



An
Bord
Pleanála

Inspector's Report ABP-311513-21

Development	Construction of 39 residential units and site works and ancillary works necessary to facilitate the development.
Location	Site at Old Road, Cashel, Co. Tipperary.
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	20/1515
Applicant(s)	RYF Fitz Holdings Ltd
Type of Application	Permission
Planning Authority Decision	Grant, subject to 27 conditions
Type of Appeal	Third Party -v- Decision
Appellant(s)	Sean O'Donoghue & Others
Observer(s)	None
Date of Site Inspection	16 th March 2022
Inspector	Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located c. 1.1 km (as the crow flies) to the south south-east of the Main Street in Cashel town centre and at the mid-point on the Old Road (L5416) between its junction with The Green, 0.85 km to the north, and its junction with the Cahir Road N74, 0.87 km to the south. The site lies between two housing estates, Summercove Meadows to the north and Aras Na Ri to the south. To the east lie fields that extend south-eastwards to the M8 and to the west lie a row of three residential properties on the eastern side of the Old Road. On the western side of this Road lies Cashel Rugby Club and a field, which has an extant permission for housing granted under ABP-306656-20. To the north, on the eastern side of the Old Road, lie St. John the Baptist Girls and Boys National Schools and The Cashel Deanery and, on the western side, the Spafield Family Resource Centre. Further to the north lie other housing estates.
- 1.2. Access to the site is available by means of an existing spur off the northern side of Sli Bhriain, the spine road to Aras Na Ri. This spine road rises from its access point on the eastern side of the Old Road. The Old Road is of variable width in the vicinity of this access point: To the north, it passes in front of the three residential properties as a two-lane carriageway without public footpaths, and, to the south, it narrows to a single lane carriageway without public footpaths for 0.1 km.
- 1.3. The site itself is of regular shape apart from its north-western corner where the northernmost of the three residential properties encroaches. This site extends over a field with an area of 1.82 hectares. It is subject to gentle gradients that generally slope downwards towards the west. The site is bound, to the west, successively by a hedgerow, a concrete post and wire fence, and a concrete blockwork wall, to the north and east, by hedgerows, and, to the south, by a timber post and wire fence.

2.0 Proposed Development

- 2.1. Under the proposal, the site would be developed to provide 39 residential units (5069.8 sqm) in two-storey buildings. These units would comprise the following:
 - 2 x four-bed detached,
 - 22 x three-bed semi-detached,

- 6 x two-bed semi-detached/end-of-terrace,
- 1 x two-bed terraced,
- 4 x two-bed apartments, and
- 4 x one-bed apartments.

2.2. The site would be laid out around a road network that would lap around the centre portion of the site to terminate in two cul-de-sacs with turning heads. Two areas of public open space would be provided with a total area of 0.43 hectares: A larger one over the southern portion of the site would be continuous with existing intended public open space in Aras Na Ri and a small one towards the centre of the northern portion of the site.

2.3. The detached and semi-detached dwellings would each be served by two off-street car parking spaces. The terraced dwellings and apartments would be served by residents on-street car parking spaces, along with ones for visitors. In total, 88 car parking spaces would be provided.

2.4. The site also encompasses the line of the water mains, which would need to be upgraded to serve the proposal. This line extends westwards along Sli Bhriain and northwards along the Old Road.

2.5. Under further information, several areas of incidental open space were incorporated within the curtilages to proposed dwellings in order to rationalise the amount of public open space that would accompany the proposal.

3.0 **Planning Authority Decision**

3.1. **Decision**

Following the receipt of clarification of further information, the Planning Authority permitted the proposal, subject to 27 conditions, including the following ones:

- Condition 3: Submission of a detailed phasing programme,
- Condition 13: Within 6 months of commencement, works to remediate deficiencies in the wastewater network to be undertaken, and

- Condition 24: Special contribution “towards the cost of providing designated pedestrian enhancement connectivity along the Old Road.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The following further information was requested:

- Under the DIA, the Justification Test has not been met,
- RSA to be submitted,
- TIA to be submitted,
- Revisions to the layout and design of the proposal,
- Deficiencies identified by the CCTV wastewater survey to be remedied in accordance with a timetable,
- Up to date information on capacities within local schools to be ascertained, and
- Public lighting scheme to be submitted.

The following clarification of further information was requested:

- TIA to take account of permission granted at appeal (ABP-306656-20),
- Agreed RSA recommendations to be incorporated into the proposal, and
- Unit No. 20 to provide passive surveillance over adjacent POS.

3.2.2. Other Technical Reports

- Department of Tourism, Culture, Arts, Gaeltacht, Sport & Media: Advises that the site is in the vicinity of the Zone of Archaeological Interest around RMP TS061-025 historic town and RMP TS061-071(001-) St. Declan’s Way: Archaeological monitoring condition is requested.
- Tipperary County Council:
 - Water Services: Further information requested: While no further commentary provided, case planner records Water Services satisfaction with the applicant’s response to its request for further information.

- Roads: Following clarification of further information, no objection, subject to special contribution and road repair bond conditions.
- Housing: In principle agreement over 4 Part V units.

4.0 Planning History

Site

- 19600414: 45 residential units (35 three-bed semi-detached and 10 two-bed semi-detached and terraced): Withdrawn.
- PP6155: Pre-application consultation.

Lands developed as the Aras Na Ri housing estate to the south of the site:

- 04/725: 62 dwelling houses: Permitted and implemented.

Lands developed to the north-west of the site off the western side of the Old Road

- 19/600605: 44 dwelling houses: Permitted at appeal (ABP-306656-20).

5.0 Policy and Context

5.1. National Planning Guidelines

- Project Ireland 2040 National Planning Framework
- Sustainable Residential Development in Urban Areas Guidelines
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines
- Childcare Facilities Guidelines
- Quality Housing for Sustainable Communities: Best Practice Guidelines
- Design Manual for Urban Roads and Streets

5.2. Development Plan

Under the South Tipperary County Development Plan 2009 – 2015 (as varied and extended) (CDP), Cashel is identified as a district town.

Under Map 1A of the Cashel and Environs Development Plan 2009 – 2015 (as varied and extended) (DP), the site is zoned for Phase 2 new residential development. Policy HSG 1 states that “Proposals for multi-unit residential development on new residential zoned lands designated as Phase 2 on Map 1A shall be subject to a Justification Test to demonstrate that the development of additional land is capable of being accommodated in the receiving environment and complies with the development management requirements of this Development Plan.”

Section 9.8 of the DP addresses Development Impact Assessment (DIA) as follows:

New residential development proposals (which are subject to the provisions of Part V of the Planning and Development Acts 2000 – 2010) shall be accompanied by DIA to be submitted at Planning Application stage. All multiple unit residential development proposals on Phase 2 lands shall be accompanied by both DIA and a Justification Test.

DIA requirements:

Scoping for DIA should consider the impact of the proposed development on the visual qualities and distinctive characteristics of the town, a sequential approach to housing density based on the location of the site, phasing of the development, existing housing vacancy rates and unit types in the Plan area. DIA will also consider the capacity of schools and childcare places, capacity of community facilities, open space, retail and other commercial uses, trip generation, car parking, pedestrian movements and general traffic safety and infrastructure such as waste and surface water treatment/disposal and water supply, in order to ensure social capital and infrastructure projects are provided in a timely, orderly and plan-led manner. Where constraints are identified in the assessment, the developer will be required to identify mitigating measures to address deficits and the Council will require that the assessment is submitted as part of the planning application. The Council will assess each development on its own merits, having regard to the statutory requirements of the development, the nature and use(s) proposed, the range of existing services available and having regard to other relevant policies and standards of the Cashel and Environs Development Plan 2009-2015. Developers are encouraged to consult with the local community as part of the preparation of the Development Impact Assessment.

Justification Test in respect of Phase 2 lands:

In addition to the requirements of DIA, the Council will consider new multi-unit residential development on lands zoned Phase 2 only where one or more of the following circumstances apply:

- A. All phase 1 lands have been fully developed, or;*
- B. All phase 1 lands have been fully committed to development (i.e. where planning permission has been granted and where construction is underway), or,*
- C. In the case where all phase 1 lands have not been committed, it shall be proven that those uncommitted lands are unavailable for development or unserviceable.*

AND

where the justification test demonstrates the following;

- D. The Phase 2 lands are readily serviceable and*
- E. There is a proven demand for new development based on a demonstrated lack of availability of housing and of potential infill sites for residential purposes on lands zoned for town centre or existing residential use and/or*
- F. There is an overriding justification for development on phase 2 lands based on changed economic circumstances that may require the release of additional lands to cater for increased population numbers.*

The CDP and the DP cite policies with respect to pedestrians and cyclists:

- CDP Policy T15: “It is the policy of the Council to improve and create additional facilities for pedestrians and cyclists and to improve access for people with mobility needs.”
- DP Policy INF 5: “The Council will seek to improve and create additional facilities for pedestrians and cyclists arise as part of new developments.”

5.3. Natural Heritage Designations

Lower River Suir SAC (002137)

5.4. EIA Screening

Under Items 10(b)(i) and (iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2021, where more than 500 dwelling units would

be constructed and/or urban development would occur on a site greater than 10 hectares in a built-up area the need for a mandatory EIA arises. The proposal is for the development of 39 dwellings on an urban site of 1.82 hectares. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall well below the relevant thresholds, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

Sean O'Donoghue of 3 Sli Bhriain & Others

(i) It is not possible to provide a safe pedestrian or vehicular access for residents of the estate:

- Attention is drawn to Condition 19 attached to the permission granted to 04/725 for the Aras Na Ri housing estate to the south of the site. This condition required that a 2m footpath be constructed between the junction to this estate with the Old Road (L5416) and the existing footpath to the north, along the frontage of the Summercove Meadows housing estate with this Road. It has not been complied with.
- In the absence of the said footpath, the sightline available to exiting drivers from a 2.4m set back position is estimated to be only 35m. The DP recommends 70m and, given the incidence of heavy traffic at peak times, 4.8m would be a more appropriate set back distance.
- To the south of the said junction, 250m away, the Old Road narrows to 3.5m in width. Since the opening of the M8, the L5416 has become busier, as predicted by the RSA submitted under 04/725, and yet the Local Authority has not constructed the footpaths and kerbing or installed the public lighting that is so clearly needed.
- The RSA submitted under the current application recommends, with respect to the absence of a footpath connection between existing footpaths on the Old

Road to the north of the above cited junction, that driver awareness of the shared surface nature of the Road at this point be increased. The use of the term “shared surface” is challenged as the Road is a through road, which affords access to sites in residential, educational, sporting, retail, and commercial uses, and which handles traffic that includes HGVs.

- The submitted TIA omits to refer to the sub-standard sightline, which was clearly flagged under 04/725 as needing to be 70m long and kept free from obstruction. Condition 19 cited above is the subject of an enforcement enquiry TUD-20-229 with respect to non-compliance. In these circumstances, the subject junction is inherently unsafe and so its increased usage under the current proposal should not be contemplated. Clearly, to grant planning permission would *de facto* endorse this non-compliance and the hazard to road safety that it represents.
- The Old Road is without public lighting and the Aras Na Ri housing estate has sub-standard and poorly maintained public lighting with attendant adverse implications for road safety.
- A distinction is made between the current proposal and 19/600605, which was granted permission at appeal (ABP-306656-20). Unlike the former site, the latter site would be served by a footpath that connects with the existing footpath network into the town centre, its roadside frontage is lit, and it would be widened and realigned as part of the site’s development.

(ii) Prematurity

- Attention is drawn to Policies ENV 8 & 9 of the DP, which, variously, refer to high quality gateway development and design on approach roads to the town centre and the provision of footpaths and lighting along these roads. Insofar as the proposal would not comply with these Policies, it could be a material breach of them.
- Attention is drawn to Map 1 of the DP, which shows, indicatively, relief roads to the south-east of the site with the potential that this site could be accessed without needing to rely upon a route through the Aras Na Ri housing estate. In advance of the provision of the relevant portions of these roads to facilitate such access, the current proposal is surely premature.

(iii) Right of access

- Attention is drawn to the common areas within Aras Na Ri, which have yet to be “taken in charge”. These areas were originally in the ownership of Niall and Samantha Walsh who disposed of them by transfer to YRB Properties Ltd on 7th October 2020. In a letter dated 21st June 2021, the new owner’s solicitors objected to the current application on the basis that access to the site would be over part of the common areas and yet the applicant had neither authority nor consent for such access.
- Attention is also drawn to a letter from the applicant’s solicitors dated 8th December 2020, which states that contracts had been signed for the purchase of the common areas and so the applicant has a beneficial interest in these areas.
- The appellant notes that the latter letter does not refer to any transfer and that the lapse in time between it and the former letter may mean that the transfer did not proceed.

(iv) Existing inadequacies of infrastructure

- Beyond the infrastructure inadequacies discussed under the first ground of appeal, the following exist:
 - Water pressure is extremely poor,
 - Public lighting is extremely poor,
 - Manholes have not been properly set and they pose a trip hazard,
 - The western portion of Aras Na Ri housing estate relies on a waste water pumping station, which frequently overflows onto the road,
 - The existing access road to Sli Bhriain is excessively steep. Tailbacks are experienced on it, during the morning peak, due to the difficulties posed by the junction discussed under the first ground of appeal. Its compliance with Part M of the Building Regulations is questioned, and
 - Surely these inadequacies need to be overcome before additional usage of the same is permitted under the current proposal.

(v) The proposal is at variance with the DP

- Attention is drawn to the importance of the sequential development of housing sites and, in this respect, to the distinction within Cashel between Phase 1 and 2 sites. Section 9.8 of the DP sets out a Justification Test for Phase 2 sites, such as the application site.
- The applicant's question the sites categorisation as Phase 2. By contrast, the appellant supports this categorisation for the following reasons: The site is further from the town centre than many Phase 1 sites, existing road infrastructure is inadequate, and indicative roads shown on Map 1A would be needed to provide satisfactory access.
- The applicant suggests that some of the Phase 1 sites are undevelopable: This is contested.
- The applicant suggests that the NPF supersedes the DP and that the pursuit of a compact settlement can be furthered by developing Phase 2 sites ahead of Phase 1 sites: This, too, is contested.
- Clearly, there is a role for the Planning Authority in facilitating development by use of its compulsory acquisition powers. Where this has not occurred, the DP cannot simply be overridden.

(vi) The proposal is not in keeping with the existing estate

- The existing estate comprises substantial dwelling houses at a low density. By contrast, the proposal would be for "social housing", and it would include apartments within it.
- The site is elevated in relation to dwelling houses to the west and so its development would interfere with their amenity.
- Under the Urban Design Manual's assessment criteria, the proposal would be deficient with respect to context and connectivity.

(vii) Existing school capacity

- There are two National schools to the north of the site. In the light of the permission granted for 44 dwelling houses (ABP-306656-20) and the current proposal for "social housing", confirmation is needed that these schools would

have capacity for the likely numbers of children that would need schooling. Likewise, confirmation in this respect from Cashel Community Secondary School is needed.

- While the proposal is for 39 dwellings, if it is aggregated with the dwellings in the existing housing estates to the north and to the south and with the extant permission cited above, the need for a dedicated creche is self-evident.
- One of the creches cited by the applicant has closed. Confirmation of the adequacy of creche facilities should have been provided by Tipperary Childcare Committee.

(viii) Non-compliance with development management standards contained in the DP

- Beyond the inadequate sightline discussed under the first ground of appeal, under Table 9.5 of the DP, the proposal and the adjoining Aras Na Ri housing estate to the south should be served by “one full-sized grass pitch, one local equipped area of play, and one court multi-use games area with community/club association.” Under the proposal, only a play area would be provided.
- The DP indicates that open space totalling 2.8 hectares should be provided for every 1000 people. Under the proposal and under the existing provision in Aras Na Ri, the appellant estimates that 0.9 hectares should be provided for the likely population and yet only 0.47 hectares would be provided. Furthermore, the utility of the open space would be adversely affected by the incursion of turning heads.

6.2. Applicant Response

(i) It is not possible to provide a safe pedestrian or vehicular access for residents of the estate:

- All of the recommendations of the submitted RSA have been incorporated in the proposal.

(ii) Prematurity

- Attention is drawn to the following conclusions of the submitted TIA:

- Traffic generated by the proposal would have a negligible impact (under 5% growth) upon the Old Road (L5416) junctions with The Green, to the north of the site, and the N74, to the south.
- Traffic generated by the proposal would have a slight impact (6 – 7% growth) upon the Old Road (L5416) junction with Dean Ryan Terrace.
- Due to the relatively low volumes of traffic on Old Road (L5416) in the vicinity of its junction with the access road to Sli Bhriain and the application site, traffic generated by the proposal would grow by 10% in the morning peak and 25% in the evening peak at this junction.
- In future years, the impact of traffic generated by the proposal upon the operating capacity of the above cited junctions would be minimal.
- The Planning Authority’s Roads consultee accepted this TIA.

(iii) Right of access

- A letter dated 22nd October 2021 from the applicant’s solicitors confirms that contracts for the purchase of the needed means of access to the site have been exchanged and so the applicant has a beneficial interest in this means of access.

(iv) Existing inadequacies of infrastructure

- Water and public lighting issues have been fully addressed by the applicant’s engineer at the application stage.

(v) The proposal is at variance with the DP

- Attention is drawn to the following conclusions of the submitted Development Impact Assessment (DIA) and Justification Test:
 - The proposal would not impact negatively on the receiving environment locally of Cashel generally with respect to heritage, setting, character, visual and residential amenity, and social, physical, and services infrastructure.
 - Notwithstanding the site’s Phase 2 categorisation, it is zoned residential, it lies within an established urban area within walking distance of the town centre, and its development as proposed would be a less visually intrusive

and more sequentially acceptable form of development than Phase 1 sites.

- The Board's decision (ABP-306656-20) in favour of the residential development of a nearby Phase 2 confirms the acceptability of the current proposal.
- In the light of the above considerations and the absence of multi-unit residential development proposals in Cashel, the case planner accepted that the Justification Test addressed in the applicant's DIA had been passed.

(vi) The proposal is not in keeping with the existing estate

- The proposal is not an extension of the Aras Na Ri housing estate to the south. Accordingly, it would have its own character as promoted by national planning policies.
- Nevertheless, the proposal would respect its context and so its layout would complement existing housing areas, e.g. generous separation distances between proposed and existing dwelling houses would arise, and existing POS would be extended.
- Under further information, the Planning Authority's requested revisions to the proposal were fully incorporated into it.

(vii) Existing school capacity

- The applicant's responses to this question at the application staged are summarised in the following conclusions:
 - Whereas childcare facilities are at capacity within Cashel, there is capacity in the outer area of the town.
 - One of the local National schools will be expanded and the other is likely to seek approval for expansion. Thus, the prospect exists that additional classroom space will be *in-situ* when the proposed dwellings begin to be occupied.
 - Likewise, Cashel Community School has approval to expand, and it is anticipated that additional classroom space will be *in-situ* when the proposed dwellings begin to be occupied.

- The case planner was satisfied with these responses.

(viii) Non-compliance with development management standards contained in the DP

- Attention is drawn to the case planner's following commentary: "I note no reference in the RSA to the adequacy of the junction in relation to sightlines. However, I discussed the same with the District Engineer and he has reviewed the same and states that the sightlines are in accordance with DMURS."
- The provision of POS would extend to 23% of the site's area. It has not been designed to serve the sporting needs of the wider locality. The incursion of turning heads is a common place in POS.

6.3. **Planning Authority Response**

None

6.4. **Observations**

None

6.5. **Further Responses**

None

7.0 **Assessment**

7.1. I have reviewed the proposal in the light of the Project Ireland 2040: National Planning Framework, Sustainable Residential Development in Urban Areas Guidelines, Sustainable Urban Housing: Design Standards for New Apartments Guidelines, Childcare Facilities Guidelines, Quality Housing for Sustainable Communities: Best Practice Guidelines, Design Manual for Urban Roads and Streets, the South Tipperary County Development Plan 2009 – 2015 (as varied and extended) (CDP), the Cashel and Environs Development Plan 2009 – 2015 (as varied and extended) (DP), relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Zoning and Phase 2 Sites,
- (ii) Density,
- (iii) Development standards,
- (iv) Visual and residential amenity,
- (v) Traffic, vehicular and pedestrian access, and parking,
- (vi) Water, and
- (vii) Appropriate Assessment.

(i) Zoning and Phase 2 Sites

- 7.2. Under Map 1A of the DP, the site is zoned for Phase 2 new residential development. Multiple unit residential development proposals for such sites are required to be the subject of both a Development Impact Assessment (DIA) and a Justification Test (JT). DIAs address a broad range of impacts resulting from proposals “in order to ensure social capital and infrastructure projects are provided in a timely, orderly and plan-led manner.” Where constraints arise, mitigation measures should be identified. The DP seeks to prioritise the development of Phase 1 sites and so JTs address circumstances within which a Phase 2 site may be allowed to develop. The applicant has submitted a DIA and a JT, both of which were elucidated under further information.
- 7.3. Under Table 1.1 of the submitted DIA, each of the impacts of the proposal is presented along with a colour code, which indicates whether it would be positive, negative, or neutral. These impacts largely touch on subjects that I will discuss elsewhere in my assessment. Thus, the negative impacts on pedestrian connectivity and potable water supply will be discussed under headings (v) and (vi). I will confine my discussion here to the negative and neutral social infrastructure impacts identified.
- 7.4. In relation to the former, two negative impacts would arise upon National schools and healthcare facilities.
- The applicant utilises 2016 Census data to predict that the proposal will accommodate households that have a total of 9 children of National school age (5 – 12 year olds). The applicant conducted a telephone survey on 4th

March 2021 of St. John the Baptist Girls and Boys National Schools and The Cashel Deanery, all of which lie to the north of the site off the Old Road. The National Schools reported pressure on school places, while the Deanery reported some likely limited capacity. St. John the Baptist Boys National School plans to expand its accommodation over the next 2/3 years. Based on these findings, the lapse in time that would arise under any construction period for the proposal itself, and the predicted long-term decline in the birth rate, the applicant considers that the negative impact identified would not be a significant one.

- The applicant predicts that the proposal would accommodate 89 people. They would add to the demand upon local health care services. Cashel is served by 4 GPs, two of which are at capacity. The applicant acknowledges the negative impact that would arise, but it contends that the proposal would contribute to the “critical mass” necessary to expand existing services.

7.5. In relation to the latter, two neutral impacts would arise upon childcare facilities and secondary schools.

- The applicant utilises 2016 Census data to predict that the proposal will accommodate households that have a total of 6 children aged 0 – 4. The applicant conducted a telephone survey on 4th March 2021 of childcare facilities in inner and outer Cashel. It reports that while vacant places do not exist in inner Cashel, some do exist in outer Cashel. On this basis and the predicted long-term decline in the birth rate, the applicant considers that only a neutral impact would arise.
- The applicant utilises 2016 Census data to predict that the proposal will accommodate households that have a total of 6 children of secondary school age (13 – 18 year olds). The applicant contacted Cashel Community School, the local secondary school, on 8th March 2021. While this School is at capacity, it does have approval to expand over the next 2/3 years. Based on this prospect and the lapse in time that would arise under any construction period for the proposal itself, the applicant considers that only a neutral impact would arise.

- 7.6. The appellant critiques the applicant's presentation of impacts upon childcare facilities. It notes that one of the creches cited has closed, and it contends that, given the absence of childcare facilities from the proposal, the existing housing estates to the north and to the south, and the one nearby recently permitted by the Board under ABP-306656-20, a new one is needed on the site.
- 7.7. By way of response, I note that the appellant has not identified the creche cited and so it is unclear whether it is in inner or outer Cashel. While its closure is likely to place additional pressure on the remaining childcare facilities, I recognise that the likely market response could be anticipated to be the provision of additional places either by the expansion of existing facilities or the provision of new ones. I also note that the Childcare Facilities Guidelines simply require the provision of a creche where the number of dwellings within a development exceeds 75. They do not bring forward this requirement to apply to situations where aggregated dwellings in separate developments exceed 75.
- 7.8. The appellant also critiques the applicant's presentation of impacts upon schools. It states that neither the demand for places arising from the Board's decision on ABP-306656-20 nor the provision of "social housing" has been factored-in to the applicant's assessment. I note that at 44 dwellings the permission referred to would yield a similar pattern of demand for places to the current proposal. I also note that the County Council's Housing consultee gives its in principle agreement to 4 of the proposed dwellings being conveyed to the applicant under the applicant's Part V obligations. In these circumstances, the appellant's description of the entire proposal as "social housing" is misplaced.
- 7.9. I acknowledge that the applicant does not appear to have factored-in the impact of ABP-306656-20 to its assessment. It does however qualify its predicted impacts by repeatedly stating that it is assuming that the households attracted to the proposal come from outside Cashel, when, in practice, some may come from within the town. Insofar as some households would relocate to the developed site from within the town, they are already accounted for demographically. Accordingly, these households would not "add" to the ensuing impacts on childcare facilities and schools and so they would offset the applicant's predicted impacts. The same observation would apply to ABP-306656-20.

7.10. Section 9.8 of the DP sets out the JT as follows:

In addition to the requirements of DIA, the Council will consider new multi-unit residential development on lands zoned Phase 2 only where one or more of the following circumstances apply:

- A. All phase 1 lands have been fully developed, or;*
- B. All phase 1 lands have been fully committed to development (i.e. where planning permission has been granted and where construction is underway), or,*
- C. In the case where all phase 1 lands have not been committed, it shall be proven that those uncommitted lands are unavailable for development or unserviceable.*

AND

where the justification test demonstrates the following;

- D. The Phase 2 lands are readily serviceable and*
- E. There is a proven demand for new development based on a demonstrated lack of availability of housing and of potential infill sites for residential purposes on lands zoned for town centre or existing residential use and/or*
- F. There is an overriding justification for development on phase 2 lands based on changed economic circumstances that may require the release of additional lands to cater for increased population numbers.*

7.11. Under further information (FI), the applicant completed the JT. It acknowledges that Items A and B are not applicable and so it addresses C. I note that since the applicant responded to the FI request the site denoted as No. 2 in Figure 10.1 of its DIA & JT has received planning permission for 79 residential units and 2 childcare facilities. I also note that construction has commenced on Phase 1 of this development. The applicant provides a commentary on the remaining five Phase 1 sites, as follows:

- Site No. 1 is in active use, and it is not the subject of any extant permissions for multi-unit residential developments.
- Site No. 3 was the subject of permission for 80 dwellings (09/199 and PL23.236659), which has now expired. Under the TP, the adjoining Dually Road (R691) enjoys protected view V8 of St. Patrick's Rock. The applicant also cites the weight given to sequential development under ABP-306656-20

and the absence of continuous built form radiating outwards from the town to the site.

- Site No. 4 is not the subject of any extant permissions for multi-unit residential developments. Under the TP, the roads which bound this site enjoy protected view V7 of St. Patrick's Rock. Also, under the TP, the site is subject to Special Development Objective DO2, which requires the provision of single storey dwellings at a density of 5 dwellings per hectare.
- Site No. 5 is not the subject of any extant permissions for multi-unit residential developments. Planning application 05571017 for 25 dwellings was refused for this site in 2005, which faces access and servicing constraints that make it unsuitable for multi-unit residential development. Under the TP, the road which bounds this site enjoys protected view V7 of St. Patrick's Rock.
- Site No. 6 is not the subject of any extant permissions for multi-unit residential developments. It lies adjacent to Alla Aileen House, which, under the DP, is a protected structure denoted as No. 21. Trees within the attendant grounds are protected, too, (Ref. 13 of Appendix 6 of the DP). The site is subject to Special Development Objective DO3, which recognises that it lies within an area of high visual sensitivity, where the imperative for any development is that it enhances the setting of the town's built heritage.

7.12. The applicant concludes that the above sites would not be suitable for multi-unit residential developments, whereas its site would be suitable for such development. I consider that Site No. 1 would be too small to make a significant contribution in this respect and that Sites Nos. 4, 5, and 6 face multiple constraints that, likewise, limit the contribution that they could make. Site No. 3 could make a significant contribution.

7.13. The applicant's site is located to the south of the town centre, where expansion of the town has tended to occur. By contrast, Site No. 3 lies to the east and so, while it is closer to the town centre than the applicant's site, it occupies a semi-rural location, which is clearly on the edge of the town. Accordingly, the development of the applicant's site would facilitate a more compact urban form, albeit in a location that is less convenient for the town centre than Site No. 3. I note that compact urban areas, as distinct from urban sprawl, is a major theme of the Project Ireland 2040: National

Planning Framework (NPF). I note, too, that the scale of Cashel is such, that the question of convenience of the DP's new residential sites to the town centre is very much a relative one and so, in my view, it should not be given too much weight. In these circumstances, I do not consider that it would be reasonable to object, in principle, to the development of the applicant's site in advance of Site No. 3. I, therefore, consider that the applicant is entitled to proceed to address Items D, E, and F of the JT.

7.14. The applicant makes the following points in relation to Items D, E, and F:

- As discussed under heading (vi) of my assessment, the site is readily serviceable.
- The submitted DIA analyses demographic data from the 2011 and 2016 Censuses and makes predictions upon the same. It concludes that, whereas Cashel is experiencing growth in population and household numbers, these trends have not been matched by commensurate new house building. Evidence from the two Censuses also indicates a contraction in the number of unoccupied dwellings and the completion of only a very few new dwellings. Consequently, the need for greater numbers of new dwellings is self-evident.
- If Cashel is to respond to these identified demographic and housing trends, then new multi-unit residential development is needed. Shortfalls in housing supply would potentially frustrate the realisation of the town's economic potential.

7.15. I, therefore, consider that the proposal would pass the JT, as informed by the NPF's emphasis on compact urban areas.

7.16. I conclude that the proposal would fulfil the new residential zoning objective of the site and that, timewise, this site's development as a Phase 2 site would be reasonable.

(ii) Density

7.17. Under the CDP's settlement hierarchy, Cashel is identified as a district town (Tier 3). This town has outgrown its Urban Electoral District and so it lies partially within its Rural Electoral District. Under the 2016 Census, the former had a population of 2412, and the latter had a population of 2971. The town's population, therefore, lies

somewhere between these two figures. Under the Sustainable Residential Development in Urban Areas Guidelines, small towns are defined as being up to 5000 in population and so Cashel comes within this definition.

- 7.18. Under the proposal, the site of 1.82 hectares would be developed to provide 39 dwellings. The applicant has calculated the resulting density to be 21.43 dwellings per hectare. In doing so, it has regarded the proposed areas of public open space as being for the use of future residents only. I consider that the smaller area would be so used. I also consider that, as the larger area over the southern portion of the site would be continuous within an intended area of public open space in Aras Na Ri, it would be used by residents of both estates. For the purpose of calculating net density, this larger area (c. 0.37 hectares) should therefore be deducted from the overall site area. The net density on this basis would be 26.90 dwellings per hectare.
- 7.19. The aforementioned Guidelines advise on densities for centrally located, edge of centre, and edge of town sites. Densities of variously 30 – 40+, 20 – 35, and 15 - 20 dwellings per hectare are envisaged.
- 7.20. Under the DP, edge of centre sites are defined as adjoining the area zoned town centre. The subject site would not come within this definition. However, only its eastern boundary would abut undeveloped lands, and these are zoned for future new residential development once access becomes available.
- 7.21. Under the DP, too, the density standards cited for the various categories of sites replicates the advice of the Guidelines apart from in edge of town locations, where it cites 10 dwellings per hectare as being appropriate. The subject site adjoins existing housing estates to the north and to the south, which have densities of 23.9 and 20.8 dwellings per hectare. Clearly, the density of the proposal would be similar to these densities rather than the very low density cited by the DP.
- 7.22. In the light of the above interaction with the Guidelines and the DP, I conclude that, notwithstanding the DP's definition of edge of centre sites, the subject site can reasonably be considered to be such a site for the purposes of density assessment. The proposal would have a net density of 26.90 dwellings per hectare, which would be appropriate for its location between two existing housing estates with broadly similar densities.

(iii) Development standards

7.23. The proposal is for 39 residential units, which would be provided in two-storey buildings. These units would comprise the following:

- 2 x four-bed detached,
- 22 x three-bed semi-detached,
- 6 x two-bed semi-detached/end-of-terrace,
- 1 x two-bed terraced,
- 4 x two-bed apartments, and
- 4 x one-bed apartments.

The resulting housing mix would provide an appropriately extensive range of house types and sizes.

7.24. A more detailed breakdown of the proposed residential units yields the following information:

- House type G: 2 x four-bed/seven-person detached over 136.46 sqm,
- House type F: 4 x three-bed/six-person semi-detached over 125.6 sqm,
- House type E: 5 x three-bed/six-person semi-detached over 125.6 sqm,
- House type D: 4 x three-bed/six-person semi-detached over 120.8 sqm,
- House type C: 9 x three-bed/six-person semi-detached over 120.8 sqm, and
- House type A: 7 x two-bed/four-person semi-detached/end-of-terrace/terrace over 87.7 sqm.

7.25. Under Table 5.1 of the Quality Housing for Sustainable Communities: Best Practice Guidelines, these dwellings would all exceed their target gross floor areas. Likewise, aggregate living and bedroom areas would be exceeded. Storage space would fall short of the recommended minimum areas and, in the case of the two-bed dwellings, none would be provided, although the opportunity to utilise the under stairs space may exist. If the Board is minded to grant, then storage could be addressed by means of condition.

7.26. House type B would comprise the following apartments:

- Apartment A: Ground floor two-bed/three-person over 72.81 sqm,
- Apartment B: Ground floor two-bed/three-person over 69.70 sqm,
- Apartment C: Ground floor two-bed/four-person over 73.29 sqm,
- Apartment D: Ground floor two-bed/three-person over 64.36 sqm,
- Apartment E: First floor one-bed/two-person over 64.57 sqm,
- Apartment F: First floor one-bed/two-person over 64.53 sqm,
- Apartment G: First floor one-bed/two-person over 67.34 sqm, and
- Apartment H: First floor one-bed/two-person over 58.82 sqm,

7.27. Under Appendix 1 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines, the minimum overall apartment floor areas would be exceeded. Likewise, living, bedroom, and storage space would either meet or exceed the minimum areas cited, with the exception of Apartment C where there would be a nominal shortfall in storage space.

7.28. Each of the dwellings and each of the ground floor apartments would be served by a private garden area. Each of the first-floor apartments would be served by a balcony. The size of these amenity spaces would be satisfactory.

7.29. The proposal would be served by 0.43 hectares of public open space (POS). The majority of this space would lie within the southern portion of the site, and it would be laid out to be continuous with intended public open space to the south in the Aras Na Ri housing estate. The remaining space would be towards the north-western corner of the site. The submitted plans show a children's play area within this space. Under revised plans, originally proposed incidental landscaped areas have been largely incorporated within garden areas.

7.30. The appellant critiques the amount and the useability of the proposed POS. It considers that, under the DP, a larger area should be provided and laid out to contribute to the locality's active recreation facilities. The applicant has responded by drawing attention to the fact that the POS would extend over 26.3% of the overall site area and that its layout would be typical of such space in housing estates. Additionally, during my site visit, I observed that the local rugby and GAA grounds/facilities lie within the wider locality of the site.

- 7.31. Qualitatively, the proposed dwellings would be laid out to face either north/south or east/west. Only six of their gardens would have a northerly aspect. The apartment building would be “L” shaped. Consequently, it would have elevations that face north, south, east, and west. Each of the ground floor apartments would be dual aspect and only one would be served by a garden with a northerly aspect. Apartments C and D would benefit from an increase in the natural lighting of their aggregate living areas. If the Board is minded to grant, then this should be conditioned. Each of the first-floor apartments would be dual aspect, too, with either a predominantly southerly or a westerly orientation.
- 7.32. I conclude that the proposal would, subject to minor amendments, be satisfactory in terms of quantitative and qualitative development standards.

(iv) Visual and residential amenity

- 7.33. The applicant’s cover letter for its application sets out the design philosophy adopted by the proposal. It draws upon the local vernacular in terms of traditional construction style and the use of render and slate as finishing materials. It also seeks to integrate with the adjoining Aras Na Ri housing estate to the south, for example, by the laying out of POS adjoining intended POS within this estate.
- 7.34. The applicant has submitted cross-sections of the proposal (drawing nos. 18257-PLA-106 & 107 revision B), which depict the outworking of the above design philosophy. These cross sections illustrate the variety of design that would be exhibited by the proposed dwellings/apartments and the attention that has been given, in particular, to their scale and massing. If it is all the same colour, the use of render may risk a bland appearance. In these circumstances, I consider that a variety of pastel shades should be specified to introduce some visual interest and relief. If the Board is minded to grant, then this could be conditioned.
- 7.35. The proposed dwellings and apartments would be laid out to achieve the conventional suburban separation distances between their elevations. Externally, the site’s western and northern boundaries adjoin residential properties.
- The former lie at lower levels than the site, e.g. finished floor levels (FFLs) of 117.37 and 117.75m OD, whereas the nearest new dwellings to the east would have FFLs ranging between 120 and 120.40m OD. Separation distances would, however, be generous at 36.976m and 32.907m. Tree

planting in the rear gardens to the new dwellings would also, in time, ease the impact upon residential amenity.

- The latter lie at a similar level to the site. The dwelling houses at Nos. 42 and 43 Summercove Meadows would be the nearest. The conventional separation distances would be achieved between No. 42 and the adjacent new dwellings/apartments. In the case of No. 43, the south-western corner of this existing dwelling and the north-eastern corner of the nearest new dwelling No. 23 would be only 8.573m apart on north-east/south-west axis. Consequently, outlooks from habitable room openings in the rear elevation of No. 43 would be unduly enclosed by the gabled side elevation of No. 23 and the rear garden to No. 43 would be unduly overshadowed by this new elevation. The ensuing relationship would be eased if the short terrace that includes No. 23 were to be re-sited further to the south. A 3m re-siting in this respect would achieve a 10.75m corner-to-corner clearance distance on a north north-east/south south-west axis. The minor consequential rearrangement of public footpaths and grass verges would also be needed. If the Board is minded to grant, then this could be conditioned.

7.36. I conclude that, subject to some minor amendments, the proposal would be compatible with the visual and residential amenities of the area.

(v) Traffic, vehicular and pedestrian access, and parking

7.37. The proposal for 39 residential units would generate traffic during the construction and operational phases of the development. The applicant has submitted a Transport Assessment (TA), which under further information, was revised to take account of traffic that would be generated, not only by the current proposal, but also by the 44 residential units permitted under ABP-306656-20.

7.38. The TA assesses the impact of the two proposals on the following junctions:

- The Old Road (L5416) and Sli Bhriain,
- The L5416 and the N74,
- The L5416 and The Green, and
- The L5416 and Dean Ryan terrace.

- 7.39. The relatively low numbers of existing vehicles using the first of these junctions means that the additional traffic generated would translate into relatively large percentage increases in the pm peak especially, i.e., in 2022, +25%, in 2032, +20.5%, and, in 2037, +20.2%. Nevertheless, the Ratio to Flow Capacity (RFC) of this junction and indeed of each of the junctions assessed would be capable of absorbing the additional traffic without any significant change in their operating efficiency, for example, without the generation of significant queues. The applicant therefore concludes that “any transport implications of the proposal would be minimal and have insignificant implications for the adjoining road network.”
- 7.40. The site would be accessed via the Old Road (L5416) and Sli Bhriain junction. The Old Road runs north/south and Sli Bhriain, which is the spine road to the Aras Na Ri housing estate, runs east/west. Due to the presence of roadside walls to front gardens to the north and south of this junction, the “y” distance available to exiting drivers/cyclists is 41m to the north and 39m to the south. Southbound road users on the L5416 are subject to a signed speed limit of 30 kmph. They cross over a speed hump to the north of the junction in question, which is positioned before the entrance to the most southerly of a row of three residential properties on the east side of the Old Road and the entrance to Cashel Rugby Club on the west side. Northbound road users on the L5416 are subject to a signed speed limit of 50 kmph.
- 7.41. Under Section 4.4.5 of the Design Manual for Urban Roads and Streets (DMURS), advice is given on visibility splays. The accompanying Table 4.2 sets out the relevant “y” distance for different design speeds. Under Section 4.4.1, design speed is defined as “the maximum speed at which it is envisaged/intended that the majority of vehicles will travel under normal conditions.” This section adds that “In most cases, the posted or intended speed limit should be aligned with the design speed.”
- 7.42. The appellant cites the DP as requiring a “y” distance of 70m. By contrast, Table 4.2 of DMURS states that design speeds of 30 kmph prompt the need for a minimum “y” distance of 23m and 50 kmph prompt the need for a minimum “y” distance of 45m. The DP in this respect has been effectively superseded by DMURS and so its “y” distances are relevant.
- 7.43. As described above, the signage on the L5416 as it passes the junction in question sets a different speed limit for southbound and northbound traffic. This difference is

difficult to account for. It may relate to the position of the speed hump and the fact that to the south of the junction the L5416 narrows to one lane with a sign requiring southbound traffic to yield to northbound traffic. That said, a sign after the speed hump, i.e., to its north, reduces the speed limit of northbound traffic to 30 kmph in advance of its approach to the school sites off the eastern side of the L5416. Indeed, this sign is sited to the north of the row of the three residential properties on the eastern side of the L5416, the front walls to which abut the roadside, i.e. there is no public footpath on either the nearside or the far side of the carriageway. The L5416 is otherwise of two-lane width, and it is relatively straight and level on either side of the junction in question and on the approach from the north. Apart from the speed hump, it has, as a local through road, the form and appearance of one with a design speed of 50 kmph. I, therefore, take the view that, in all of the above circumstances, it should be regarded as such and so “y” distances of 45m should be required. Clearly, these are not available, and the junction already exists. However, under the proposal, significant increases in the use of this junction would arise. Such increases in use of a sub-standard junction would not be appropriate.

- 7.44. As indicated above, there is a gap in the provision of a public footpath along that portion of the L5416 which abuts the three residential properties to the north of the junction between this local road and Sli Bhriain. Likewise, to the south of this junction, there is no public footpath on the eastern side of the L5416 once it clears the short frontage to the Aras Na Ri housing estate. Furthermore, there is no public footpath on the opposite side of the L5416 between its junction with the Summercove Meadows housing estate and the southern end of the single lane portion of this local road.
- 7.45. In terms of pedestrians accessing local schools and the town centre to the north of the site, the gap in public footpath provision is highly significant. At present, there are broken yellow lines along the eastern and the western edges of the carriageway. The narrow strips of tarmac thereby denoted are, by implication, available to pedestrians. However, these strips fall far short of the standard of provision that DMURS regards as a priority for pedestrians as vulnerable road users.
- 7.46. Under Policy T15 of the CDP and Policy INF 5 of the DP, the Planning Authority currently undertakes to seek to improve and create additional facilities for pedestrians as opportunities arise as part of new development.

7.47. The appellant draws attention to Condition 19, which was attached to application 04/725 for the Aras Na Ri housing estate. This Condition states the following:

The applicant shall provide a 2.0m wide concrete footpath along the complete roadside boundary to the southwest of the site. The remainder of the recessed roadside boundary shall be grassed, landscaped and include a precast concrete kerb 250mm by 125mm in size and shall be dished at pedestrian crossing points. The developer shall continue the said footpath (2.0m in width) from the roadside boundary of the site northwest along the local road LS-5416 to its junction with the residential estate development to the north.

The accompanying reason stated, "In the interest of pedestrian safety and sustainable development."

7.48. During my site visit, I observed that the required public footpath has been provided along the frontage of the Aras Na Ri housing estate with the L5416, but not northwards to where the public footpath ends along the frontage to the Summercove Meadows housing estate. The intervening gap in provision is where the westernmost portions of the row of three residential properties exist. The appellant reports that this non-compliance with Condition No. 19 is the subject of a current enforcement enquiry (TUD-20-229).

7.49. The applicant's submitted DIA and Stage 1 Road Safety Audit (RSA) address the above gap in public footpath provision. The RSA recommends that "measures should be put in place to increase awareness of drivers to the shared surface nature of the area, and to protect the route at the edge for pedestrians, in consultation with Tipperary County Council." However, no details of how this may be achieved have been forthcoming.

7.50. The applicant also draws attention to the permission granted to application 04/725 and in particular to Condition No. 5, which entailed the payment of a bond against a scenario in which infrastructure is left incomplete. It states that, notwithstanding the absence of the above cited public footpath provision, the Planning Authority has not executed this bond. In these circumstances, it does not consider that its proposal should be "held to ransom".

7.51. I consider that, in the light of DMURS (cf. Section 2.1.2 "The Pedestrian Perspective" and Section 2.2.2 "User Priorities" & Figure 2.21 "User Hierarchy"), the importance of promoting sustainable modes of transportation, and CDP and DP policies, it is

imperative that the identified gap in public footpath provision is plugged. With respect to the applicant's site, it may be possible to provide continuous pedestrian access to the north, via the Summercove Meadows housing estate. However, this is not proposed under the current application. Instead, the existing boundary treatment between the site and this housing estate is proposed for retention. Likewise, under Map 1A of the DP, indicative road proposals for lands to the east of the site may, in the future, open up pedestrian access possibilities, although they may not facilitate convenient access to either the local schools or the town centre. Essentially, then, the only route for improved pedestrian access to the site is via the Old Road (L5416).

- 7.52. Condition No. 24 attached to the Planning Authority's permission requires that a special contribution of €25,023.90 be paid "towards the cost of providing designated pedestrian enhancement connectivity along the Old Road." However, as noted above, neither the Council's District Engineer nor the applicant have provided details as to what such enhancement might entail.
- 7.53. The submitted plans indicate that the width between corresponding roadside walls along the portion of the L5416 in question ranges from 7 – 8m. Figure 4.55 of DMURS illustrates carriageway widths. Insofar as the L5416 is a through road, which is not frequently used by larger vehicles and which is subject to a range of low to moderate design speeds, carriageway widths of 5.5 – 6.5m would appear to be appropriate. Figure 4.34 of DMURS illustrates public footpath widths, of which 1.8m is the minimum specified. In this respect, the previously conditioned public footpath for the east side of the road was to be 2m. If allowance is made, too, for a verge on the western side of the road, then it is not self-evident that the above cited available width of between 7 – 8m would be sufficient.
- 7.54. In the light of the foregoing considerations concerning pedestrian accessibility, neither the applicant nor the Planning Authority have demonstrated that the satisfactory provision of a continuous public footpath along the L5416 could be provided within existing road widths. The corollary of this is that the provision of a continuous public footpath prior to first occupation of the proposed residential units may not arise. In such circumstances, the current proposal would be premature, as it would not be able to guarantee a continuous pedestrian access route to the site. In the light of the prioritisation that DMURS gives to such access provision, the

importance of it in promoting walking as a sustainable mode of transportation, and relevant CDP and DP pedestrian policies, such an outcome would be unacceptable.

- 7.55. The appellant questions whether the applicant has sufficient interest in the access through the Aras Na Ri housing estate, which has yet to be “taken-in-charge”, to include the same in the current application. The applicant has responded by stating that contracts for the purchase of this access have now been exchanged and so it has sufficient interest in it.
- 7.56. The appellant draws attention to the infrastructure deficiencies in the Aras Na Ri housing estate and it states that these should be remedied. Several of these relate to access, i.e., poor lighting, raised manholes, and the gradient of Sli Bhriain and the requirements of Part M of the Building Regulations. The applicant’s RSA addresses the second of these three items. The remaining two will presumably be addressed, as appropriate, under the process of “taking-in-charge”.
- 7.57. On-site access arrangements were revised under further information. They would meet all relevant standards.
- 7.58. The proposed 39 residential units would be served by 88 car parking spaces. The 2 detached and 22 larger semi-detached dwellings would each be served by 2 off-street car parking spaces (48 spaces in total). The 7 smaller semi-detached and terraced dwellings and 8 apartments would be served by on-street parking spaces, along with ones for visitors (40 spaces in total).
- 7.59. If 2 spaces each for the smaller semi-detached and terraced dwellings is an appropriate level of provision, then a total of 14 spaces should be provided. Under the Sustainable Urban Housing: Design Standards for New Apartments Guidelines, 1 space per 3/4 apartments in peripheral and/or less accessible urban locations is deemed appropriate. On this basis, the 8 apartments should be accompanied by only 3 spaces. Accordingly, 17 on-street parking spaces would be needed for residents. Forty would be provided, i.e., a notional 23 for visitors. The DP is silent on visitor parking. One such space for every 4 residential units would be a generous level of provision, i.e., 10 spaces in total. Accordingly, the proposal would exhibit a surplus of 13 spaces. The 13 spaces shown in the submitted plans for visitors use, i.e., the subject of the darker shading, should be omitted and the land released

incorporated in the main POS and the accompanying curtilage of dwelling No. 10. If the Board is minded to grant, then this could be conditioned.

7.60. I conclude that the vehicular traffic generated by the proposal would be capable of being accommodated satisfactorily on the public road network. However, the sub-standard sightlines at the junction between the L5416 and Sli Bhriain would militate against sanctioning its increased usage under the proposal. I conclude, too, that, in the absence of a continuous public footpath to the site from the north, it is important that the feasibility of providing such a public footpath be demonstrated in order to avert a scenario wherein the current proposal proceeds in the absence of the needed critical public footpath link to local schools and the town centre.

(vi) Water

7.61. The applicant has submitted an Infrastructure Report, which addresses water supply and foul and stormwater drainage.

- In relation to water supply, the applicant lodged a pre-connection enquiry with Irish Water, which led to it being advised that the existing 100mm diameter water main under the Old Road is at capacity and so a new 150mm diameter water main would need to be laid in its place over c. 400m. This new water main would run from the junction of the Old Road with Sli Bhriain northwards to connect with an existing 200mm diameter water main. Presumably, it would ameliorate, too, the existing poor water pressure that the appellant cites.
- In relation to foul drainage, Irish Water raises no objection to the proposal discharging ultimately into its foul sewer. It does, however, draw attention to the intervening foul sewer that runs through Aras Na Ri and the need for the applicant to satisfy itself of the suitability/feasibility of using this sewer. The applicant has undertaken a survey and a modelling exercise of it. The results indicate that the existing foul sewer has “the capacity to achieve self-cleansing at 1/3 flow whilst maintaining minimum gradients.” Minor repairs that are needed to this sewer have also been identified.
- In relation to stormwater drainage, the applicant has designed a drainage network for the site, which would discharge into the stormwater sewer that runs through Aras Na Ri. The on-site network would replicate the greenfield run-off rate and it would incorporate an attenuation tank sized to cope with a 1

in 100-year flood event. This tank would be accompanied by a petrol interceptor, including a silt trap, and a hydro-brake. The applicant has undertaken a survey and a modelling exercise of the receiving sewer, the results of which indicate that it has capacity to serve the proposal. Details of other SuDS measures have not been submitted. If the Board is minded to grant, then these should be conditioned.

7.62. Under the OPW's flood maps, the site is not the subject of any identified flood risk.

7.63. I conclude that the proposal would not raise any water issues.

(vii) Appropriate Assessment

7.64. The site lies within Cashel, and it is capable of being fully serviced. Under the proposal, it would be developed to provide 39 residential units.

7.65. The River Suir runs to the west of Cashel, some 4km away from the site. This River is the European site, known as the Lower River Suir SAC (002137). The serviced site would be connected to the public sewerage system, which discharges to the River Suir via the Cashel WWTP. This Plant has a capacity of 7000 PE and so it has sufficient headroom to receive the additional loading that would be generated by the proposal. Publicly available annual environmental reports indicate that it is functioning satisfactorily.

7.66. There are no other source/pathway/receptor routes between the site and the River Suir and there are no other European sites that the site is connected to.

7.67. Having regard to the nature, scale, and location of the proposal and the nature of the receiving environment and the proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise, as the proposal would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

That permission be refused.

9.0 Reasons and Considerations

1. Having regard to the Design Manual for Urban Roads and Streets, the sightlines at the junction between the Old Road (L5416) and Sli Bhriain, which would serve the developed site, would be sub-standard for the design speed of the L5416. Traffic generated by the proposal would increase the number of vehicle movements at this junction. Such increased usage of a sub-standard junction would jeopardise road safety and so this proposal would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the Design Manual for Urban Roads and Streets, Policy T15 of the South Tipperary County Development Plan 2009 – 2015 (as varied and extended), Policy INF 5 of the Cashel and Environs Development Plan 2009 – 2015 (as varied and extended), and the planning history of the Aras Na Ri housing estate, the proposal should be accompanied by a continuous public footpath link to local schools and the town centre to the north of the site. At present, this link is broken along the Old Road (L5416) and the applicant has not demonstrated how a continuous public footpath could be satisfactorily provided within the existing road width. In these circumstances, to grant permission for the proposal would be premature, as it would risk a scenario within which the proposed new residential units are completed and occupied in the absence of the needed continuous public footpath link. The advice of the Design Manual and the aforementioned Policies of the County Development Plan and the Town Development Plan would thereby be contravened and the promotion of walking as a sustainable mode of transportation would be frustrated. The proposal would thus be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

25th March 2022