



An  
Bord  
Pleanála

## Inspector's Report

### ABP-311876-21

<b>Development</b>	26 Houses and 20 Apartments with associated site development works.
<b>Location</b>	Glenconnor, Clonmel, Co. Tipperary
<b>Planning Authority</b>	Tipperary County Council
<b>Planning Authority Reg. Ref.</b>	201062
<b>Applicant(s)</b>	Brinkley Developments & Homes Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Brinkley Developments & Homes Ltd
<b>Observer(s)</b>	1) Raymond and Eleanor Galligan 2) Martin Deely and Others 3) John and Mary Maher 4) Tony and Margo Condon 5) Sean Carey
<b>Date of Site Inspection</b>	7 <sup>th</sup> of February 2022
<b>Inspector</b>	Angela Brereton

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## 1.0 Site Location and Description

- 1.1. The site is located in Glenconnor, Clonmel. It is a greenfield site on residentially zoned lands in the Western Environs of Clonmel which is surrounded by existing housing to the south and west, Glenconnor House (Protected Structure) and Garden Centre to the north and some one-off housing and undeveloped lands to the east.
- 1.2. As per the application form the application site extends to 1.51ha. It is located to the east of Wheatfields residential estate, Ballingarrane. It is to the north-west (c.350m) of the Poppyfields retail and commercial centre at Clonmel. It forms a part of a larger landholding/landbank off Glenconnor Road located approx. 2km northwest of Clonmel town-centre. The overall landholding is located between the N24 By-pass (Limerick-Waterford Road) and the R707 Cahir Road to the town centre. The access to the greater development area is from the Glenconnor Road to the east. In the area of this access the road is narrow with a single white line down the middle. There is a footpath on the opposite side of this road to the development site.
- 1.3. Access to the subject site, is to be off the local road L7624 which serves the adjoining Ballingarrane estate which includes Glenview Close, Wheatfields and Ashgrove housing estates to the west of the site. The L7624 runs north from the junction of the R707. There are two storey houses either side of Ashgrove Grove cul-de-sac, and Wheatfields. The latter with some first-floor rear windows facing the site. There is a wall along the western boundary of the site with this cul-de-sac.
- 1.4. The site has become overgrown/although is partly cleared. It is screened from view along the western boundary with Wheatfields cul de sac by shrubs/hedging. This part of the site appears to be more elevated than the adjoining cul de sac. The land in the vicinity of the application site has been partly cleared of vegetation and disturbed and appeared poorly drained and was wet underfoot on the day of the site visit. It is proposed that the site connect to existing services.
- 1.5. The site is screened by trees/shrubs along the northern boundary with the Garden Centre to the north (separate entrance from the Glenconnor Road) and with less dense vegetation along the western boundary with Wheatfields. The greater field area has been subject to clearance and there is an unsurfaced track from the entrance on the Glenconnor Road to the greater building site area. That part to the south-east is currently being developed for housing (PI.19601108 refers).

## **2.0 Proposed Development**

2.1. Brinkley Developments & Homes Ltd seeks permission for the following development at Glenconnor, Clonmel, Co. Tipperary:

- The Construction of 46 residential units in 8no. 1.5, 2 and 2.5 storey blocks comprising of: 14no.1 bedroom apartments, 6no. 2 bedroom apartments, 12no. 2 bedroom houses, 12 no. 3 bedroom houses and 2no. 4 bedroom houses.
- New vehicular and pedestrian access from Wheatfields, access roadways, footpaths, lighting and associated site services and all associated site boundary and site development works, including connections to public drainage on Glenconnor Road.

2.2. Documentation submitted with the application includes the following:

- Development Impact Assessment – Peter Thomson Planning Solutions
- Childcare Assessment – ditto
- Civil Engineering Report – Michael Murphy Consulting Engineer
- Stage 1 Road Safety Audit – Malachy Walsh & Partners Engineering and Environmental Consultants.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On the 12<sup>th</sup> of October 2021, Tipperary County Council refused permission for the proposed development for the following detailed reason:

Under the Clonmel and Environs Development Plan 2013, as varied (CEDP), the application site is zoned for new residential development and forms part of a landbank identified as requiring a Masterplan (Map 6 of CEDP) to guide the development of the lands. Section 9.26 and Map 6 of the CDFP sets out requirements for the development of a Neighbourhood Centre (NC) and Local Equipped Area of Play (LEAP) to be provided in conjunction with new

residential development on the lands together with road improvements on the Glenconnor Road.

Having regard to:

- The lack of a clear Master Plan setting out proposals for the co-ordinated development of landbank from which the site is taken,
- The uncertainty with how the proposed development relates to the wider development of the landbank noting the differences between the Master Plan submitted with the subject application and that previously proposed under PI Ref. 19601108 and statements in the subject application that the Master Plan may be subject to further change,
- The limitations in information, justifying the approach taken with regard to access to and through the site, in particular, the absence of an assessment of the adequacy of the pedestrian and cycling environment and road safety along the L7624 and L7642 which will be used to provide access to the site and future development to which the site will connect,
- The piecemeal approach to the development of the landbank and lack of coordination between the development of housing and supporting infrastructure as required under the CEDP.

It is considered that the proposed development for the above stated reasons would be contrary to the requirements of the Clonmel and Environs Development Plan 2013, as amended, for the development of this area and accordingly would be contrary to the proper planning and sustainable development of the area.

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

#### **3.2.1. Planning Reports**

The Planner's Report had regard to the locational context, planning history and policy, to the interdepartmental reports and the submissions made. Their Assessment in summary includes the following:

### *Principle of Development*

- They consider that the approach to development of the application site and wider landbank is ad hoc and piecemeal and they are not satisfied that this approach is optimum or acceptable in the Masterplan area.
- They have regard to the planning history and consider that the proposed development is a departure from the proposals presented for the landbank under Ref.19601108.
- The approach raises concerns that future proposals may be made that will in turn modify the parameters for the overall landbank.
- They consider the Development Impact Assessment to be inadequate.
- It is reasonable to require a coordinated approach for the development of the landbank with supporting based assessments to ensure the road access and layout provision of services is optimum. This approach has not been taken in the proposed development.

### *Design Considerations*

- They note that the proposed density of 42 units per hectare exceeds the density guide under the CEDP and is higher than prevailing densities.
- They consider that the proposal does not provide for a coordinated approach to development or take the NC and LEAP objectives into account.
- They have some concerns about the proposed design and layout and unit mix proposed and details are noted.

### *Infrastructure*

- They note concerns relative to access and traffic, the impact on the adjoining residential estates and the local road network.
- That adequate parking has not been provided and that the access roadway does not have a dedicated cycle infrastructure.
- They note that water supply and wastewater services and capacity exists.

### *Other issues*

- The proposed development has been screened as to the requirement for AA and it has been determined that an AA is not required.
- They have examined the available flood risk mapping and confirm that the site is outside any known flood risk.

### Further information

The Council requested detailed F.I to in summary to address the following:

- Absence of delivery of requirements for lands at Glenconnor (NC and LEAP) as set down under the Clonmel and Environs DP 2013 as varied.
- Lack of coordinated approach to development landbank from which the site is taken and departure from previous proposals for access and sequencing of development of the landbank.
- Absence of inclusion for a creche facility noting cumulative number of houses between the proposal and that permitted on landbank.
- Principle of access arrangement and absence of information/assessment of adequacy of same.
- Density of development noting the provisions of the Clonmel and Environs DP 2013 as varied and the prevailing density in the area.
- Lack of clarity on boundary treatments.
- Conflicts between drawings on information on unit sizes.

### Further Information response

Kenneth Hennessy Architects has submitted a response on behalf of the Applicants which includes the following:

- A revised Development Impact Assessment which sets out the rationale for the proposed sequential and phased development of these lands being from the west and which sets out the wider urban context and provides a co-ordinated approach.
- The Architect's drawing shows that a LEAP could be accommodated in the central area of public open space.



- They have attached a Childcare Assessment which provides details on the likely demand for childcare places to be generated by the proposed scheme, in addition to an analysis of the current capacity in the immediate environs.
- They have included a Traffic & Transport Assessment (Rev A) which deals with the proposed residential development and the overall Masterplan. These assessments demonstrate that there is capacity in the road network to deal with the current proposal and accommodate an additional phase of housing identified as part of the Masterplan.
- They include revised drawings relative to service layout and proposals to divert the watermain and remove the wayleave.
- A drawing has been submitted showing a change in level between the subject site and residential area to the west.
- Revised drawings have been submitted relative to design and layout. These are to show a consistency relative to unit sizes and to the arrangement of the blocks, omission of the rear balconies of apartment blocks and revisions to areas refuse storage and boundary treatments.
- Note is had of revisions to the proposed parking layout and turning circles. Clarification is given as to the number of car parking spaces to be provided.
- Revised Public Notices regarding the Significant F.I were submitted.

#### Planning Authority Response

They had regard to the F.I submitted and requested that a Clarification of Further Information be submitted to in summary include the following:

- To clarify the basis for decisions on the access arrangements relative to the proposed development through the said lands.
- To clarify the adequacy of the pedestrian and cycling environment along the L7624 or L76242 and the impact of the proposed development on the safety of these roadways.
- The Masterplan drawing received as F.I to show the proposed development will link with a future proposal for 42 dwellings to the south.

- The applicant is requested to clarify the reasoning behind the design of the shared surface roadway and compliance with DMURS and car parking.
- To clarify the information and phasing proposals relative to the Childcare Assessment and to phasing for a purpose built facility.
- Clarification relative to the proposed diversion of the watermain along the rear of the eastern and southern boundary of the site. They noted that this may have implications for future development of the lands noting the proposals for same contained under the Masterplan.
- Clarification as to the design of and as to whether the omission of dwelling units 33/34 and 46 would be considered.
- Confirmation as whether the terraced houses can be extended and adapted and as to the mix of house types.
- To clarify as to whether it is proposed to develop a balcony at Block 6 noting the concerns raised with same.
- To clarify the impact of the refuse storage area on future management and access.
- Confirmation as to boundary treatment including hedgerows.

#### Response to C.F.I

Kenneth Hennessy has submitted a response to the C.F.I on behalf of the Applicants. In summary this includes the following:

- They refer to the Development Impact Assessment submitted with the C.F.I. They note that the issues raised relative to clarification of the pedestrian and cycling environment and impact on safety of the L7624 and L6242 are outside the site boundaries and the remit of this application.
- The Masterplan proposal submitted maybe subject to change. They refer to potential linkages for pedestrians and cyclists.
- The shared surface scenario means more space for pedestrians and cyclists without creating oversized footpaths which may have congested the site.

- The note compliance with DMURS and have regard to shared surfaces and the allocation of parking spaces.
- They refer to an updated statement from Peter Thompson Planning Consultant which addresses the Council's queries on the Childcare issue.
- They include a letter of response from MMC Engineering relative to the diversion of the watermain to the south and east of the proposed development.
- They have reviewed the design and layout and the decision has been taken to remove units 33/34. Further alterations have been made to the gable end of no.46. Revised drawings have been submitted.
- The apartment units have now been removed from block 6 following a design review of the entire scheme therefore no potential issue remains with relation to the balcony.
- They provide a design review of the location of refuse facilities throughout the site and note where possible they have been eliminated from delineated common areas.
- They provide further details on boundary treatment. Revised drawings have been submitted.

#### Planner's Response to the C. F.I

- They refer to the planning history, the Development Impact Assessment and Masterplan submitted and are concerned that the proposed development is uncoordinated and piecemeal.
- They consider the Traffic and Transport Assessment submitted to be inadequate. The Reports do not examine the impact on increased traffic generated on the capacity of the L7624 and the junction between same and the R707.
- The subject application includes for the diversion of a watermain which will present implications for the implementation of future phases of the development.

- The Childcare details submitted do not provide clarity as to why current capacity figures could not have been provided.
- The development of a Locally Equipped Area for Play (LEAP) is optimum at the area identified under PI Ref.19601108 if connectivity to same can be provided. A review of available lands and an identification of an optimum site that provides ease of access and parking for all users is needed.
- The development of a Neighbourhood Centre (NC) is currently questionable and would only serve the proposed development if the lands between are developed and footpath/cycle linkages provided.
- The revised drawings show the proposed development reduced from 46 to 38no. units and designs reconfigured to account for the reduction in dwelling numbers. They note details of the amended housing mix and the revisions proposed to the layout.
- They have regard to revised drawings and consider the quantum of and layout of public open space and proposed revisions to design and character of the development, which includes houses/apartments to be acceptable.
- The amended development at CFI provides an improved layout, including with regard to refuse storage areas which are now more accessible.
- They do not consider the development layout and design would negatively impact on the residential amenities of properties in Wheatfields.
- If the development is granted it would be the responsibility of the developer and project contractor to ensure no damage to adjoining property arises as a result of the development.
- They have regard to boundary treatment as shown on the revised drawings.
- Note is had of car parking proposed and turning areas.
- They have undertaken a preliminary examination that concludes that an EIA is not required.

- Screening for AA has determined that an AA is not required. They attach a Screening Report.
- They note development contributions required.
- They conclude a recommendation that permission be refused.

### 3.3. **Other Technical Reports**

#### Road Design

They noted that the applicant did not submit a detailed TIA. This is required as part of the application and should address the impact of the traffic on the Glenconnor Road junction and the Cahir Road junction. This should include traffic surveys.

They noted the Stage I RSA submitted and recommend revised drawings to incorporate all 11 no. recommendations made.

They ask for further details on the construction site access and recommend that this be from the Glenconnor Road.

They request further details on access to the onsite parking spaces and on public lighting.

They recommend Special Development Contributions of €24,000 regarding speed ramps, footpaths, additional public lighting and turning areas.

They require further details on turning heads at road terminals, provision of footpaths, wheel bins and the removal of the proposed pedestrian crossing and raised platform at the entrance.

#### Housing Section

They note that 46no. units are proposed and 5 units are to be transferred (equal to 10% of proposed units) for social and affordable housing under Part V.

### 3.4. **Prescribed Bodies**

The Planner's Report lists a number of Prescribed bodies that have been consulted. There do not appear to be any responses on file.

### 3.5. Third Party Observations

A number of Submissions have been made by local residents, both to the application as originally submitted and in response to the F.I. and C.F.I. This includes a petition and individual public representations, expressing their concerns including about the design and layout, access and traffic and the impact on the character and amenities of the area and the sustainability of the proposed development. Their concerns are considered in the Planner's Reports. They are considered further in the Observations made relative to the Appeal and in the context of the Assessment below.

## 4.0 Planning History

The Planner's Report has regard to the Planning History of the site and adjoining lands. This includes the following:

#### Relevant to Subject Site:

- ABP Ref.52.224539 (PI Ref. 06/550131) Refusal of permission for residential development comprising 590 no. residential units, a childcare facility, 885no. surface car parking spaces and associated site works.

In summary the reasons for refusal concerned the pre-mature roads layout pending the upgrading of the Glenconnor Road and the Western Road junction; the design and layout of the proposed development would result in a substandard form of development, lacking any sense of place and with inadequate provision of quality public open space.

#### Adjoining Lands

- Reg.Ref.19/601108 – Permission granted subject to conditions by the Council for the construction of 77no. residential units comprising of 28no. semi-detached houses, 2no. detached houses, 33no.terraced houses, 14no.apartments and all associated site development works including local equipped area of play, entrance roads, footpaths, boundary treatments and connection to all underground services.

This development within the south-eastern part of the overall landholding with access from the Glenconnor Road is currently being constructed.

- Reg.Ref. 18/600418 Outline Permission granted subject to conditions by the Council to construct a Nursing Home, vehicular entrance, roadway, car-parking, street lights and all associated site development works.

This proposal is located in the north-eastern part of the overall landholding, with access from the Glenconnor Road.

The location of these sites are shown in the context of the proposed development as within the overall landholding as shown in blue in the 'Site Location Plan' submitted with the current application. Copies of these decisions are included in the History Appendix to this Report.

#### Enforcement

TUD-14-031 – Relates to the use of lands at the southeast corner of the site to store builder's rubble soil and stone. Case closed 29/06/2015.

## 5.0 Policy Context

### 5.1. National Planning Framework

The National Planning Framework addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high-quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include:

**National Policy Objective 3c:** Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints.

**National Policy Objective 6:** Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.

**National Policy Objective 7:** Apply a tailored approach to urban development, that will be linked to the Rural and Urban Regeneration and Development Fund, with a particular focus... to include:

- *Encouraging population growth in strong employment and service centres of all sizes, supported by employment growth;*
- *In more self-contained settlements of all sizes, supporting a continuation of balanced population and employment growth.*

Other Objectives include:

**National Policy Objective 4:** Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

**National Policy Objective 13:** In urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

**National Policy Objective 33:** Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

**National Policy Objective 35:** Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

**National Policy Objective 57:** Enhance water quality and resource management by ... ensuring flood risk management informs place making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities.

**Appendix 2** includes a Table relative to Population and Employment in Urban Settlements in the Southern Regional Assembly area, Census of Population 2016. The population of Clonmel in 2016, is given as 17,140.



## 5.2. Section 28 Ministerial Guidelines

The following is a list of relevant Section 28 Ministerial Guidelines:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' including the associated Urban Design Manual, 2009
- 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (DECLG, updated 2020)
- 'Urban Development and Building Heights Guidelines for Planning Authorities' (2018)
- 'Design Manual for Urban Roads and Streets' (DMURS) 2019
- 'The Planning System and Flood Risk Management' 2009 (including the associated 'Technical Appendices')
- 'Childcare Facilities – Guidelines for Planning Authorities' (2001)
- 'Framework and Principles for the Protection of Archaeological Heritage' (Dept. of Arts, Heritage, Gaeltacht and the Islands, 1999)

## 5.3. Regional Spatial and Economic Strategy for the Southern Region

The RSES 2020-2032 is a strategic document, which primarily aims to support the delivery of the programme for change set out in Project Ireland 2040, the National Planning Framework (NPF) and the National Development Plan 2018-27 (NDP). As the regional tier of the national planning process, it will ensure coordination between the City and County Development Plans (CCDP) and Local Enterprise and Community Plans (LECP) of the ten local authorities in the Region.

County Tipperary is included in this Plan. Clonmel is included as a larger 'Key Town'. *Each benefits from proximity to Waterford, but have their own distinct function, catchment area and influence. These have capacity for significant growth and to act as critical drivers and compliment the role of the Waterford Metropolitan Area.*

#### 5.4. Development Plan

##### **South Tipperary County Development Plan 2009 -2015 (as varied and extended)**

Tipperary County Council was established on the 1st June, 2014, following a decision in 2011 by the Department of Environment, Community and Local Government (DECLG) to amalgamate North and South Tipperary County Councils.

Under Section 11(B)(1) of the Planning and Development Act 2000, (as amended), the Council cannot commence the review of the North and South Tipperary County Development Plans and the preparation of a new, single County Development Plan, until the new Regional Planning Guidelines, have been made by the Regional Assemblies.

#### 5.5. Clonmel and Environs Development Plan 2013 -2019

This Plan has been varied and extended and is the relevant policy document pertaining to the subject site.

Chapter 2 provides the Core Strategy and has regard to the requirement to provide residentially zoned land for Clonmel and Environs. The Core Strategy Map (Figure 2.1) includes the subject site as an area designated for new residential development.

The Vision for Clonmel is as follows:

*To realise Clonmel's potential as the County Town of Tipperary through balanced development that showcases its natural and manmade heritage, enhances its infrastructure, and promotes it as the primary location for third level education, industry, retail and services in Tipperary and its Waterford hinterland; while ensuring that residential accommodation, environmental quality and recreational provision surpass expectation'.*

##### Zoning

As shown on Map 1 'Land Use Zoning' the site is located within an area zoned 02 'New Residential' where it is the stated objective 'To provide for new residential development.'

##### Residential

Chapter 6 of the plan deals with Housing and Section 6.3 relates to New Residential Development. The Table - 'New Residential Lands' refers to 31ha of such land being available in the Glenconnor area. The proposed density is given as 10/ha and the no. of units 310.

Section 6.4 deals with layout, density and design of new residential

Development and seeks to promote: *the successful integration of new housing development with its surround context is one of the most important elements in fostering sustainable neighbourhoods and sustainable patterns of movement.* The Plan places emphasis on the design of houses together with open space, roads, footpaths and linkages with existing facilities and services. Section 6.4.2 seeks to encourage a Mix of House Types and Section 6.4.3 refers to Streets & Movement. The following policies are considered relevant:

- Policy HSG 2: New Residential Development is relevant : 'It is the policy of the Council to facilitate sustainable residential development on new residentially zoned lands subject to the policies and relevant criteria set out in this Plan being satisfied. Where Part V of the Planning and Development Acts 2000 – 2013 applies the application must also be supported by a Development Impact Assessment (DIA) (see Section 9).'
- Policy HSG 3: Urban Densities states: 'It is the policy of the Council to encourage a range of densities and housing types and styles having regard to neighbouring developments, the urban form of the town and the objectives of proper planning and sustainable development in order to provide a balanced pattern of house types throughout the town and within developments.'
- Policy HSG 4: Residential Amenity states: 'It is the policy of the Council to seek the provision and suitable management of Local Area's for Play and Local Equipped Areas for Play in new residential developments in accordance with the criteria set out under Chapter 9 Development Management. All new residential development will be required to comply with the amenity/open

space standards set out under Chapter 9 Development Management.'

- Policy HSG 7: Neighbourhood Centres: 'It is the policy of the Council to ensure the provision of appropriate neighbourhood centres incorporating retail, service and community facilities in conjunction with new residential development where required and appropriate. Such Neighbourhood Centre type shops shall not compete with the town centre commercial role and will be assessed under the provisions of the Guidelines for Planning Authorities - Retail Planning 2012, the County Retail Strategy 2010 and any amendment thereof.'
- Policy HSG 8: Childcare Facilities: 'The Council will support the provision of high quality, affordable childcare facilities at easily accessible central locations in association with housing and other development in compliance with the County Childcare Strategy and the Childcare Facilities Guidelines for Planning Authorities 2001(DEHLG) or any amendments thereto'.

### Development Management

Chapter 9 of the Plan deals with Development Management Guidelines.

Section 9.9 refers to Multi Unit Residential Developments and includes a Table relevant to Minimum Standards for such relative to Design, Density, Public Open Space, Housing mix and Separation Distances. This includes the guided density for Glenconnor as 10/ha (4/acre) and a public open space target of at least 15%.

Section 9.10 of the Plan notes, that residential development proposals which are subject to the provisions of Part V of the Planning and Development Acts, shall be accompanied by a Development Impact Assessment (DIA) to be submitted at planning application stage. It provides the criteria for such.

Section 9.21 refers to Traffic & Road Safety and includes Table 9.7 relative to Sight Line Requirements. Figure 9.4 refers to Traffic Assessment & Road Safety Audit.

Section 9.26 refers to Map 6 and notes the criteria for the provision of Neighbourhood Centres and LEAPs and Section 9.27 to Childcare Facilities. This includes: *The extent of and facilities to be provided in a Neighbourhood Centre and/or LEAP are to be considered as part of the DIA and in any pre-planning discussions with the Planning Authority.*

## 5.6. Natural Heritage Designations

The following are within 1km of the subject site:

- The Lower River Suir SAC (Site Code 002137)
- The Marlfield Lake pNHA (Site Code 001981)

## 5.7. Preliminary Examination Screening for Environmental Impact Assessment

An Environmental Impact Assessment (EIA) Screening report was not submitted with the application.

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.

It is proposed to construct 46no. residential units to consist of a mix of houses and apartments. The number of dwellings proposed is well below the threshold of 500 dwelling units noted above. The site has an overall area of 1.51ha and is located within an area while currently greenfield, is zoned 'New Residential' and is not in a business district. The introduction of a residential development will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site (as discussed below/i.e. as per AA screening para's) 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 Tipperary County Council, upon which its effects would be marginal.

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 that are zoned for '02''New Residential' uses under the provisions of the Clonmel & Environs Development Plan 2013, and the results of the strategic environmental assessment of the said 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),

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 for the proposed development was not necessary in this case.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

Peter Thomson Planning Solutions has submitted a First Party Appeal on behalf of the Applicants Brinkley Developments and Homes Limited, against the Council's

decision to refuse permission for the proposed development. This includes regard to the locational context of the proposed development and to the planning history and policy. They note that the Planning Authority sought further information and clarification of F.I and consider that they have addressed all their concerns. Their Grounds of Appeal are summarised under the following headings:

#### Design and Layout

- The Planning Authority have no concerns about the design and layout and considered that it would not negatively impact the amenity of residences in the adjoining Wheatfields estates.
- Boundary treatments were deemed to be acceptable, parking standards are met and it was noted that the site can be served by existing water and wastewater services.
- Having regard to the residential zoning, the planning authority had no objection to the scale, density and design of the proposed housing development.

#### Roads and Traffic issues

- They confirm that the updated Traffic Report of December 2020 is correct in respect of traffic volumes at the Cahir Road junction. There is no issue with capacity at this junction.
- They note that there was no objection from the Area Engineer or Roads Section to the existing estate roads catering for the proposed increase in traffic.

#### Masterplan

- They note that the planning authority considered that there was a lack of a clear Masterplan setting out proposals for the coordinated development of the landbank for the overall landholding. They note that the Masterplan was, in fact a modification to that previously permitted under planning application ref: 19601108 (copy attached). The principal changes are summarised, as follows:

*The phasing of the housing on the overall landholding*

- Allowing the development permitted under Reg.Ref. 19601108 and the current proposals to proceed in tandem will increase the housing stock within a shorted timeframe which is considered positive.
- It was considered more practical to develop this housing and for access purposes.

*Uncertainty over how the proposed housing relates to the wider development*

- Accelerating the development of the overall landholding with the proposed housing being developed in parallel with the housing currently under construction will also accelerate the pedestrian and cycle links between the existing housing estates and the future LEAP and Neighbourhood Centre on the landholding.

*Limited information regarding the adequacy of access to and from the site*

- The adequacy of the local roads was not raised by the Area Engineer.
- The application was accompanied by a Road Safety Audit (Stage 1).
- The applicant will be required to make a financial condition to secure off-site works, the implementation of which are in the interests of those using the local network.
- The onus will be on the local authority to instigate public road improvements to facilitate enhanced pedestrian and new cycle facilities on the public road.

*Piecemeal development of the landholding and lack of coordination between housing and infrastructure*

- For the most part the route follows the road layout of the Masterplan permitted under Reg.Ref. 19601108.
- They provide details relative to sewer line connections. The last section of the sewer line where it connects to the proposed housing was adjusted to reflect the detailed housing layout.

*The timing of the delivery of the neighbourhood centre relative to the housing*



- The applicant planned to incorporate into the neighbourhood centre a unit that could be developed as a creche should the demand exist. At the current time, they provide that the viability is unlikely.
- The application site and housing are located c. 350m from the range of facilities at Poppyfields Retail Park. The Clonmel Park Hotel is located adjacent to the retail park and the Play and Learn Creche and Montessori is opposite.
- The town centre is a short distance from the site, there are local petrol filling stations with a retail offer.
- Having regard to the scale and range of services and facilities which exist within easy walking distance of the site and landholding, care needs to be exercised not to develop the neighbourhood centre too far in advance of the local population which will be needed to support it.

#### *Location of the neighbourhood centre*

- The proposed location is the optimum location to serve the proposed housing on the landholding and the wider community.

#### *LEAP location*

- There is no difference in the proximity and /or connectivity between these estates and the previously identified LEAP location on the landholding as a result of the current proposals. The proposed location is the optimum location.

#### *Childcare research*

- A specific Childcare Assessment was submitted with the F.I response in respect of the current proposal which calculated that the number of houses proposed under planning application ref: 19601108 and the current proposal (119 units) would generate demand for 22 childcare places and a creche.
- The provide that the statistics for childcare places were put before Tipperary Childcare Committee which recommended against any childcare spaces being provided at this time and that the situation would be reviewed in 2023.

#### *Conclusion*

- The proposed development will deliver much needed housing into Clonmel.

- The concerns of the PA mainly relate to the deviation from the previous Masterplan which accompanied planning application ref. 19601108.
- The proposed layout does not undermine the overall Masterplan concept and will see the existing housing estates connected to the new development.
- This will include pedestrian and cycle links which will allow access to future facilities including LAP, LEAP and a neighbourhood centre (NC) and possible creche.
- They request the Board to overturn the decision of the Planning Authority and to grant permission.

## **6.2. Planning Authority Response**

None, noted on file.

## **6.3. Observations**

Observations were received from the following local residents:

- Raymond and Eleanor Galligan
- Martin Deely and Others
- John and Mary Maher
- Tony and Margo Condon
- Sean Carey

As they raise similar type concerns about the proposed development, these issues are considered together and are noted under the headings below:

### **Masterplan**

- There is concern that the proposal would lead to a non-integrated piecemeal form of development. That this has not been carried out with a clear plan of the development of the lands in question and the masterplan submitted with the previous application has not been adhered to.

- The proposal is premature and haphazard and would not present an orderly development. No rationale has been given as to the sequence of development.
- It places a high density development in the far corner and is not in the interests of integration of the development on site nor of the proper planning and sustainable development.
- There is no sound justification for the use of this portion of the site nor reason for the departure from the Masterplan.
- The Masterplan shows a road from the Glenconnor Road to the proposed site. They query as to why this road is not being developed to assist this development and other developments in the area.
- The application is piecemeal. The site is within the 'New Residential zoning and is required to integrate with its surrounds. (Section 6.4 of the Clonmel & Environs DP 2013 relates).

#### Discrepancies

- Item 2 on the appellant's submission is incorrect. The area engineer's report clearly states a discrepancy between the Traffic Assessment and its impact on existing housing estates. The 42 extra units (c.80 vehicles) are not included in Brinkley's Traffic Impact Assessment (analysis) and were not considered in the Engineer's Report.

#### Density, Design and Layout

- The proposed unit density is too high for the area and would not be in keeping with Clonmel Council's Development Plan for the Glenconnor area.
- The proposed height is too high and would not be keeping with the neighbouring estates of Glenview Close, Wheatfields and Ashgrove Court.
- The boundary to existing houses in Wheatfields has to be agreed with the existing owners and as the difference in ground levels is significant in places, this will not be achieved.

- They are concerned about the Impact on Residential Amenity and the Character of the Area. This includes anti-social behaviour in that there will be a lack of community or pride of place.

### Access and Roads

- No reason has been given for making an entrance for the proposed development site at both Wheatfields or Glenview when there is already an entrance for the proposed construction works being carried out on the same land with access from the Glenconnor Road.
- Access to this development is affecting four estates Ballingarrane, Glenview, Wheatfields and Ashgrove, with most residents living in the estate for 40 years or more.
- Additional traffic generated which is going to accumulate at the exit junction to the Cahir Road R707, has not been adequately assessed in the Traffic Assessment submitted.
- The L7624 road is in use by a school bus and school related traffic has not been adequately accounted for.
- The Irish School of Motoring and other driving companies use the area on a daily basis for Learner Driver training and testing.
- They fear the road may become a drive through for traffic coming from the Retail Park at Poppyfields to access the Glenconnor Road.
- The Ballingarrane road has not been designed for the volumes of traffic proposed. The Traffic Impact Assessment needs to have a holistic approach including reference to other facilities/activities held in the area.
- There is a Football Pitch belonging to a local GAA training grounds on the road to the estate, with no parking facilities situated on the L7624. When matches are being played vehicles are parked on both sides of the road which only allows for single lane traffic. To neglect mention of this facility in the Audit is a serious error and needs to be urgently addressed.
- The spine road serving the Bungalows, Ballingarrane, Glenview Close, Wheatfields, Ashgrove Drive, Ashgrove Lawn and Ashgrove Court is too

narrow for construction traffic with the majority of houses on this road using road side parking for their second cars.

- The use of roads L7624 and L7242 for construction traffic will have a serious safety impact for pedestrians, cyclists and motorists. There is a need for road improvements to the Glenconnor Road to facilitate such enhanced facilities.
- The Development Contributions for public road improvements in compliance with the Development Contributions Scheme should be put to funding the improvements on the Glenconnor Road.
- Vehicular access, including from the development site, should only be from the Glenconnor Road. They note that services are to be installed from this road.
- The road is weight restricted to vehicles of under three tonnes (signage is noted). Construction traffic will result in irreparable damage to the road surface making it dangerous to both vehicular and pedestrian traffic.
- The proposal will result in additional traffic and they note the volume of school related traffic in the area, particularly at drop off/pick up times.
- Traffic congestion from all existing estate roads onto the junction with the Cahir road and N24 is an issue particularly at peak times, in particular the right turn onto the road. The extra traffic from this proposal will make matters even worse.
- There are serious deficiencies in pedestrian safety on the Ballingarrane Estate Road and the obvious lack of pedestrian footpath on both sides of the road. There are no pedestrian crossings, no cycle lane and speed ramps required to reduce traffic speeds.
- There is a series of issues outlined in the Traffic Audit document with the planning application, but the applicant has submitted no legal undertaking to carry out these works.
- There should be no access to the proposed development from the estate roads. If the sewerage can go out to the Glenconnor Road, there is no reasons why a roadway from the site cannot be built alongside the sewerage

to the Glenconnor Road and all access to the site and future developments could be accessed through this new road.

- The Report by the Council's Engineer, recommending that no access be given to the development via the Wheatfields and Ashgrove estate roads, rather that all access should be via the Glenconnor Road, is the correct and proper recommendation.

#### Other issues

- The existing watermain cannot maintain a constant supply to their estate, therefore an addition of these houses will cause severe problems in the future.
- They are wholly supportive of the planning authority decision to refuse permission and include their grounds for objection.
- They reiterate that they are not opposed to housing but any development on the site should be carried out in accordance with the approved masterplan with access onto the Glenconnor Road.

## **7.0 Assessment**

7.1.1. I have reviewed the proposal in the light of the National Planning Framework: Project Ireland 2040, National Planning Guidelines, Regional Spatial & Economic Strategy for the Southern Region (RSES) 2020 – 2032, the relevant Section 28 Ministerial Guidelines, the Clonmel and Environs Development Plan 2013 – 2019 (as varied and extended) (CEDP), relevant planning history, the submissions of the parties and the observers, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Principle of Development/Zoning,
- (ii) Density/ Design and Layout,
- (iii) Open Space and LEAP,
- (iv) Access and Traffic
- (v) Services and Facilities

- (vi) Masterplan issues
- (vii) Water/Drainage, and Flood Risk
- (viii) Screening for Appropriate Assessment.

## 7.2. Principle of Development and Planning Policy

- 7.2.1. Clonmel is the County Town within Tipperary. The Regional Spatial and Economic Strategy for the Southern Region 2020-2032 (RSES) notes the importance of Clonmel as one of the Key Towns in the Waterford Metropolitan Area. Such towns are described as strategically located urban centres with accessibility and significant influence in a sub-regional context. Waterford MASP Policy Objective 2 also refers to Clonmel as one of the towns driving regional growth for the South-East, noting its connectivity including rail and strategic road network.
- 7.2.2. Project Ireland 2040: National Planning Framework (NPF) is concerned with securing compact and sustainable growth. Objective 4 seeks to: *Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.* Of relevance, objectives 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures. In relation to Section 28 Guidelines, the, 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2020) and Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) all support increases in density, at appropriate locations, in order to ensure the efficient use of zoned and serviced land.
- 7.2.3. The subject site forms part of a larger landholding/landbank off Glenconnor Road, located approx. 2km northwest of Clonmel town centre. The overall landholding is within the boundaries of Clonmel and is located between the N24 By-pass (Limerick – Waterford Road) and the town centre. The appeal site and surrounding area is zoned '02', New Residential', under the Clonmel & Environs Development Plan 2013 as varied and extended. The zoning objective seeks: *To provide for new residential development.* The vision for the zoning objective is to accommodate new residential

development and to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity. As shown on the Land Use Zoning Matrix Residential and childcare facilities are permitted in principle in this land use zoning. Regard is also had to Map 6 of the Plan where Specific Objectives relevant to this '02' Residential zoning include for a Masterplan and to provide a Neighbourhood Centre (NC) and a Locally Equipped Area for Play (LEAP). To date the NC and LEAP objectives within the greater landholding have not been provided.

- 7.2.4. The existing site forms part of a larger landbank zoned for 'New Residential Development'. To date there are two live permissions within the greater development area. The south-eastern part of the overall landholding has been partially developed for residential now under construction (Reg. Ref. 19/601108 refers). There is also an outline permission for a nursing home (Reg.Ref.18/600418 refers) to the northeast. All of which are to be accessed via the Glenconnor Road. The central part of the larger landholding is not the subject of an extant permission and has not been developed. Some clearance works have taken place on the subject site.
- 7.2.5. Access to the current proposal is to be via the existing residential estate road to the west from Wheatfields. The Observers, who are local residents in adjoining estates are concerned that the proposed development would not in accord with policy and objectives of the Clonmel & Environs Development Plan 2013 and call for a unified integrated approach to the entire development area and not a piecemeal development as has been presented in the subject application. They consider that the proposal is premature pending the provision of a clear Masterplan for development of the land use zoning as a whole and associated objectives to provide an NC and LEAP. They are also concerned that the proposed access is to be via the estate road that serves existing housing, rather than from the Glenconnor Road. These issues are also noted relevant to the Council's reason for refusal.
- 7.2.6. Therefore, while the proposal on lands zoned for 'New Residential' is acceptable in principle, it needs to be ascertained as to whether it would create a compact and consolidated form of integrated sustainable urban development, that is supported by planning policy, objectives and guidelines. The issues raised including regard to the need for clarity in the provision of the Masterplan, access and roads layout and connectivity are discussed further in this Assessment below.



### 7.3. Density, Design and Layout

#### Density

- 7.3.1. A Development Impact Assessment (DIA) has been submitted with this application. This has regard to the locational context of the site and notes that the proposed development will provide a similar housing mix to surrounding development, but at a density higher than currently exists and is permitted. It is provided that while the density proposed is higher than the density guidelines of the Clonmel and Environs Development Plan 2013-2019, at 42 units/ha it is in accordance with national planning policy as provided for in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009. Section 6.3 of the said Development Plan includes a Table for 'New Residential Land' which notes that Glenconnor has an area of (31 ha), the proposed density given is 10/ha (4/acre) with an average of 310 no. units.
- 7.3.2. Clonmel is the County Town. Therefore, it is appropriate to consider it under Chapter 5 of the Guidelines 'Cities and larger Towns'. This includes regard to appropriate locations for increased densities. It is noted that the subject site is within a greenfield site that forms part of a larger landbank, zoned 'New Residential' close to the periphery of the town. Section 5.11 refers to 'Outer Suburban/Greenfield Sites.' The Guidelines recommend that densities in the general range of 35-50 dwellings per hectare (involving a variety of housing types) should be encouraged where possible. This includes that development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency. Therefore, the density proposed at 42 units per/ha would be in accordance with these Guidelines.
- 7.3.3. The development description in the DIA notes that the site extends to 1.1ha. This differs from the application form which provides that the area of the subject site is 1.51ha. This discrepancy appears to be due to the inclusion of the access route (also shown within the red line boundary) from the Glenconnor Road. It is of note that the 'Net Development Area' as shown on the Site Location Plan submitted, includes the area of the proposed site layout, given as 1.034ha. The 'Overall Site Area' which includes the road through the greater development landbank is given as 1.51ha.
- 7.3.4. The revised Development Impact Assessment submitted in response to the Council's C.F.I request notes that the proposal has been revised and now comprises a total of

38 residential units comprising a mix of semi-detached and terraced houses and apartments. However, the lower density now proposed at 35 units per/ha would be in accordance with the Guidelines.

### Design and Layout

7.3.5. This Site Layout Plan shows that the subject site is located in the north-western corner of the larger development area. The proposal as originally submitted comprised 46 residential units to include a mix of terraced houses and apartments. This comprised the following housing mix:

- 14no. 1 bedroom apartments
- 6no. 2 bedroom apartments
- 12no. 2 bedroom houses
- 12no. 3 bedroom houses
- 2no. 4 bedroom houses

7.3.6. These are shown in terraced block formation around a central area of open space, with on-site and on-street parking. There are to be a number of cul-de-sacs proposed within the scheme with the single vehicular access proposed from Wheatfields to the west. The Site Layout Plan indicates that the layout will allow for future provision of pedestrian/bicycle links between phases of development. While the access route is shown within the red line boundary it does not show that that there will be a vehicular access to the subject site from the greater development area via the Glenconnor Road.

7.3.7. Details of the floor areas and elevations of Blocks 1 – 8 all arranged around the central green area are shown on the drawings originally submitted. The location of the different unit types are colour coded on the Site Layout Plan submitted. 5no. units are indicated for Part V Social and Affordable Housing. It is submitted that units will be provided as 10% of the scheme in accordance with the legislation. The location of these is shown colour coded on the C.F.I Site Layout Drawing submitted.

7.3.8. The Planner had concerns that the mix proposed includes approx. 70% 2 beds or less units. Also, that 20 out of the 46 units are apartments which cannot be extended. All units are within terraced blocks (8no. separate blocks in total) and

some mid terrace units have restricted rear garden areas which limit future extension/adaption. Schedules of floor areas for the units in each block have been included with the floor plans of the drawings submitted.

- 7.3.9. Section 9.9 of the Clonmel DP refers to sustainable Multi-Unit Residential Developments. Minimum standards are provided, and these include regard to housing mix. Also, that minimum separation distance of 4m between the gables of dwellings, 22m between directly opposing transparent windows at first floor level. As shown on the Site Layout Plan submitted at C.F.I stage these back to back distances with the houses in Wheatfields (to the rear) are achieved. It is noted that there are no gable windows in the side elevation of no. 1 Ashgrove Court to the north of the site. The rear boundary of unit no. 46 is close to no. 55 Wheatfields which has a first floor facing gable end window.
- 7.3.10. In terms of design, the houses and apartments have been kept to 2 - 2.5 storey with a mix of size, detailing and finishes. As shown on the elevations the blocks vary in height between c. 8m to 11m. There are concerns from the Observers about the height of the proposed residential and that 2.5 storey buildings will be higher and will not be in keeping with the existing lower profile housing in the area. However, as the proposed blocks include pitched roof types of varying heights and while block 6 as shown on the plans submitted with the C.F.I has a second floor element, I would not consider height to be a significant issue.
- 7.3.11. Site Sections have been submitted. As part of their F.I request the Council were concerned that the level difference of the proposed row of houses relative to the levels of adjoining residential properties in Wheatfields/Ashgrove has not been illustrated. In response revised drawings were submitted showing sections to illustrate existing dwelling and site levels in Wheatfields/Ashgrove and the proposed boundary, site and dwelling/apartment levels. The C.F.I includes drawings illustrating the difference between block 8 and the adjoining properties in Wheatfields. The drawings show the proposed dwellings will be developed at a lower level than the residential properties in Wheatfields.
- 7.3.12. The F.I submitted includes drawings showing the amended storage areas for the apartments to meet standards. Refuse storage areas are also shown. They provide that the revised Architect's drawings show that there are no balconies proposed to

the rear of the apartment blocks. Revised drawings have been amended resulting in a consistency between the dwelling unit sizes and the General Arrangement drawings for blocks 1,2,3 and 4 and on the Site Plans. Details of the floor areas of the units within each of the 8no. blocks are given on the drawings submitted.

- 7.3.13. As part of the C.F.I submission reference is had to revised drawings showing, in view of the Council's concerns, units 33/34 have been removed (this area is now shown as POS 175m<sup>2</sup>) and alterations made to the gable end of no.46 in Block 8. Additional windows have been added to the ground and first floor overlooking the entry and public open space adjacent to this unit to the north. A drawing has been submitted to show how the dwelling units can be extended at the rear.
- 7.3.14. While the revised layout as submitted with the C.F.I still shows 46no. units in the numbering, this is a bit confusing as some of the units have now been omitted. This includes that block no.3 as originally shown has been broken into two smaller blocks to allow for the area of refuse storage to be located between the blocks. One bed apartment units nos.12/13 have now been omitted. Block 5 has also been broken up and the no. of units reduced in that 1 bed unit nos. 22/23 are shown omitted on the revised plans. Also, apartment units (nos. 33/34) have now been removed from block 6 following a design review of the entire scheme and therefore no potential issue remains relative to the balcony. Block 7 has also been altered in that 1 bed unit nos. 39/40 are now shown omitted. Similarly, the omissions of these apartment units are to allow for a breakup of the blocks and the area for refuse storage between the blocks, rather than within common areas as originally submitted. The revised plans submitted at C.F.I stage therefore show in total, the omission of 8no. 1 bed units from the scheme, resulting in 38no. units rather than 46no. units as originally applied for. As noted above this will also result in a reduction in the overall density of the scheme.
- 7.3.15. Apartment Developments should be of high-quality design and layout having due regard to the character and amenities of the area. Accordance should be had to the relevant Guidelines. In terms of quantitative standards, I consider that the proposed development, as amended by the C.F.I submitted, generally complies with all relevant requirements for unit size, room size, storage provision, unit mix, dual-aspect, private amenity space, floor-to-ceiling heights, and core arrangement as set

out in the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities*, 2020.

- 7.3.16. As originally submitted the location of the proposed bin storage areas including to the south and north of the development and at the end of the cul-de-sac, which were proposed to service the Apartment Blocks were deemed not acceptable to allow ease of access by refuse collectors and would be in close proximity to the individual units. It is noted that the revised plans make some changes to the location of refuse storage areas. The C.F.I notes that a design review was undertaken of all refuse stores and as shown on the revised drawings. where possible they have been delineated within common areas in the case of the apartments, or within the ownership line in the case of dwellings. While I would consider these to be preferable to the locations originally shown, I would have some concern at the reduction in the no. of apartments to facilitate the relocation of the refuse storage areas and of the maintenance and use of these areas between the buildings.
- 7.3.17. The terraced and semi-detached houses are to be designed to a high level of energy efficiency to take account of a changing climate condition. They note that the ability to extend without affecting the character of house type layouts or open space has been fully taken into account in the design of all the houses. Each house has an area of private outdoor space in accordance with development plan standards, and all houses are to be dual aspect.
- 7.3.18. Drawings showing 'Artists Impressions' 3 D views of contextual elevations of the blocks have been included with the scheme as originally submitted, but not with the revised plans. These included 'Proposed Birds Eye Perspective' views of the elevations in the context of the development. However, in general, I would consider that the design and layout of the scheme as revised by the F.I and C.F.I, which includes some break-up of the blocks to be an improvement on that originally submitted. Although having regard to the layout, I would have some concerns about the positioning of the LEAP area within the public open space. This is considered further in the relevant section below. External finishes are to be painted plaster with brick cladding features and concrete roof tiles. It is recommended that if the Board decide to permit that there be a condition regarding external finishes.

### Sunlight and Daylight

- 7.3.19. 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 document is specifically referenced in the South Tipperary County Development Plan (as extended and varied) or the Clonmel and Environs Development Plan 2013 (as extended and varied). The Section 28 Ministerial Guidelines on Urban Development and Building Heights 2018 refer to both 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). 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.
- 7.3.20. No Sunlight Analysis was submitted as part of the planning documentation by the applicants. The proposed development consists of a mix of residential units including apartments, semi-detached and terrace dwellings ranging from 2 to 2.5 stories in height. In relation to the proposed dwellings these units are dual aspect and therefore the BRE209/BS2806 targets would generally be met. In relation to the proposed apartments, these are dual aspect with floor to ceiling heights within the guidelines. 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, and the scale of the proposed development, I am satisfied that this is not a material or likely potential impact/deficit in information.

### Parking

- 7.3.21. As originally submitted the proposed residential development included 46no. mixed-sized units, comprising 26no. terraced houses and 20no. apartments. The development included a total of 82no. car parking spaces, including 19 no. visitors spaces and three e-charge spaces. Parking spaces are shown as either on site, or

on-street parking, including some spaces around the central green area. The RSA recommends that provision be made for potential disabled user requirements, including visitors.

- 7.3.22. The Council's requests for F.I and C.F.I have raised concerns about the location and compliance with standards of some of these on-street parking spaces. The revised plans include a schedule of parking to be provided relative to the floor area of the units. Those submitted at C.F.I show that 78no. car parking spaces are to be provided. 52no. spaces have been allocated for dwellings and apartments. 22 no. spaces have been allocated for visitors and 1 wheelchair accessible parking space is proposed along with 3no. additional e-charge spaces.
- 7.3.23. As part of the C.F.I submission it is submitted that the parking spaces along the southern edge of this shared surface have been removed and reallocated. It is noted while this area is shown for future provision of pedestrian/bicycle links, this could allow for future provision of a through road at this location. However, this is not part of the current application.

#### **7.4. Open Space and LEAP provision**

- 7.4.1. The Development Impact Assessment has regard to Open Space provision within Clonmel, noting two public parks with play facilities to the south and east of the town centre. It is noted that there is no large public park in the western environs of the town centre close to the application site. Other public open spaces are those associated with housing estates. They provide that the development permitted under Reg.Ref. 19/601108 provides for the provision of a Local Area for Play and a substantial open space/amenity area for wider community use.
- 7.4.2. The Updated DIA submitted in response to the Council's F.I request notes that the timing of the LEAP has to be agreed and a substantial open space/amenity area for the wider use provided. That the applicant is committed to developing the LEAP with the next phase of proposed development accessed off the Glenconnor Road and with development of the site as a green open space in the interm. It is noted that this LEAP is relative to the larger Masterplan area rather than the subject site.
- 7.4.3. The Clonmel and Environs DP requires open space at 15% of the site area. The subject site proposes a large central area of open space (11.5% of site area). In

addition, the DIA provides that the shared spaces developed as 'home zones' account for a further 8% or thereabouts of the site area. The C.F.I includes a Landscaping Scheme which is colour coded showing proposed hard and soft finishes. The revised plans include a potential area for a Local Equipped Area of Play - LEAP (400m<sup>2</sup>) shown within the centrally located area of open space relative to the proposed development.

- 7.4.4. Section 9.26 of the said Plan includes that LEAPs are to be provided at a scale proportionate to the area of New Residential Development following a full Development Impact Assessment. It notes that a LEAP is often in proximity to a Neighbourhood Centre and may comprise of a playground (children's equipment and/or adult equipment, playing pitches and or courts. In the case of the current development, I note that the proposed LEAP would not be adjacent to the area proposed for the Neighbourhood Centre and would only serve the subject site.
- 7.4.5. I would not be concerned at the development of a small play area in this location. However, I would be concerned that if this were to be the location for the proposed LEAP for the Masterplan area, that it would be too small and close to the proposed residential development and parking area and would not be optimum to serve the greater development site area. In this respect regard is had to the updated DIA submitted at C.F.I stage which provides more discussion on LEAP areas relative to phases of development.
- 7.4.6. F.I and C.F.I has been submitted relative to boundary treatments. Proposals for boundary treatment has been included on the plans submitted. This include that the 2m high wall along the external perimeter of the site along the northern boundary has been revised to a 2m high concrete post and timber panel fence due to the presence of mature trees along the boundary, where it will not be possible to construct a continuous block wall with foundation. It is noted that as shown on the Site Layout Plans the existing hedgerow along the western boundary which provides screening for the rear of the properties adjoining in Wheatfields is to be removed. If the Board decide to permit it is recommended that it be conditioned that a 2m rendered and capped block wall be provided along this boundary. Also, I would recommend that appropriate conditions as regards landscaping and boundary treatment be included with details to be submitted, for the written agreement of the Planning Authority prior to the commencement of development.



- 7.4.7. Observers have expressed concern that the location of the proposed access will impact on the amenity area of Wheatfields as it is located adjoining the estate road and the area for the proposed entrance. That this green space will not be safe for their children to play in as a result of the new access and associated traffic. However, while it is important that appropriate measures are taken, as regards safety - warning signage, speed limits etc relevant to the access to the subject site, it is noted that this area of open space is associated with Wheatfields and it is outside the boundaries of the proposed development.

## **7.5. Access and Roads**

### Locational Context – Road Safety Audit

- 7.5.1. Access to the proposed development is to be via a single new vehicular access at the end of the existing Ballingarrane Estate Access Road at the existing Wheatfields and Ashgrove residential developments, on the west side of the proposed site. There is currently a cul de sac at the end of Wheatfields, which is walled off and there is no connection to the subject site or to the larger development area which is accessed via the Glenconnor Road to the east. The planning application includes a Stage 1 Road Safety Audit. This provides a description of the locational context and the local road network.
- 7.5.2. The RSA has regard to the use of the Ballingarrane Access Road (Local Road L7642) as a through road from the junction with the R707, to access the site. This notes that it serves the Ballingarrane Estate, including Glenview, Wheatfields and Ashgrove residential developments, and has a 30km/hour residential speed limit zone, and is consistent with DMURS Home Zones and Slow Zones. The Clonmel Commercial GAA Juvenile Grounds are located on the west side of the Ballingarrane Estate Access Road. The Ballingarrane Estate Access Road forms a Stop controlled T-junction on the north side of the Cahir Road (R707), approx. 520m south of the proposed development site.
- 7.5.3. The RSA Stage 1 notes that the Cahir/Ballingarrane Estate Access Road junction is a priority controlled T – junction with a dedicated right-turn lane on Cahir Road. This provides that Cahir Road is part of the R707 Regional Road and is an Arterial Street in the context of DMURS, within the Clonmel urban area 50km/hour speed limit

zone. The Cahir Road forms a four-arm roundabout junction with Gort na Manach residential access road and the Poppyfield Retail Park/Clonmel Park Hotel access road, approx. 150m west of its Ballingarrane Estate Access Road junction. Also, that the Cahir Road links with the N24 National Primary Road, at the N24 Cahir Road junction roundabout, located approx. 460m west of the Ballingarrane Estate Road junction.

- 7.5.4. The Findings of the RSA note some issues arising and recommendations are made relative to improvements to internal roads and footpaths/pedestrian crossings within the proposed development. They note that road alignment gradients should be in accordance with gradients outlined in DMURS. That the proposed road tie-in details with the existing cul-de-sac end of the Ballingarrane Estate Access Road are unclear. They recommend that an appropriate tie-in is provided, with a defined road carriageway on the existing access road. In addition, that appropriate entry/exit speed control measures are provided. Also, that adequate drainage gullies be provided and notes issues relative to lighting, landscaping, road markings and signage. Appendix A includes a list of documents provided for the Audit.
- 7.5.5. The Observers are concerned that the proposed access and increase in volume of traffic will impact adversely on the amenities of existing residential in the area. That the proposed route will lead to the creation of a short cut between their estates in Wheatfields/Ballingarrane and the Glenconnor Road. Also, that construction traffic will impact adversely on the road structure, taking into account heavy vehicles and the 3 tonne restriction, associated noise and dust. They consider that the proposed development should only be accessed via the Glenconnor Road, which is the access for the main development site. They are concerned about traffic queuing (particularly at peak times) at the junction of the Ballingarrane Estate and the Cahir Road, and that this proposal will exacerbate this. That there are issues regarding the right turn onto the Cahir Road making this a dangerous junction. That further congestion will occur within the estate relative to matches at the GAA grounds and school set/down pick/up times.
- 7.5.6. It is submitted that the RSA carried out takes no account of the safety at the Cahir Road/Ballingarrane Estate access road or the estate road servicing the Balligarrane, Glenview Close, Wheatfields and the Ashgrove Estates leading to the proposed new entrance to the 46 new residential units. That the RSA was not carried out at peak

times. That there is no Traffic Impact Assessment with the application in relation to the T junction at the entrance to the Ballingarrane Estate from the R707 Road or on the access/feeder road to the proposed new estate. They refer to a number of issues outlined in the Traffic Audit and provide that these recommendations in the Audit without a clear plan to deal with same, are unacceptable. That the lack of a pedestrian safety plan and clear drawings and legal undertaking to carry out improvements, results in the proposed development raising a further serious traffic hazard.

- 7.5.7. The Council's Road Design Section noted that a detailed TIA was not submitted with this application. They recommended that this address the impact of the traffic on the Glenconnor Road and to assess the potential traffic impact of this development and the one granted under Reg.Ref.19/601118 (for 73 units - some now being constructed). They advise that the TIA should be prepared for the worst scenario i.e that all traffic from this development, could exit/enter either onto the Cahir Road or the Glenconnor Road. That traffic count surveys be carried out during peak periods in the morning and afternoon and during the school period. That a revised set of drawings be submitted to incorporate all 11 no. recommendations as outlined in the RSA report.
- 7.5.8. They consider that the construction access for this site should be via the Glenconnor Road rather than through the Ballingarrane Estate, via the Cahir Road. This is especially as all of the services have to be installed from this development all the way down to the existing foul and surface water services on Glenconnor Road, and as such will require a haul road to be built. Therefore, they recommend that the construction access be from the Glenconnor Road. I would recommend if the Board decide to permit that this be conditioned.
- 7.5.9. Having regard to the internal roads layout proposed, they note the lack of turning heads, issues with footpaths and parking spaces. They note that there is no requirement for the provision of pedestrian crossings within the scheme, nor the provision of a raised platform at the entrance to the estate. The latter is due to the provision of ramps within the Wheatfields Estate on the approach road into the new development.

7.5.10. The Observations submit that taking into consideration environmental, noise, safety and traffic congestion at the Cahir Road junction (R707) they request that this appeal with access on the L6424 through Wheatfields be rejected. The proposed development would impact negatively on the safety of road users both vehicular and pedestrian and therefore the application should not proceed on this basis, regardless of whether it is a development site or not. That the infrastructure depending on this application is substandard and an increase in usage will exacerbate this issue.

#### Traffic and Transport Assessment

7.5.11. A Traffic and Transport Assessment has been submitted in response to the Council's Further Information request. This provides that traffic volumes on the existing local road network have been established on the basis of on-site traffic counts carried out during the school term in May 2019. Details are given of trip generation for existing and proposed development on the basis of traffic counts. They provide that the existing Cahir Road/Ballingarrane Estate Access Road junction has been analysed using the computer software programmes PICADY, for the predicted morning and evening peak hours (the results are summarised in Appendix B and Table 10).

7.5.12. Details are provided (including summary Tables) relative to predicted traffic volumes at peak times from the proposed development using the existing Ballingarrane Access Road. Appendix A provides Recorded Existing and Predicted Peak Hour Traffic Volumes. Tables are included relative to the predicted 2021, 2026 and 2036 morning and evening peak traffic volumes with the TII high sensitivity growth plus the third party developments. This includes regard to the Ballingarrane Estate Access Road, and the Cahir Road, east and west of Ballingarrane access road.

7.5.13. The TIA submits that RSA Collisions Data found that there are no recorded accident collisions on the Ballingarrane Estate Access Road or at the Cahir Road/Ballingarrane Estate Access Road, for the available years 2005-2016. Details of later years have not been provided.

7.5.14. Regard is had to Summary and Conclusions in Section 9.0. In conclusion the TTA provides that the proposed residential development of 46 mixed sized residential units, would not have a significant adverse traffic impact on the existing local road network. No junction capacity mitigation measures would be required to facilitate the proposed development. This includes regard to the Cahir Road junction. That on the

basis of the EPA EIAR Guidelines, the traffic effects of the proposed residential development would not be significant to slight.

- 7.5.15. The TTA provides that all necessary construction signage and construction traffic management would be in accordance with the requirements of Tipperary County Council. That the expected on-site construction period is approx.12 months. All construction carparking and site compounds are to be located within the existing site confines.
- 7.5.16. Regard is had Updated Traffic and Transport Assessment submitted in the context of the Council's F.I request regarding the adequacy and capacity of the Local Road network to cater for the proposed development in the context of the Masterplan area. Note is had of this and access to the Masterplan lands and traffic impacts as noted in this Assessment below.

#### Permeability

- 7.5.17. The Design Manual for Urban Roads and Streets 2019 provides guidance in relation to street design and design of residential areas. Four key design principles are interconnected street networks, multi-functional streets, a pedestrian focus and a multi-disciplinary approach. The provision of good pedestrian and vehicular permeability is a requirement. These design principles reflect the provisions of the Guidelines on Sustainable Residential Development in Urban Areas.
- 7.5.18. As noted by the Observers there is an issue regarding permeability/linkages both within and outside of the estate. This includes the lack of footpaths and cycling lanes along the Ballingarrane Estate access roads to the site. As part of the clarification of further information request the applicant was requested to clarify the adequacy of pedestrian and cycling environment along the L7642 and the impact of this development on the safety of the local road network. Also, to demonstrate as to how the road layout design meets the requirements of DMURS. It is noted that the Council's reason for refusal includes concerns about this permeability issue.
- 7.5.19. The revised Development Impact Assessment provides that roads within the proposed housing estate are designed to allow shared use between vehicles and cyclists and the section of the road to the east adopts a 'home zone' concept to a shared surface between vehicles, cyclists and pedestrian. Future pedestrian and cycle links are proposed to the applicant's land to the south which they provide in

time will be extended through future developments to connect out to the Glenconnor Road. This includes that currently there are no cycle paths along the Glenconnor Road. They note that, the permitted layout of planning permission Reg.Ref. 19/601108 allows for that potential through road widening in the future along the existing public road frontage.

- 7.5.20. The First Party Appeal notes that in terms of adequacy of pedestrian and cycle facilities to facilitate the proposed development, this relates to existing facilities in the public road network outside of the application site. They provide that the applicant cannot plan for improved facilities along the L7624 and L76242 in the same way it could not plan for improvements along the Glenconnor Road outside the landholding when Reg.Ref. 19/601108 was being considered. They consider that the onus will be on the local authority to instigate public road improvements along the Glenconnor Road outside the landholding to facilitate enhanced pedestrian and new cycle facilities on public roads. That the applicant will be required to make development contributions in compliance with the Development Contribution Scheme, to fund such works.

#### Special Contributions

- 7.5.21. The Council's Road's Section recommend Special Development Contributions of €24,000. This would comprise €4,500 for speed ramps at three locations to be installed in Wheatfield on approaching the site. Likewise for footpaths on the north side of the road in Wheatfields as there is no footpath along this section of road. They note that there is already a concrete kerblin in place beside the green area, so the new footpath shall be installed up against the existing kerblin, the cost of same being c. €15,000. They recommend that further public lighting be installed near the entrance c. 5m west of the western boundary of the site, within the Wheatlands Estate at a cost of c. €3,000. Also, that a turning area be installed on the north side of the road at the proposed entrance to the site at a cost of c. €1,500. These works would result in a special development contribution of €24,000.
- 7.5.22. If the Board decides to permit it would recommend that such a special contribution be included.

## 7.6. Services and Facilities

### Childcare Facilities

- 7.6.1. Regard is had to the 'Childcare Facilities – Guidelines for Planning Authorities' (2001), which generally recommend that 1 no. childcare facility is required per 75 no. dwellings. It is noted that it is not proposed to provide childcare facilities on the subject site, which is for 46 units (38no. units as shown on the revised plans at C.F.I stage), which includes a number of one bedroom apartments. The Development Impact Assessment notes that a comprehensive survey of schools in Clonmel was undertaken in late 2018 in support of other planning applications for housing in the Western Environs of Clonmel (Reg.Ref. 18/601378). They provide the findings of this survey have been updated and used to inform the DIA submitted with the current application. They submit that pre-schools in the area have capacity. This includes that there are two pre-schools, one within easy walking distance of the site which currently has some capacity. Details are also given of the capacity of Primary and Secondary Schools in the area and it submitted, that there is currently capacity in the Clonmel area.
- 7.6.2. The Council noted that the DIA does not provide a figure for current capacity and does not set out how this demand would be generated by the development and the permitted development and advise that Section 2.4 of the Childcare Guidelines be complied with. This section refers to Appropriate locations for childcare facilities including within 'New communities/Larger new housing developments'. They provide that the requirements of the Guidelines apply to the proposed and future development o the lands.
- 7.6.3. The DIA submitted in response to the Council's F.I request includes a Childcare Capacity Assessment Report which concludes that a creche is not required at this time to serve existing permitted and the current proposed development. However, that the applicant is still committed to providing such a facility at the appropriate time. That the discussion on childcare relates more to the development of the larger Masterplan area. That there is potential existing for a further creche facility to be developed as part of a future neighbourhood centre development. Noting also, that Reg.Ref. 19/601108 demonstrated the potential for a neighbourhood centre. This is not included as part of the subject site, but as part of the greater Masterplan area.

### Retail/Commercial/Service Uses

- 7.6.4. Clonmel Town Centre to the east, is within 2km of the site. On the out-skirts of the town are the Showgrounds and the Oakfields shopping centre is to the north of the town centre. Poppyfields Retail Park is c.350m from the site. This has a supermarket, chemist, and other retail/commercial uses and a series of retail warehouse units. The Clonmel Park Hotel is located adjacent to the retail park. Details are also given of other commercial including bars, restaurants, and retail and other facilities within the town.
- 7.6.5. The DIA provides that it remains the intention to develop the neighbourhood centre in tandem with the next phase of housing extending from that permitted under Reg.Ref. 19/601108. As noted in the Planning History Section above that application has been permitted by the Council and is solely for residential development. Details are noted relative to Service Uses such as Recycling Facilities, Hospital/Medical Centre/GP services and Religious Facilities. Details are given of Sports Facilities in the area.
- 7.6.6. It is noted that a recessed bus only parking and stop facility is provided on the north side of Cahir Road, approx. 70m west of its Ballingarrane Estate Access Road junction. Clonmel is served by the Town Bus Service, school's buses, HSE bus services and Bus Éireann. The railway station is 2km from the site off Prior Park Road. Services run from Clonmel to Heuston and Waterford and Limerick Junction (with connections to Cork).

### **7.7. Masterplan issues**

- 7.7.1. The site forms part of a larger landbank of undeveloped lands zoned for new residential development at this location that extends from the eastern boundary to Wheatfields/Glenview Close to the Glenconnor Road (north of Glen Oaks and Oakwood). Section 6.3 of the Clonmel and Environs Development Plan 2013 refers to New Residential Development. Glenconnor is listed within New Residential Lands. Map 6 of the Clonmel and Environs DP refers and shows the extent of the Masterplan area. The land use zoning includes objectives to provide a 'Neighbourhood Centre' (NC) and Local Equipped Area for Play (LEAP). Section



9.26 of the CEDP refers to the extent of facilities to be provided. To date these have not been provided.

- 7.7.2. As has been noted there are two live permissions on the landbank – Reg.Ref. 18600418 – O.P granted for a nursing homes. Reg.Ref. 19601108 – Permission granted for a residential development of 73 units. Both of these developments are accessed from the Glenconnor Road and include measures to allow for widening of this road and Ref. 19601108 includes reference to the development of Local Equipped Areas of Play (LEAP) and a reserve area of land to provide for a neighbourhood centre.
- 7.7.3. The revised Development Impact Assessment submitted provides that a Masterplan accompanies the application which is a modification of that previously submitted under Reg.Ref. 19/6011081. That this demonstrates potential integration of the proposed development with existing and permitted developments and how the balance of the landholding can integrate with the surrounds. In addition, as to how further community facilities are planned for to meet the future needs of the area.
- 7.7.4. In response to the Council's request an Updated Traffic and Transport Assessment (TTA) was prepared. This includes an update and revisions relative to the illustrative Masterplan for development at Glenconnor, Cahir Road, Clonmel. This notes that the proposed Masterplan for Brinkley Homes 'zoned residential lands includes a total of 454 mixed sized residential units, including the permitted 19/601108 phase of 73 units, and the current application proposed for 46 units. A copy of the Brinkley Homes 'Masterplan' which includes access layout is provided in Appendix A of this Report. This Masterplan includes reference to the following:
- A) Nursing Home, Outline Permission (18600418)
  - B) 73 houses, permitted (19601108)
  - C) Neighbourhood Centre
  - D) 46 houses, current application (20162)
  - E) 42 houses.
  - F) 293 houses
- 7.7.5. The revised Development Impact Assessment provides that, it is proposed to re-phase the development permitted under Reg.Ref. 19/601108 and details are given of

this relative to Phases 1(a) – 1(c). It is noted that prior to this rephasing it was intended that the next phase of development on site would include the small neighbourhood centre incorporating a creche. That at that time developing housing as an extension to Wheatfields was not planned, notwithstanding the fact that the existing road network was they contend clearly designed to be extended in the future. The First Party provide that the order of development differs from that previously envisaged due to changing circumstances and demand for housing, but the order is no less sequential. The original neighbourhood centre location was predicted on all of the housing being accessed off Glenconnor Road and the current proposal changes this principle.

7.7.6. The Council's reason for refusal concerns uncertainty about the future development of the wider landbank and lack of a clear Masterplan being submitted relative to the co-ordinated development of the site. They also note the differences relative to phasing in the Masterplan between the current proposal and that permitted under Reg.Ref.19/601108. I would be concerned, that the current proposal places a higher density form of development on this corner of the site further from the development already permitted. That it is piecemeal in that rather than being sequential, it leaves large portions of the overall development site, particularly the central area, lacking road frontage, undeveloped. That the proposal is designed as a self-contained element of a wider landbank with no clear strategy underpinning the access and movement aspects of the development.

7.7.7. As described in the Updated TTA, the proposed vehicular access as shown for the Masterplan development is now described as follows:

- Access via Glenconnor Road for the permitted 19/601108 initial phase of 73 residential units:
- Access via a new access at the end of the existing Ballingarrane Estate Access Road at the existing Wheatfields and Ashgrove residential developments, for the current proposal for 46 units.
- Access via a new access at the east end of Glenview Close for 42 (previously was to access via Glenconnor Road) residential units of the proposed Masterplan; and

- Access via Glenconnor for the remaining 293 residential units of the proposed Masterplan and for the proposed Neighbourhood Centre.

- 7.7.8. The Updated TTA provides that there has been no change to the Masterplan proposed total of 454 mixed-sized residential units. The Masterplan also includes regard to the Neighbourhood Centre. It notes that informing baseline data, information, guidance and analysis previously detailed has been omitted from the Updated TTA for clarity.
- 7.7.9. Section 2.0 provides details including Tables of the Masterplan Traffic Impacts. Table 1 refers to Masterplan Development Vehicle Trips. This includes the current application plus that proposed for 42 units via Glenview Close (not part of the subject application) resulting in a total of 88 units via Ballingarrane Estate Access Road. That this would be significantly less than the number of residential units to be served by the Glenconnor Road within the proposed Masterplan development. This includes that a total of 366 units will access via the Glenconnor Road.
- 7.7.10. The Updated TTA provides details of the predicted peak traffic volumes with the Masterplan Development. The predicted increase in morning and evening peak hour junction traffic volumes, with the predicted Masterplan development are shown in Table 2 and the Figures provided in Appendix B. Table 3 provides a Summary of Cahir Road/Ballingarrane Estate Access Road Junction PICADY Capacity Analysis. Details of the PICADY Junction Capacity Modelling Analysis for the Masterplan development scenario, are provided in Appendix C.
- 7.7.11. Regard is had to Urban Road Link Capacity. It notes that the Ballingarrane Estate Access Road provides a convenient urban link to existing local community and retail facilities within the local urban centre. They provide that the future provision of a direct pedestrian access for the Poppyfield Retail Park on the Ballingarrane Estate Access Road, would enhance the pedestrian catchment of the Park and more conveniently facilitate existing and future residents. Having regard to permeability it is noted that future pedestrian and cycle links are proposed to the applicant's land to the east which in time will be extended through future development to connect out onto the Glenconnor Road. The Updated TTA concludes that on the basis of the EPA EIAR Guidelines, the traffic effects of the proposed Masterplan development,

on the existing Ballingarrane Estate Road and its Cahir Road junction, would be moderate.

- 7.7.12. As shown in the plans including those submitted at C.F.I stage, the current application relates only to the development of the subject site and not to the greater landbank as shown in the Masterplan submitted with the Updated Traffic and Transport Assessment. Also, of consideration is that the various access points referred to that are outside of the subject site, and do not form part of the subject of the current application. The whole issue of linkages, both for traffic, pedestrians/cyclists, needs to be determined for the Masterplan area as a whole.
- 7.7.13. A Masterplan should promote the adoption of the principles of good urban design in an integrated and co-ordinated form of development. In this respect the current proposal presented as a stand-alone development could be considered piecemeal, un-coordinated and premature pending the adoption of the Masterplan and the determination of phasing and linkages for the greater development area. It is of note that the Council's refusal is based on the lack of a clear Masterplan setting out proposals for the co-ordinated development of the landbank from which the site is taken. This Masterplan as shown in the documentation submitted is indicative and illustrative and the phasing appears not to have been clearly determined. It does not appear to be formally thought out and has not been adopted. On this basis I would consider the proposal unsustainable and would recommend that it be refused.

## **7.8. Infrastructural issues**

- 7.8.1. The Development Impact Assessment provides that the site is within the existing built-up area and requires no supporting infrastructure. That the site can be served by Irish Water and wastewater infrastructure around the perimeter of the site. It is proposed that the development will connect to existing water and wastewater services. It is stated that pre-connection applications have been made to Irish Water.
- 7.8.2. A Civil Engineering Report has been submitted with the development as originally submitted. This has regard to climate change and includes details of surface water attenuation. The location of the attenuation Storm Tech hydro cell is on the central green area. It includes that the attenuation volume will enter the drainage network where it will connect into the proposed sewer network via a manhole for a housing

development to the east of the Glenconnor lands recently granted permission and eventually will drain to the existing surface water sewer at the south eastern corner of the overall Glenconnor zoned site. They submit that 100 year attenuation storage volume for the proposal will be provided. After the surface water passes through the hydro cell it will pass through a petrol interceptor.

- 7.8.3. The foul sewage is to discharge as per the surface water sewer to the drainage network where it will connect to the proposed sewer network at a manhole for a housing development to the east of the Glenconnor zoned lands recently granted permission, eventually it will drain to the existing foul sewer at the south east corner of the overall Glenconnor zoned site. The applicant intends to connect to the existing foul and surface water manholes located in the southeast corner of the overall Glenconnor site. It is provided that these manholes are the final set of manholes and are part of the Glenconnor Service Land Initiative completed in 2005 to service all of the zoned lands in Glenconnor at the time. The number of houses designed to be served was 800.
- 7.8.4. Details are given of the capacity of the existing sewer network and the route of pipelines through the Glenconnor lands and beyond its boundaries. This includes that the foul sewer was connected to the interceptor sewer along the river while the surface water sewer was discharged to the river. It is included that these sewers are public sewers and the Council have a way leave in place, therefore the applicant requires the consent of the Council to discharge to the surface water and consent from Irish Water to discharge to the foul sewer. The Engineering Report submitted does not envisage problems arising with consent as the sewers were laid to facilitate the development of the site. They also provide that there is plenty of capacity in the pipes as only a small amount of development has taken place in Glenconnor.
- 7.8.5. It is submitted that the installation of the watermain will be to Irish Water requirements. The water main for this development will be connected to the public main. They submit that improved connections will upgrade the water supply in the general Glenconnor-Ballingarrane area and boost supply to serve the Poppyfield development.
- 7.8.6. It is noted that there is a watermain 5m wayleave along the northern section of the site and it is proposed to divert this watermain. The Council's F.I request had

concerns that the layout shows a watermain running through the rear gardens of a number of properties along the northern boundary of the site. That this is not acceptable that the services should be located in areas that will permit ease of access. The revised plans submitted include proposals to divert the watermain and remove the way leave along the northern site boundary.

- 7.8.7. Clarification was sought relative to the proposed diversion of the watermain along the rear of the eastern and southern boundary of the site. The Council was concerned that this may have implications for future development of the lands noting the proposals for same contained under the Masterplan. As part of the C.F.I request it was noted that the drawing submitted at F.I stage shows the diverted watermain is located outside the red line site boundary. The Council require all works for which permission is sought be contained within the site boundary.
- 7.8.8. As part of the CFI response revised plans have been submitted showing the redline boundary has now been amended to include the area where works will be required to divert the watermain to the south and east of the development. A letter of response from MMC Engineering is included relative to the diversion of the watermain to the south and east of the proposed development. This includes that the applicant will apply to Irish Water for an application for a water and wastewater connection as was successfully granted for phase 1 at the Glenconnor end. That there may be a slight alteration of the general masterplan to accommodate the diversion of the water main but nothing significant. Site Layout Surface Water drawings has been submitted showing the diverted watermain within the site boundaries.
- 7.8.9. In response to the C.F.I the Planner's Report considers that the amendment to the watermain location will impact on the future layout of the development on the lands adjoining the site and this has not been addressed in the details provided. I would consider this to be the case and note that plans for these adjoining lands have not been submitted.
- 7.8.10. Regard is had to The Planning System and Flood Risk Management 2009 (including the associated Technical Appendices), which provides advice on how to minimise flood risk through the planning process. It distinguishes between the vulnerability of different types of development and three different flood zones A, B and C. In this

case it is noted that a Flood Risk Assessment has not been carried out relative to the subject site. Regard is had to Map 5 of the Clonmel and Environs DP which includes 'Flood Risk Zones'. The site is outside of Flood Zones A and B. The Planner's Report notes that they have examined the available flood risk mapping and confirm that the site is outside any known flood risk zone.

## **7.9. Screening for Appropriate Assessment**

- 7.9.1. The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. These habitats and species are listed in the Habitats and Birds Directives and Special Areas of Conservation and Special Protection Areas are designated to afford protection to the most vulnerable of them. These two designations are collectively known as the Natura 2000 network.
- 7.9.2. In carrying out the Stage 1 screening, the question to be addressed is 'Is the project likely to have a significant effect, either individually or in combination with other plans and projects, on the European site(s) in view of the site's conservation objectives?' The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European Site(s).
- 7.9.3. While an AA Screening Report has not been submitted with the application, the Council include a 'Habitats Directive Screening Report' with the Planner's Report. This notes the following Natura 2000 Sites within a 15km distance of the site:
- Lower River Suir SAC (site code: 002137)
  - Nier Valley Woodlands SAC (site code: 000668)
  - Comeragh Mountains SAC (site code: 001952)

The Nier Valley Woodlands SAC and Comeragh Mountains SAC are within 15km of the site and outside the zone of influence of same.

The proposed development site is wholly located outside of any European sites and there are no sites within the immediate surrounding area.

It is noted that the site is within the drainage catchment of the Lower River Suir SAC.

- 7.9.4. The Conservation Objective for the Lower Suir SAC is: 'To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the conservation condition of the Annex II species for which the SAC has been selected'.

**Table: Natura 2000 Sites within 'Zone of Influence' of the Project**

<b>European site (code)</b>	<b>List of Qualifying Interest/Special Conservation Interest</b>	<b>Distance from proposed development site (km)</b>	<b>Connections (source, pathway, receptor)</b>	<b>Considered further in screening Y/N</b>
Lower River Suir SAC (002137)	<p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Taxus baccata woods of the British Isles [91J0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p>	0.6kms	<p>There is no source – pathway-receptor connectivity between the proposed development and the SAC</p> <p>There is no potential for impact</p>	No



	Austropotamobius pallipes (White- clawed Crayfish) [1092]  Petromyzon marinus (Sea Lamprey) [1095]  Lampetra planeri (Brook Lamprey) [1096]  Lampetra fluviatilis (River Lamprey) [1099]  Alosa fallax fallax (Twaite Shad) [1103]  Salmo salar (Salmon) [1106]  Lutra lutra (Otter) [1355]			
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## AA Screening Conclusion

- 7.9.5. It is concluded in the Council's Habitat Directive Screening Report that there is no source – pathway – receptor connectivity between the proposed development and any of these European sites. There are no surface water bodies within the proposed development site and no hydrological connectivity to any watercourses. Details submitted with the application provide that during operation both foul sewer and surface waters will be directed in accordance with best practice to the existing and respective networks. There are no hydrological links to the Natura 2000 sites. That as there is no connectivity between the proposed development and any European site, there is no potential for any in combination effects with any other plans or projects. That there are no likely effects on European sites identified from the proposed development and, as such, there is no potential for significant effects.
- 7.9.6. Having regard to the Screening Report, it can be concluded that upon examination, analysis and evaluation of the relevant information including, in particular, the nature and scale of the proposed development and the likelihood of significant effects on any European site, in addition to considering possible in-combination effects, and applying the precautionary principles, that on the basis of objective information, the

possibility may be excluded that the proposed development will have a significant effect on any European sites.

- 7.9.7. In conclusion, therefore, having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises residentially zoned lands in the western environs of Clonmel, the distances to the nearest European sites, and in the absence of either a direct or indirect surface water hydrological connection to the Lower River Suir or any other watercourse such as would constitute a source-pathway-receptor link, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European sites, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.
- 7.9.8. In reaching this conclusion I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

## **8.0 Recommendation**

- 8.1. I recommend that permission be refused for the reasons and considerations below.

## **9.0 Reasons and Considerations**

1. The subject site is identified as being within lands which are to be the subject of a Masterplan, as shown on Map No. 6 of the Clonmel and Environs Development Plan 2013 (as varied and extended), that includes objectives for a Neighbourhood Centre (NC) and a Locally Equipped Play area (LEAP) as per Section 9.26 of the said Plan. The current proposal is presented more as a stand-alone development, with separate access, in the north-western corner of the greater development landbank area, rather than as part of a phased and integrated development of the Masterplan area. It is considered that the development of the Masterplan lands as presented in the information submitted is lacking in clarity, and that this proposal would be piecemeal, un-coordinated and premature pending the adoption of the Masterplan and the

determination of phasing and linkages for the greater development area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development would give rise to additional vehicular, pedestrian and bicycle traffic on a road network which is substandard and deficient in the provision of footpaths, cycle paths, pedestrian crossings and public lighting. The proposed development would be without safe and convenient pedestrian and cycle access to the Masterplan lands and to and from adjoining residential estates and community and social facilities in the nearby town centre of Clonmel. Therefore, in the absence of definitive provision for the rectification of these deficiencies, the proposed development would be premature, pending the determination by the planning authority of a road layout for the Masterplan area and would endanger public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Angela Brereton  
Planning Inspector

8<sup>th</sup> of April 2022