaths. The separation distances between the parking spaces and dwellings vary through the scheme from the width of the footpath (eg. Dwellings 33-42) to across an area of open space (eg. Dwellings 19-22). On balance, in terms of

design and siting, I consider the proposal to be acceptable, save for the quantum of spaces being provided.

- 7.4.22. The planning authority reports do not include an express assessment of the quantum of spaces being provided. The planner's initial report identifies the applicable parking development management standards as being those in Section 8.12.4 of the TEDP (which I have cited in Section 5.4 of this report). In the CFI response, the applicant calculates that the proposed development generates a requirement of 131 spaces, and 135 spaces are provided, comprising 54 in-curtilage spaces and 81 on-street spaces. I have reviewed the plans and particulars of the CFI response, and note that the car parking standards used by the applicant are in excess to the minimum standards in the TEDP (those used are possibly from the CDP which, as I noted in Section 5.4 above, indicates that the TEDP remains the statutory plan in force).
- 7.4.23. In any event, I calculate that the proposed development generates a car parking requirement of 69 spaces (1 space per 2 and 3 bedroom dwellings (21 and 36 respectively) requiring 57 spaces, and 2 spaces per 4 bedroom dwellings (6 in total) requiring 12 spaces. Whilst I note this is a minimum requirement and an allowance can reasonably be made for visitor parking, the quantum of parking being proposed is almost double that figure. I consider the over provision to be excessive and to result in the creation of car based, driver-dominated environment, especially in the vicinity of the proposal's main area of public open space.
- 7.4.24. From a review of the parking layout, and being cognisant of proximity to dwellings, and of the dwelling type (number of bedrooms and therefore requirement), I recommend that 21 on-street parking spaces should be omitted. These include the perpendicular spaces 66-72 adjacent to the side of Dwelling 36, and parallel spaces 73-76 and 84-93 on the northern and southern sides of the area of public open space. I consider that the area of the omitted spaces 66-72 should be replaced with landscaped grass verge and the bicycle store relocated from the rear of Dwelling 36. This revision will allow the bicycle store to be more accessible and overlooked, and the amenities of Dwelling 36 to improve. The area of the omitted spaces 73-76 and 84-93 should be replaced with public open space, and a footpath along the southern boundary of the open space aligning with the footpath on the opposite (eastern) side of the junction.

- 7.4.25. In respect of bicycle provision, two bicycle stores with 24 spaces are provided and sited at the rear of Dwelling 36 and along the western boundary of the area of open space. The applicant indicates that the spaces are required to meet the needs of 11 terrace houses. I consider this quantum to be acceptable. As I outlined in the section above, I recommend the relocation of the bicycle store from the rear of Dwelling 36 to the area of the omitted parking spaces 66-72, which a more accessible and overlooked part of the public realm.
- 7.4.26. Of the appellant's grounds of appeal relating to increase demand for the existing on-street spaces in the estate, as I have outlined above, I consider there to be sufficient provision of car parking spaces within the proposed development, such that an overflow of demand to the existing estate is not likely. I note the photographs and videos from the appellant, however at my site inspection, I noted conditions similar to those recorded by the applicant's traffic consultants in the appeal response. That being, the existing on-street spaces were c. 50% full and the estate was a low trafficked, low speed environment.
- 7.4.27. In summary, I consider the car parking design and layout (existing estate and proposed development) accords with the majority of DMURS requirements, the car and bicycle parking provision in the proposed development achieves the qualitative (defined, overlooked, accessible) and quantitative (minimum quantum and size) development management standards in Sections 8.12.4 and 8.13 of the TEDP, and therefore are acceptable subject to conditions including the amendments as outlined above.

Traffic Generation

- 7.4.28. The grounds of appeal include the adverse impacts associated with traffic generation arising from the proposed development. The appellant submits that 63 additional houses will result in a substantial increase in traffic movements, potentially 150-200 cars per day, in addition to service vehicles. The increase in traffic generation will result in traffic safety issues for existing residents, including children at play, which proposed traffic calming measures will not address.
- 7.4.29. In response, the applicant states that the traffic generated from 63 houses can easily be accommodated in the existing road network, though without an analysis demonstrating same. I note that during the determination of the application the

planning authority did not raise any issue or concern in respect of traffic generation, the conditions of the existing roads, and the capacity of the receiving road and junction network to absorb the increase in traffic movements, thereby indicating acceptance of this aspect of the proposed development.

7.4.30. I have reviewed the plans and particulars, and note that Dwellings 23-63 (41 units inclusive (of the total 63 proposed units)) will use the access road by passing by existing properties No.s 54-89 Dún Lia. Estimating on average c. 2 two-way trips per day per dwelling, the proposed development would generate an additional 82 two-way trips each day. By way of example, the c.82 two-way trips over a 16 hr period of normal activity (7am-11pm) would result in an additional c.5 two-way trips each hour. However, many of these estimated trips would coincide with morning and evening peaks, and there would be a number of hours during the day that even less trips would occur. I consider the potential increase in traffic generation to be within reasonable levels of activity in a medium scaled residential estate, and to be acceptable in terms of carrying capacity on the estate roads and surrounding road network.

Summary

7.4.31. In response to the substantive grounds of appeal, I find that the proposed development will ensure the completion of the estate's access road and improving traffic conditions thereon (three cul-de-sacs terminating with adequately designed turning bays, and additional targeted traffic calming measures in the existing estate); that the creation of an alternative access point and the establishment of a one-way system for the estate would be not be safe, reasonable, or appropriate; that parking provision is of design and layout that is in accordance with the Urban Design Manual, DMURS, and TEDP policy (save for the over provision of on-street parking spaces which would result in a car based, driver-dominated environment); and that the traffic generated by the proposal is within an acceptable range for a medium size residential estate. I consider the proposed development to be acceptable in terms of impact on the residential amenity of existing and future residents, public safety, and traffic hazard.

7.5. Appropriate Assessment Screening

Background on the Application

- 7.5.1. The applicant has not submitted an appropriate assessment screening report or a Natura Impact Statement for the proposed development with this appeal case. Therefore, this screening assessment has been carried *de-novo*.

Brief Description of the Development

- 7.5.2. The project is located on lands at Dún Lia, Lognafulla, Thurles. The site is an 'L' shaped configuration, comprising constructed parts of the Dún Lia estate (entrance, internal road, turning heads), undeveloped grassed lands, and revegetated grassed areas under which services infrastructure for the wider estate has been previously installed. The site boundaries comprise a mix of timber fencing adjacent to the Dún Lia estate, and stone walls, natural hedges, and planted vegetation. There are no watercourses or habitats identified in or adjacent to the site.
- 7.5.3. The proposed development (at CFI stage) comprises the following the key elements:
- 63 dwellings and all site works within a site measuring 2.34 ha;
 - Car and bicycle parking of 135 spaces and 24 spaces respectively;
 - Public open spaces, with hard and soft landscaping, measuring c.0.35 ha; and
 - New piped infrastructure installed within the site connecting the proposed dwellings, via the existing estate infrastructure, to the main water supply, wastewater disposal, and surface water drainage public systems located in the Loughtagalla Road.
- 7.5.4. Taking account of the characteristics of the proposed development in terms of its location and scale of works, the following are considered for examination in terms of implications for likely significant effects on European sites:
- Construction and/ or operation related surface water and wastewater pollution.

Submissions and Observations

- 7.5.5. The planning authority's District Engineer reports conclude that flood risk at the site does not arise, and no objection to the proposal subject to conditions, including a standard surface water condition. The Irish Water correspondence indicates no objection to proposals to connect to the wastewater and water supply infrastructure. The planner's report includes a screening for appropriate assessment which

concludes there is no potential for significant effects on a Natura 2000 site (Lower River Suir is identified) and an Appropriate Assessment is not required.

European Sites

- 7.5.6. The application site is not located in or immediately adjacent to a European Site. Within a precautionary 15km distance to the appeal site, I identified one European Site, the Lower River Suir SAC (002137) which is c.3.38km to the southwest.

Identification of Likely Effects

- 7.5.7. The site does not have any habitats that are associated with species or habitats for which SACs or SPAs are designated. As such, there is no likelihood of effect on the European Sites through habitat loss/ fragmentation, or due to habitat/ species disturbance. Therefore, it would be due to construction and/ or operation related surface water and wastewater pollution that implications for likely significant effects on European sites may arise.
- 7.5.8. However, from my site inspection and a review of available sources, there is no watercourse at or adjacent to the site which could serve as a hydrological connection between the proposed development and a European Site through which surface water and/ or wastewater pollution could affect a European Sites' conservation objectives.
- 7.5.9. Once operational, the proposed development is to be served by existing water services infrastructure, with wastewater and surface water discharging via the existing estate infrastructure to the piped drainage systems located in the Loughtagalla Road. For the construction phase of the proposed development, applying the precautionary principle, there exists the potential for pollution of groundwater and surface water environments at the site. However, having regard to the absence of any watercourse at or adjacent to the site, the likelihood of effect on any European Sites and their conservation objectives is negligible.
- 7.5.10. In respect of potential for in-combination impacts, as it is considered that no likely significant effects will arise from the proposed development, therefore, logically by association, significant effects will not arise as a result of any in-combination effects with any individual planning application or plan.

Mitigation Measures

- 7.5.11. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

Screening Determination

- 7.5.12. Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the physical separation distances to European Sites, and the absence of ecological and/ or hydrological connections, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

8.0 Recommendation

- 8.1. I recommend that permission be granted for the following reasons and considerations, and subject to the conditions set out below.

9.0 Reasons and Considerations

Having regard to the zoning objective of the site in the Thurles and Environs Development Plan 2009-2015 (as varied and extended), to the settlement hierarchy and core strategy of the North Tipperary County Development Plan 2010-2016 (as varied and extended), to the planning history of the site, to the design, scale, and layout of the proposed development, and to the pattern of development in the vicinity, it is considered that the proposed development would represent an appropriate residential density, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, and would comply with the relevant provisions of the Thurles and Environs Development Plan 2009-2015 (as varied and extended), the National Planning Framework, the Regional Spatial and Economic Strategy for the Southern Region 2020-2032, and the applicable section 28 Ministerial planning guidelines. 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 significant further information plans and particulars submitted on the 2nd day of October 2020, and by clarification of further information plans and particulars submitted on the 30th day of November 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>The proposed development shall be amended as follows:</p> <ul style="list-style-type: none">a) Dwellings 4 and 5 and on-street parking spaces 5, 6, and 7 shall be omitted and replaced with a childcare facility in accordance with Condition 3.b) On-street parking spaces 66-72 shall be omitted and replaced with landscaped grass verge and the bicycle store relocated from the rear of Dwelling 36. The rear boundary wall of Dwelling 36 shall be extended to align with that of Dwelling 35.c) On-street parking spaces 73-76 and 84-93 shall be omitted and replaced with public open space, and a footpath along the southern boundary of the public open space area aligning with the footpath on the opposite (eastern) side of the road junction.d) A footpath between the bicycle store at the western boundary of the public open space area aligning with the footpath on the opposite (northern) side of the area.

	<p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of proper planning, and visual and residential amenity.</p>
3.	<p>Dwellings 4 and 5 and on-street parking spaces 5, 6, and 7 shall be omitted. A separate planning application shall be lodged to the planning authority for a childcare facility on that part of the site thereby released. Allowance can be made, as necessary, for on-street parking and/ or set-down area to the front (north) of the childcare facility within the part of the site thereby released.</p> <p>Reason: To comply with the provisions of the “Childcare Facilities: Guidelines for Planning Authorities” issued by the Department of the Environment and Local Government in June 2001, and in the interest of the amenities of the area.</p>
4.	<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. No advertisements/ marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority’s written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility.</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/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any dwelling.</p> <p>Reason: In the interests of amenity and public safety.</p>

6.	<p>Details of the materials, colours, and textures of all the external finishes to the proposed development shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of visual amenity.</p>
7.	<p>(i) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>(ii) All foul sewage and soiled water shall be discharged to the public foul sewer; only clean, uncontaminated storm water shall be discharged to the surface water drainage system.</p> <p>Reason: In the interest of public health and surface water management.</p>
8.	<p>The developer shall enter into water and/ or wastewater connection agreement(s) with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
9.	<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, including:</p> <ul style="list-style-type: none"> a) Use of the existing entrance in the northwest corner of the site as the primary entrance point for construction traffic unless otherwise agreed with the planning authority; b) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse; c) Location of areas for construction site offices and staff facilities; d) Details of site security fencing and hoardings;

	<ul style="list-style-type: none"> e) Details of on-site car parking facilities for site workers during the course of construction; f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; g) Measures to obviate queuing of construction traffic on the adjoining road network; h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network; i) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works; j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels; k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater; l) Off-site disposal of construction/ demolition waste and details of how it is proposed to manage excavated soil; m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains; and a) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. <p>Reason: In the interest of amenities, public health and safety.</p>
10.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional</p>

	<p>circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of properties in the vicinity.</p>
11.	<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 construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety</p>
12.	<p>A minimum of 10% of all car parking spaces should be provided with functioning electric vehicle charging stations /points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/ stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/ points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.</p> <p>Reason: To provide for and/ or future proof the development such as would facilitate the use of electric vehicles.</p>
13.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. All existing over ground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual amenity.</p>
14.	<p>The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled and/ or contoured, as applicable, soiled, seeded, and landscaped in accordance with the landscape plans and report submitted to the planning authority with the application, unless otherwise agreed in writing with the planning</p>

	<p>authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.</p> <p>Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.</p>
15.	<p>A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:</p> <ul style="list-style-type: none"> (a) details of all proposed hard surface finishes including materials for footpaths, kerbing and road surfaces within the development; (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings; (c) details of proposed street furniture, including bollards, lighting fixtures and seating; (d) details of proposed boundary treatments at the perimeter of the site, including wall/ fence heights, materials, and finishes. <p>The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.</p> <p>If any tree or plant dies or is otherwise lost within a period of five years, it shall be replaced with a tree or plant of the same species, variety and size within the planting season following such loss.</p> <p>Reason: In the interest of visual amenity and to safeguard the amenities of properties in the vicinity.</p>
16.	<p>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</p>

	<p>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.</p> <p>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.</p>
17.	<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 and maintenance until taken in charge by the local authority 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 or maintenance 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 and maintenance of the development until taken in charge.</p>
18.	<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</p>

	<p>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 Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
19.	<p>The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of traffic calming measures necessitated to be undertaken, erected, and installed within the existing taken in charge Dún Lia estate to serve the development. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.</p> <p>Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.</p>

Phillippa Joyce
Senior Planning Inspector

17th December 2021