



An  
Bord  
Pleanála

## Inspector's Report ABP-310861-21

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<b>Development</b>	Permission for the construction of thirty-six detached houses, landscape and play areas and all associated drainage and site development works.
<b>Location</b>	Limetree Grove, Cashel Co. Tipperary.
<b>Planning Authority</b>	Tipperary County Council
<b>Planning Authority Reg. Ref.</b>	20/1201
<b>Applicant(s)</b>	David and Dermot Delaney
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party(s) V Grant
<b>Appellant(s)</b>	David and Dermot Delaney
<b>Observer(s)</b>	Brendan and Laura Guckian
<b>Date of Site Inspection</b>	6 <sup>th</sup> day of October 2021
<b>Inspector</b>	Fergal O'Bric.

## 1.0 Site Location and Description

- 1.1. Cashel is a town in south Tipperary, located approximately 50 kilometres south-east of Limerick City and approximately 26 kilometres north-west of Clonmel and 20 kilometres east of Tipperary town. The appeal site is located approximately 1.3 kilometres north-east of the town centre and forms part of the Limetree Grove estate, an unfinished housing scheme. The appeal site is accessed via an internal access road serving Limetree Grove, which in turn is accessed off a regional road, the R691, linking Cashel with Dualla, within the 60 km/h speed control zone. The appeal site is also located 0.6 kilometres west of the M8 Motorway.
- 1.2. The appeal site has an area of 2.27 hectares. The appeal site has a linear, finger like shape to it and comprises the western section of the overall Limetree Grove estate. There are already eleven dwellings already constructed and inhabited within this western part of Limetree Grove. Ten of these units are located towards the north of the development and a single house towards the south of the development. An earlier phase of 13 units in a horse-shoe style development is constructed and inhabited immediately south and east of the appeal site. All dwellings share the same access from the regional route. The access roads, services and streetlighting for the development are in place (except for the final wearing course) and there is an area of public open space adjacent to the ten houses within the northern part of the development.

## 2.0 Proposed Development

- 2.1. The development proposal comprises:

Originally the development was to comprise a development of thirty-six dwellings, but this was revised to thirty-three dwellings following the response to the additional information request. The dwellings are all detached, and a mix of housing types is proposed as follows:

- 9 x type A/AM 4-bedroom dwellings each with a floor area of 141 square metres,
- 8 x type A+ 6-bedroom dwellings each with a floor area of 186 square metres,

- 11 x type B 3-bedroom dwellings each with a floor area of 117 square metres,
- 5 x type C 2-bedroom dwellings each with a floor area of 90 square metres

The existing internal access road would be used to serve the dwellings, and the development would connect into existing on-site water services and associated site works.

- 2.2. The three-storey six bed dwellings would have a ridge height of 9.27 metres and the ridge heights for the two storey dwellings varies between 7.1 and 7.9 metres. External finishes would comprise rendered plaster, cedar cladding and clay roof tiles.
- 2.3. The layout follows the established and permitted linear built form with an area of public open space, comprising 1.554 sq. m already developed to the north of the site, to be enlarged by 300 sq. m under the current proposals. Three separate pockets of public open space are to be developed to the south of the site, comprising a total area of 2,966 sq. m., The existing watermains and foul sewer network within the development would be utilised.
- 2.4. Access is proposed from the existing internal service road serving the Limetree Grove estate. The state is served by two-metre-wide footpaths and street lighting along each side of the internal access road. Two on-site car parking spaces per residential unit would be provided and an additional 6 visitor parking spaces are proposed.
- 2.5. Further information was submitted in relation to: Residential density; The provision of quality public open space; Revised design of dwellings adjacent to public open spaces; Revised roads, footpath, and street lighting details; Servicing proposals for the development and phasing proposals for the development.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority refused planning permission for the development for four reasons as follows:

Reason 1: Policy HSG 1 (new residential development) of the Cashel and Environs Development Plan 2009, as varied, requires (inter alia) that all new residential

proposals shall be in accordance with the development management standards, design statements and other guidelines of the said development plan. Table 9.3 (Minimum standards for Multiple Use residential development) includes standards for density and includes for 10 dwellings/ha. of edge of town sites. The application site is located within the existing "Limetree Grove" estate which has an existing density of circa 8 units/ha. The development subject to this application, by virtue of the proposed density, is out of context and does not respect the established character and pattern of development in the surrounding area, would injure the amenities of the area and would be contrary to the policies and objectives of the Cashel and Environs Development Plan 2009, as varied, and the proper planning and sustainable development of the area.

Reason 2: Having regard to the failure of the applicant to submit a Road Safety Audit of the proposed development in accordance with Section 9.14 (Traffic and Road Safety) of the Cashel and Environs Development Plan 2009, as varied, it is considered that the applicant has failed to demonstrate that the development would not endanger public safety by reason of a traffic hazard and obstruction of road users. The proposed development is therefore considered to be contrary to Policy (DM1) (Development Standards) of the Cashel and Environs Development Plan 2009, as varied, and contrary to the proper planning and sustainable development of the area.

Reason 3: Policy HSG 1 (New Residential Development) and Policy DM1 (development Standards) of the Cashel and Environs Development Plan 2009, as varied, state (inter alia) that it is a policy of the Council to require development to comply with the relevant standards identified in Chapter 9 (Development Management), of the Cashel and Environs Development Plan 2009, as varied, Section 9.8 sets out the requirement for a Development Impact Assessment (DIA). Having regard to the failure of the applicant to submit a DIA the proposed development is considered to be contrary to DM1 (Development Standards) of the Cashel and Environs Development Plan 2009, as varied, and contrary to the proper planning and sustainable development of the area.

Reason 4: Having regard to the absence of connection agreements with Irish Water in addition to the failure of the applicant to submit the assessment of the existing water and wastewater network as requested, the applicant has failed to demonstrate

that the existing water and wastewater infrastructure has the capacity to cater to the proposed development. The development is, therefore, considered to be contrary to the Cashel and Environs Development Plan 2009, as varied, and contrary to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

3.2.1. The initial Planner's Report dated the 8<sup>th</sup> day of December 2020 set out the following:

- Accepted the principle of residential development on the lands given their residential zoning and that planning permission had previously been granted on these lands.
- However, the increased density is in excess of what is set out within the Development Plan
- The Planner required the submission of a Development Impact Assessment and noted the absence of connection agreements from Irish Water

The second planners report dated the 17<sup>th</sup> day of June 2021 set out the following:

- Further information was submitted in relation to the issues set out in Section 2.5 of this report. However, the applicants set out that given the site is a brownfield one and constitutes an unfinished housing estate, that the submission of a Road Safety Audit and Development Impact Assessment would only be required for the development of a larger scale development on a greenfield site.
- The Planning Authority were not satisfied with the further information request responses and the Planner recommended that planning permission be refused for four reasons as set out within Section 3.1 above.

3.2.2. Water Services: The applicants failed to demonstrate that the existing water and wastewater infrastructure has the capacity to cater for the proposed development. This information would be required for any future connection agreement.

District Engineer: Report received stating that additional information is necessary in relation to the following matters: Replacement of defective footpaths; The submission of a Road Safety Audit; Details of road drainage gullies; Traffic calming requirements including pedestrian crossing points; A Public lighting design for the development and details of the block paving surface fronting house unit numbers 21-29.

### 3.3. **Prescribed Bodies**

Irish Water: Further information requested in relation to the following: Pre-connection enquiry engagement with Irish Water (IW); The submissions of full details of existing wastewater infrastructure: That all development must be carried out in accordance with IW's water standards, codes, and practices; An assessment of additional properties to be added to the Palmers Hill pumped water system.

### 3.4. **Third Party Observations**

Fifteen third-party observations were received from neighbouring residents within the Limetree Grove estate. The issues raised within the observations are similar to those raised within the third-party appeal observation received by the Board. These observations can be summarised as follows:

1. Principle of Development.
2. Density, Design, and layout.
3. Residential Amenity.
4. Non-compliance with Development Plan provisions.
5. Traffic and Access.
6. Social and Physical Infrastructural issues.
7. Inadequate physical infrastructure.

## 4.0 **Planning History**

4.1. The following is the relevant planning history pertaining to the appeal site:

Planning Authority reference number 08/1027. In 2009, planning permission was granted for the erection of 22 dwelling units, site entrance and associated site works.

Planning Authority reference number 14/101. In 2014, an extension of duration of planning permission was granted for the development of 22 detached houses on the appeal site.

## **5.0 Policy Context**

### **5.1. Cashel and Environs Development Plan, 2009 (as varied)**

- 5.1.1. Within the Cashel and Environs Development Plan (2009) as varied, the site is zoned as existing residential where the objective is: To preserve and enhance existing residential development and residential amenity and provide for additional facilities where gaps are identified”.

Section 3.3 of the Cashel Plan the following is set out in relation to housing. “t is a central focus of this Development Plan to provide for high quality new residential development. The Council will aim to address the imbalance in housing type provision and focus on the provision of a greater mix of housing types. The Council will assess housing proposals in accordance with the Sustainable Residential Development in Urban Areas –Guidelines for Planning Authorities, DEHLG 2008, Sustainable Urban Housing – Design Standards for Apartments, Guidelines for Planning Authorities, DEHLG 2007 and the criteria set out in Chapter 9 Development Management of the Cashel and Environs Development Plan 2009 – 2015.

Section 9.7 of the Plan sets out the Development Management standards that are applicable to multiple unit residential development. Guidance is provided in relation to density, where densities within edge of town sites of approximately 10 dwellings per hectare (4 dwellings per acre) will be considered appropriate. In addition to density other criteria to be incorporated within residential layouts include A high standard of design; That a mix of housing types is provided for; Minimum public open space of 15%; That road and footpath layouts are constructed in accordance with

best practice standards and that hedgerows are maintained and augmented where possible.

Section 9.8 of the Plan sets out the requirement for the submission of a Development Impact Assessment (DIA) for new residential development.

Section 9.14 of the Plan pertains to Traffic and Road Safety.

## **5.2. Tipperary County Development Plan 2009-2015 (as varied).**

Cashel is identified within the third tier of settlements within the Settlement hierarchy of the South Tipperary County Development Plan. Within Section 3 of the Plan, District Towns have the following objectives: “these towns will continue to grow as part of a balanced urban structure and in support of the higher tier settlements. The residential function of these centres will be strengthened and improved, and they will be promoted as desirable places in which to live and work. The District Centres will continue to perform an important role in the county by providing employment opportunities, high quality retail choice, regional transport services and community services for their hinterlands in line with their capacities for growth and expansion”.

## **5.3. Natural Heritage Designations**

None relevant.

## **5.4. Environmental Impact Assessment-Screening**

5.4.1. An Environmental Impact Assessment Screening report was not submitted with the application.

5.4.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district



within a city or town in which the predominant land use is retail or commercial use).

5.4.3. It is proposed to construct 33 residential units. The number of dwellings proposed is well below the threshold of 500 dwelling units noted above. The site has an overall area of 2.27 hectares and is located contiguous to the built-up area of Cashel. The site is not located in a business district and currently constitutes a brownfield site. The site area is therefore well below the applicable threshold of 10 ha or a built-up area and 20ha in the case of a site contiguous to the built-up area. The introduction of a residential development will not have an adverse impact in environmental terms on surrounding land uses. The proposed development is not likely to have a significant effect on any European Site (as discussed below in section 7.8 of my report) and there is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site/or other). The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Kildare County Council, upon which its effects would be marginal.

5.4.4. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands within the development boundary of the Cashel and Environs Development Plan Plan 2009 as varied and the results of the Strategic Environmental Assessment of the South Tipperary County 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 infrastructure, and the existing pattern of residential 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).

5.4.5. I have concluded that, by reason of the nature, scale and location of the subject 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 (EIAR) for the proposed development was not necessary in this case.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. A first party appeal against the decision to refuse planning permission has been submitted by the applicants. The main issues raised by the appellants may be synthesised as follows:

#### Background to Development:

- The appeal site forms part of an existing development comprising twenty-four residential units., 13 units to the south and east of the Limetree Grove estate and 11 units to the west of the site adjacent to the current proposal. These residential units are fully completed and inhabited.
- The appeal site comprises an area between two constructed sections of the Limetree Grove estate.
- Footpaths within the site are broken and unsafe and the final wearing course has not been laid in the internal roadway.

- The development has not been taken in charge.
- The applicants have entered into an agreement with the original developer to complete the development and the necessary repair work to enable the development to be taken in charge.
- The proposals would complete the development and remove the dangers associated with the abandoned section of the site.

#### Density, Design & layout:

- Policy HSG1 pertaining to development management standards, including density, relates to new housing developments. The current proposals relate to an established housing estate and is zoned existing residential.
- Table 9.3 in the Development Plan sets out that density on edge of town sites should be set at approximately 10 units per hectare.
- The density within the eastern section of Limetree Grove is only 6 dwellings per hectare. The density proposed within the western part of the development would be 13.75 dwellings per hectare, above the minimum specified in the Cashel Development Plan, at 10-12 units per hectare.
- The design and density compare favourably with the closest adjoining residential estates.
- Paragraph 6.13 of the Guidelines for Planning Authorities on Sustainable Residential Development (SRDG, s) in Urban Areas (2009) acknowledges that factors other than density should be addressed in assessing the appropriateness of any proposal.
- These are three other current applications under consideration by the Planning Authority in Cashel at present, all with densities varying between 24 and 35 units per hectare.

#### Services:

- Full survey details of the foul and surface water drains within the existing residential estate and an assessment of their capacity was submitted a part of the further information response.
- The applicants are satisfied that the services that the services were constructed to a reasonable standard and are working well. Connections to

the foul and surface water systems within the appeal site is achievable without disruption to the existing drainage network.

- There is adequate capacity within the foul water and surface water network to cater for the development subject to final agreement with Irish Water.

Access, traffic, and Car Parking:

- The requirement to submit a Road Safety Audit (RSA) is unreasonable and represents an overly strict interpretation of the Development Plan (DP) requirements.
- The application relates to part of an existing residential estate with the access roads and footpaths already in place.
- It is accepted that a section of the access road is incomplete and that a final wearing course is required.

Other Issues:

- Section 3.3 of the Development Plan requiring the submission of a Development Impact Assessment (DIA) pertains to new residential development. The current proposals relate to an established housing development and a section of abandoned land within that development on lands zoned existing residential.
- The request to submit a DIA is unreasonable, and the proposals comply with the Development Management standards set out within Section 9 of the Cashel Development Plan.

## **6.2. Planning Authority Response**

- 6.2.1. The Planning Authority made no comment in relation to the planning appeal submission.

## **6.3. Third Party observation response to appeal submission**

6.3.1. A third-party observation from residents within number 15 Limetree Grove, to the south of the appeal site was received. The issues raised within the observation relate to the following:

#### Density of Development

- Table 9.3 of the Cashel Development Plan sets out that density of 10 dwellings per hectare will be considered appropriate on edge of town sites. The applicants are proposing a density of 13.75 units per hectare within the western part of the appeals site, 37.5% higher than that envisaged within the Development Plan and therefore should not be approved.
- In relation to the applicant's comparisons to adjacent housing developments, these other developments are within the 50km/h speed control zone and/or served by footpath and street lighting. This is not the case with Limetree Grove.
- Cashel is a Heritage town and the need for higher density housing is not apparent.

#### Design & Layout:

- The open space provision does not comply with Development Plan standards.
- 15% public open space is not provided for within the development and therefore the development should not be approved.
- As per the Cashel and Environs Development Plan a neighbourhood play area/a local equipment play area should be provided for a development of 51 dwelling units or more.

#### Traffic, Roads and Access:

- No traffic calming measures have been included within the 310-metre section of long straight internal access roads as required under Table 9.3 of the Cashel and Environs Development Plan
- The sight distances achievable at the main entrance to the development are less than those set out within Table 9.4 of the Development Plan. In the

absence of addressing these roads safety issues, the proposals should be refused planning permission.

Water Services:

- A development of this size and scale should not be permitted until it can be demonstrated that there is adequate capacity in the networks. Water tankers have needed to be used in the area in the past due to water supply deficiencies.

## 7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

Density of development

Design and Layout.

Residential Amenity.

Access, Traffic and Parking.

Services

Appropriate Assessment.

### 7.2. Density of Development

7.2.1. The development provides for 33 no. residential units on a 2.27-hectare site. A residential density of approximately 14.5 residential units per hectare is proposed.

7.2.2. Table 9.3 of the Cashel Development Plan (CDP) 2009 pertains to (Minimum standards for Multiple Unit Residential Development). It sets out that for edge of town sites, densities of approximately 10 dwellings per hectare will be considered appropriate. The CDP states these densities are approximate.

7.2.3. Section 6.12 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) refers to 'Outer Suburban/'Greenfield' sites' on

the periphery of smaller towns and villages. The Guidelines encourage the consideration of proposals for developments with densities of less than 15-20 units per hectare along or inside the edge of smaller towns and villages, as long as such lower density development does not represent more than about 20% of the total new planned housing stock of the small town or village in question. The Cashel and Environs Development Plan is a 2009 document. It envisaged that 449 residential units would be required between the years 2015 and 2020, however did not provide estimates of planned housing beyond the year 2020.

- 7.2.4. The site is a brownfield one and is an unfinished housing development. The densities permitted in 2002 (when planning permission was granted for this western section of the housing scheme) of less than 10 residential units per hectare on zoned serviced lands would not represent a sustainable use of such lands in the present day. However, the increased density proposed would accord with national planning guidance as set out within paragraph 7.2.3 above. The planning gain in completing a residential scheme for the existing residents would be considerable in terms of their residential amenity
- 7.2.5. Having regard to the foregoing density parameters and the location of the site on the north-eastern periphery of the town and having regard to the pattern of development in this part of Cashel, on the Dualla Road, the proposed density would be acceptable at this location, albeit at the lower end of what would be considered an acceptable density at this location.

### 7.3. **Design and Layout**

- 7.3.1. The layout of the proposal is heavily influenced by the original permitted layout which received planning permission in the year 2002. The proposed layout follows that of the developed internal access roadways, footpaths, and services in place on the site. The original permission for the western section of the Limetree Grove estate permitted a linear finger like form of development. The applicants are proposing to increase the number of residential units within this part of the site, albeit the finger type layout would remain.

- 7.3.2. The development would be served by a number of areas of centrally located public open space to serve the existing and future residents. It is, therefore, reasonable for the developer to seek to make a better and more sustainable use of this part of the overall residential scheme.
- 7.3.3. Therefore, I am satisfied that the proposed development is acceptable from a layout and design perspective and would accord with the proper planning and sustainable development of the area.
- 7.3.4. I consider the layout to be acceptable. The applicants have stated that the existing footpaths are to be repaired and reinstated along both sides of the internal access road frontage linking back to the earlier completed phase of the Limetree Grove development and to the main access to the development off the Dualla road. This will provide for improved permeability through the site, benefitting existing and future residents.

Design:

- 7.3.5. The design approach adopted in this instance for the proposed detached houses is a contemporary one and a mixture of two and two and a half storeys in height. The heights are consistent with the approach adopted within the earlier phases of the residential development. The dwelling designs represent a departure from the prevailing house type; however, I do not consider that they would be out of character in any negative sense. The additional houses would maintain the low-density nature of this development. I consider the design approach adopted in this instance to be appropriate, this is evident from the artistic visualisation plans submitted where the proposed dwellings are viewed in the context of the existing development on site. Site levels drop gradually from north to south on the site and I consider that the development will assimilate in a satisfactory manner within the development.
- 7.3.6. The proposed houses present as gable fronted to the internal access road with proportionate vertical fenestration detailing and some gable end features. Roofs are blue/black concrete tiles with rendered block work. There is a uniformity in design throughout the development, though I do not consider it to be overly monotonous and a range of unit types and sizes are proposed, ranging from two bedrooms to six



bedrooms. While specific finishing materials would be agreed in writing with the planning authority should permission be granted, I have no objection in principle to the use of plastered render, metal rainwater goods and uPVC window detailing.

7.3.7. The design of the proposed dwellings was considered acceptable by the Planning Authority and was not raised as an issue within the third-party observation, notwithstanding general issues about impact upon residential amenity.

7.3.8. I consider that the design of the dwellings to be satisfactory. They would provide for quality accommodation in terms of exceeding the residential accommodation standards as required under Planning Guidelines on Sustainable Residential Development in Urban Areas 2008 (DEHLG) in terms of unit floor areas and private open space provision.

#### **7.4. Residential Amenity**

7.4.1. In terms of amenity space, in excess of 15% of the site area would remain as public open space, which is considered generous and exceeds Development Plan standards. The public open space provision is provided to the north of the site and provides for an increased area of public open space at this location, serving the existing ten dwellings constructed and inhabited within this part of the development. The other three areas of public open space are to the south of the appeal site, immediately adjoining a number of the existing residential properties and would be directly overlooked by a number of the proposed dwelling units. I consider that the public open space provision to be acceptable.

7.4.2. Improved connectivity and linkages to/with the earlier phases of the residential development (through the reinstatement of the existing footpaths), which are in a state of disrepair will impact positively upon the amenities of existing and future residents.

7.4.3. The applicants have submitted a landscape plan for the site as part of their planning documentation.

7.4.4. The proposals will allow for the completion of the residential scheme, and would coincide with the completion of construction works within the development, first

permitted in the late 1990's. This would result in the betterment of residential amenities for the residents of Limetree Grove, in that construction noise, vibration, dust and fumes would be finally removed from their residential development.

- 7.4.5. Therefore, I am satisfied that the proposed design and layout would not adversely impact upon the amenities of neighbouring residential properties.

#### Housing Mix

- 7.4.6. Section 9.7 of the Cashel Town Development Plan seeks to secure the development of a mixture of house types and sizes throughout the town. The development management standards set out the following in relation to housing mix “semi-detached and detached units, serviced sites and large detached units on generous plots etc, ensuring that a range and choice of building types and sizes are available”. The 33 no houses comprise a mixture of two, three, four and six bedroomed houses (five different house types). I consider the housing mix proposed to be acceptable.

#### Loss of Daylight/Sunlight/Overshadowing:

- 7.4.7. The provisions of BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) and BRE 209 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011) are relevant in the assessment of this development. Neither documents are specifically referenced in the Cashel Development Plan nor the South Tipperary Development Plan. Reference to same is made in the Section 28 Ministerial Guidelines on Urban Development and Building Heights 2018. While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 ‘Daylight in buildings’), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/UK updated guidance does not have a material bearing on the outcome of the assessment and that the more relevant guidance documents remain those referenced in the Urban Development & Building Heights Guidelines.
- 7.4.8. No Sunlight Analysis was submitted as part of the planning documentation by the applicants. The development is a traditional low density dual aspect scheme where

the BRE209/BS2806 targets would generally be met in all instances. There is nothing apparent in the documents and drawings submitted that would highlight any issue here. Therefore, while there is no documentary evidence to demonstrate compliance with BRE209 requirements, based on the planning documentation submitted, I am satisfied that this is not a material or likely potential impact/deficit in information.

Overlooking:

- 7.4.9. The proposed dwellings comprise of two storey dwellings and a number of two and a half storey (eight) dwellings. The proposed dwellings located within the western section of the appeal site, are separated from the front building lines of the properties on the opposite side of the internal service road by a minimum distance of 25 metres and up to 33 metres in other instances. Gable to gable separation distances vary from a minimum of 4 metres up to 15 metres
- 7.4.10. I consider that the setbacks as proposed are sufficient to ensure that no material overlooking will result from the development. Landscaping is proposed throughout the site, including along the internal access road as per the landscape plan details and the artistic visualisations submitted as part of the planning documentation. I do not consider that the properties on the opposite side of the internal service road will experience such a loss of privacy as a result of this development to warrant a refusal, and that given this urban location, some loss of privacy would be expected and is acceptable and is in accordance with Development Plan standards.
- 7.4.11. To this end, I am satisfied that overlooking to all properties contiguous to the appeal site has been minimised and/or mitigated through design, siting, boundary treatment and screen planting, overlooking does not occur such as would warrant a refusal of planning permission.
- 7.4.12. Nuisance to surrounding properties is an inevitable consequence of any development. The proposed development would both impact upon the area during the construction and operational phases. However, in the event of a grant of planning permission these nuisances would be controlled in so far as possible by

way of a Construction Management Plan outlining permitted working hours, mitigation measures for the control of dust, noise, and vibration etc.

- 7.4.13. Having regard to the foregoing, I do not consider that the proposed development would result in undue adverse overlooking, shadowing or overbearing impact and that nuisance during the construction period can be reasonably controlled and there would be no impact on neighbouring property values.

## **7.5. Access, Traffic and Parking**

- 7.5.1. There is an internal service road developed within the Limetree Grove estate serving the existing dwellings. The design and layout of the internal service road is as permitted under the 2002 parent permission. The proposed layout follows that of the existing internal access roadways, footpaths, streetlighting and services in place on the site. I note that the final wearing course has not been laid and that the footpaths and streetlighting are in need of upgrading.
- 7.5.2. The applicants have outlined their intentions to lay the final wearing course and to upgrade the footpaths and the streetlighting within the appeal site. This would represent a planning gain for both existing and future residents of Limetree Grove and would also allow for the overall estate to be taken in charge.
- 7.5.3. Two on site car parking spaces are proposed per residential unit. 6 visitor car parking spaces are also proposed. I consider that the vehicular movements associated with the additional eleven dwellings proposed on site would not be material, relative to the traffic levels generated by the existing and permitted residential development on site.
- 7.5.4. I note the concerns raised by the District Engineer and the observers in relation to the preparation of a Road Safety Audit (RSA). I also note that Table 9.2 within the Cashel Development Plan sets out thresholds for the requirement of the submission of a Road Safety Audit, where the threshold for the submission of an RSA is set at 90 dwellings. The current proposals for the construction of 33 units is considerably less than 90 residential unit threshold, therefore, there is no requirement to submit an RSA in this instance, as per the Development Plan standards. Similarly, Table 9.2

sets out that a Transport Assessment is required for developments of 200 residential units or more.

7.5.5. Given the current proposals would involve the completion of the final wearing course, the upgrade of footpaths and street lighting along the 310 metre stretch of existing internal roadway, and the construction of an additional 80 metre length of internal access roadway to serve unit numbers 21-29, I am satisfied that the matters of detailed design and safety could be addressed by means of appropriate planning conditions.

7.5.6. In conclusion, I am satisfied that the proposed residential development is in accordance with the Development Plan standards. I would not accept that the current proposal, in itself, would exacerbate traffic nor parking issues within the overall development.

## 7.6. **Services**

7.6.1. In terms of servicing the site, the applicants are proposing to tap into the existing services which are in place along the internal access road. I note that the Water Services Department within the Local Authority raised issues in relation to capacity availability within the water and wastewater infrastructure to cater for the proposed development. Irish Water also commented that the applicant had failed to enter pre-enquiry consultations with themselves.

7.6.2. The applicants have submitted details of surveys of the foul and surface water drains within the existing residential estate and an assessment of their capacity as part of their planning documentation. Based on the survey results the applicants are satisfied that there is adequate capacity within the foul water and surface water network to cater for the development subject to final agreement with Irish Water.

7.6.3. In conclusion, given the unfinished/brownfield status of the site where there are service networks in place, and that the overall increase in the number of residential units from that previously permitted is modest, that the servicing matters raised by the Water Services Engineers and Irish Water could be addressed by means of appropriate planning conditions.

## **7.7. Appropriate Assessment**

- 7.7.1. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually, or in combination with other plans or projects on a European site.
- 7.7.2. The site is not located within any European site. The closest such European site to the subject site is the Lower River Suir SAC which is located c.4.8 kilometres to the west of the site at its closest point.
- 7.7.3. The conservation objective for the River Suir SAC is
- To restore and maintain the favourable conservation condition of the qualifying interests within this SAC.
- 7.7.4. The development proposal would not generate any foul discharges or surface water pathways that would impact on the conservation objectives of the Natura site. Given the degree of separation between the subject site and the European site, I do not consider that there is a clear pathway for emissions from the site arising from construction activities to reach the SAC and, therefore, I do not consider that there are any likely significant negative impacts arising in this regard.
- 7.7.5. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

I recommend that planning permission be granted.

## 9.0 Reasons and Considerations

Having regard to the location of the site on residentially zoned lands within the Cashel and Environs Development Plan, 2009 (as varied), and to the policies, objectives and development standards in the Development Plan, it is considered that, subject to compliance with conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted to the Planning Authority on the 15th day of October 2020, and as further amended by way of further information to the Planning Authority on the 27th day of April 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

- 2 Details of the materials, colours, and textures of all the external finishes to the proposed development, including external lighting throughout the development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenities.

- 3 (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs, car parking bay

sizes and tie-ins with previous phases of development shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii within the development shall be in accordance with the guidance provided in the National Cycle Manual.

(b) The materials used in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.

Revised drawings and particulars showing compliance with these requirements shall be submitted to, and 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.

**Reason:** In the interests of pedestrian, cyclist, and traffic safety.

3 (a) Details of all boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) All existing tree and hedgerow planting shall be retained and protected for the duration of construction works on site

**Reason:** In the interest of residential and visual amenity.

4 The landscape masterplan shown on drawing number PA-11, as submitted to the planning authority on the 15th day of October 2020, shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.



- 5 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

- 6 Proposals for a 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.

**Reason:** In the interest of urban legibility.

- 7 Water supply and drainage arrangements, including attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

- 8 The applicant shall enter into water and waste-water connection agreements with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

- 9 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. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

- 10 All of the houses with on-curtilage parking shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation.

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

**Reason:** In the interests of visual and residential amenity.

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

**Reason:** In the interests of amenity and public safety.

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

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

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

**Reason:** To ensure the satisfactory completion of the development.

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

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

16 (a) The development shall be carried out on a phased basis. The first phase shall consist of not more than 20 dwelling units, the public open space areas together with their associated site development works. Prior to commencement of any development on the site, details of the first phase shall be submitted to, and agreed in writing with, the planning authority.

(b) Work on any subsequent phase shall not commence until such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases shall be as agreed in writing with the planning authority.

**Reason:** To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

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Fergal Ó Bric  
Planning Inspectorate

4th November 2021