



An
Bord
Pleanála

Inspector's Report ABP-315331-22

Development	Construction of 68 residential units.
Location	Moangarriff, Clonmel, Co. Tipperary.
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	2260353
Applicant(s)	Michael Morrissey.
Type of Application	Permission.
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third-Party
Appellant(s)	Edar & Catherine Lonergan Gabrielle & John Maher Residents of Moangarriff.
Observer(s)	None.
Date of Site Inspection	31st July 2023.
Inspector	Peter Nelson

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Appendix

1.0 Site Location and Description

- 1.1. The subject site is located in Clonmel Town, Co. Tipperary. It is a stated 3.0104ha greenfield site on the eastern outskirts of Clonmel town, circa 2.65km northeast of the town centre, west of the N24 (limerick -Waterford National Primary Route).
- 1.2. The site is bounded to the east and south by residential developments and the railway line to the north. The site is accessed currently from an existing residential estate road serving Lower Moangarriff; however, it is proposed to access the site via an existing housing estate at the top of Moangarriff Road to the east of the site called Meadowlands, where most of the third-party appellants reside. Meadowlands consists of detached two-storey dwellings.
- 1.3. Moangarriff Road is a cul-de-sac running from a roundabout on the N24 to the site/ Meadowlands, serving a residential area. The dwellings on Moangarriff Road are predominately detached, low-density houses.
- 1.4. The site is currently used for grazing horses. There is a 2-metre wall plastered and capped between the existing estate, Meadowlands, and the subject site.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of 68 dwellings and the partial demolition of the existing boundary wall, together with all roads, footpaths, underground services, connection to an existing foul sewer, additions to the existing surface water drainage network, public open space and public lighting and the associated site boundary and site development works.
- 2.2. The mix of units is shown in the table below:

Unit Type	Bedrooms	Number of Units
Houses	Two	14
	Three	36
	Four	10
Apartments	One	4

	Two	4
Total		68

3.0 Planning Authority Decision

3.1. Decision

Tipperary County Council issued a decision to grant on 15th October 2022, subject to 21no. conditions. Conditions of note include:

- **No.3** requires the incidental open spaces adjoining properties 9 and 66 to be incorporated into the amenity space of these properties.
- **No.4** relates to increasing the size of bin storage.
- **No.5** requires a phasing programme to be agreed in the interest of the occupants of the proposed housing.
- **No.6** requires a Construction and Environmental Management Plan to be submitted and agreed upon.
- **No.12** relation to the provision of Social and Affordable housing.
- **No. 18** requires the payment of contributions.
- **No. 19** requires the applicant to submit a bond.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Report (25th August 2022)

The report summarises the proposed development, the relevant policies and the submission received. The Planner's assessment can be summarised as follows:

- The principle of accommodating the proposed development on this site can be considered, subject to normal planning considerations.

- While the density falls short of the minimum 30 units per hectare envisaged in the national guidelines, the density of 22 units per hectare represents a more efficient use of serviced and zoned land while having regard to the grain of development in the wider area.
- The layout presents a simple arrangement of units around a central open space area and is an improvement on the previously refused development.
- The provision of pedestrian connections will enhance the accessibility to the site.
- The mix of units is acceptable.
- The design of the units is acceptable and allows for future adaptability.
- The proposed site layout allows for future connectivity to the adjoining lands.
- The Part V provision is acceptable.
- The report recommends the applicant submit further information relating to:
 - Layout and design issues.
 - Drainage Infrastructure details
 - Lighting
 - Wayleaves for existing site infrastructure.

The applicant was requested to submit further information on the 29th of August 2022.

Planning Report (14th November 2022)

After further information was submitted, the Planner had no objection to the revised proposal, which included:

- A reduction in the width of the roads west of units 9-15.
- The reduced ridge height of units 14-15.
- Enlarged bin storage areas.
- The provision of electric charging points.

- Revised landscaping details.
- Revised location of speed control measures.
- Detailed surface water management infrastructure.
- A revised public lighting report.
- Revise location of unit no.1.

The Planner concludes that the proposed development complies with the policies and objectives of the Clonmel and Environs Development Plan and will not adversely impact the area's character or the amenities of adjoining properties.

3.2.2. Other Technical Reports

District Engineer Clonmel

The comments made in the District Engineer's Report dated 24 August 2022 can be summarised as follows:

- The proposed floor levels are sufficiently high to prevent local flooding.
- The proposed sight distances at the main junction are adequate.
- The following further information is required:
 - Longitudinal sections of all the proposed roads.
 - An additional speed table is required.
 - A revised surface water layout
 - A revised public Lighting layout
 - Revised drawing to include the missing foul sewer wayleave.
 - A revised landscaping plan.

Tramore House Regional Design Office

The Design Office report dated the 11th August 2022 states that the proposed development will not encroach on any of the proposed option corridors currently being considered for the N24 Waterford to Cahir Project.

Housing

The Housing Section report dated the 13th of July 2022 states that a Part V Agreement in Principle is in place.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

Twelve third-party observations were received on the planning file.

The issues raised in this submission can be summarised as follows:

- The proposed dwelling at the site's southern end will be overbearing when viewed from the existing bungalow.
- The layout and design of the proposed planning application contravene the Clonmel & Environs Development Plan 2013 and Guidance to Local Authorities on Sustainable Residential Development in Urban Areas 2009.
- The proposed development is overbearing and will overlook and negatively impact the residential amenity.
- A master plan has not been developed for the Monagarriff area.
- The proposed development would be piecemeal, uncoordinated and premature, pending the development of a master plan for the overall area.
- The proposed development would give rise to additional vehicular, pedestrian and cyclist traffic on a substandard road network that is already deficient in the provision of footpaths, pedestrian crossings and cycle lanes.
- The De Jogn report commissioned by Clonmel Borough Council raised concerns about the adequacy of Moangarriff Road.
- The submitted TIA is out of date and is no longer applicable.
- The Development Impact Assessment is incomplete.
- No phasing plan has been submitted.

- The site is prone to flooding, and high-density housing will lead to further flooding.
- The design of the proposed development is out of character with the existing development.
- The proposed pedestrian walkway will lead to anti-social behaviour.
- There is no local public transport serving the proposed development.
- Proposed car parking has been provided.
- None of the childcare facilities, schools, colleges, hospitals or medical facilities are within walking distance.
- Consideration should be given to a single-storey house type at location of houses 1-6.
- Object to removing part of the Meadowlands boundary wall to facilitate access to the proposed development.
- The developer had given assurances that any future development would be accessed from the Gortnafleur Road.
- There is currently a sewage system deficit and regular water outages in the Moangarriff area.
- Deficiencies in the planning application documents.

4.0 Planning History

P.A. Ref. 18/600858 ABP. 304695-19

Permission was refused on a third-party appeal on the 6th December 2019 for 44no. dwellings proposed with all associated site development works, these consisted of 22no. detached dwellings and 22 no. semi-detached dwellings. The access to the development was to be via the existing residential estate Meadowlands at the top of Moangarriff Road.

Reasons for refusal:

The Board considered that, the proposed development, by reason of its layout and design, would generally fail to comply with the overall design approach and requirements set out in both the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport in 2013 and the Urban Design Manual – A Best Practice Guide issued by the Department of the Environment, Heritage and Local Government in 2009. The proposed development would, therefore, constitute a substandard form of residential development that would seriously injure the residential amenities of the area, would be contrary to the Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.

Furthermore, the Board considered that the density of the proposed development would be contrary to the Ministerial Guidelines, which indicate that net densities of less than 30 dwellings per hectare should generally be discouraged in the interest of land efficiency.

Nearby Site at Monagarriff

P.A. Ref.: 15600943 Permission granted on the 26th of July 2016 for 7 no. detached dwellings together with all associated site development works including roads, footpaths, underground services, connection to an existing sewer system and boundary treatments.

5.0 Policy Context

5.1. Development Plan

The Tipperary County Development Plan 2022-2028 is the operative Development Plan for the area. This plan came into effect on 22nd August 2022.

The Core Strategy states that detailed residential zoning allocations are set out for the Key Towns and District Towns in the relevant Town Development Plans and Local Area Plans (LAPs) and will apply until they are replaced by LAPs.

Policy 4-1

Support and facilitate the sustainable growth of the county's towns and villages as outlined in the Settlement Strategy Chapter 4, thereby promoting balanced development and competitiveness and a network of viable and vibrant settlements to support the needs of local communities.

New development will be considered in line with the following:

(a) The provisions of the relevant Town Development Plan and LAPs as set out in Table 4.2: Framework of current Town Plans and Local Area Plans shall apply to new development in each of the towns and support the provisions of this Plan as set out in Section 4.3 Key Towns and 4.4 District Towns until replaced by LAPs.

(b) The relevant 'Settlement Statement' as outlined in Volume 2 will apply to Local Towns, Service Centres, Local Service Centres and Settlement Nodes.

(c) New development in towns and villages shall be proportionate to the scale and capacity of the receiving settlement in terms of size, use-type and design.

(d) An appropriate density will apply for new residential development in line with the following guidance and any review thereof - Section 28 Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities and Urban Design Manual, (DEHLG,2009), NRUP 02/2021 - Circular Letter: Residential Densities in Towns and Villages, Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas.

(e) There shall be support for new development that will assist in the reversal of the decline of towns and villages, through the regeneration, reuse and redevelopment of existing buildings, spaces, brownfield and opportunity sites.

Clonmel and Environs Town Development Plan 2013 (as extended)

The subject site is zoned 'New Residential'.

Policy HSG 2: New Residential Development

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)

Policy HSG 3: Urban Densities

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

Policy HSG 4: Residential Amenity

It is the policy of the Council to seek the provision and suitable management of Local Areas 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.

5.2. National

The National Planning Framework – Project Ireland 2040, (2018).

This document sets out the Government's strategic national plan for shaping the future growth and development of Ireland for the period up to 2040.

Of note, National Strategic Outcome 1 (Compact Growth) sets out the focus on pursuing a compact growth policy at national, regional, and local level. From an urban perspective the aim is to deliver a greater proportion of residential development within existing built-up areas of cities, towns, and villages; to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards.

Relevant policies include NPO 4, 6, 11, 13, 18a, 18b & 35. Chapter 6 deals with the matter of 'People Homes and Communities' and includes 12 objectives among which:

Objective 27 seeks to: "ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages."

Objective 33 seeks to: "prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location".

Objective 35 seeks to: "increase residential densities 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".

Housing for All – A New Housing Plan for Ireland to 2030 (2021).

It is a multi-annual, multi-billion euro plan which will improve Ireland's housing system and deliver more homes of all types for people with different housing needs.

The government's overall objective is that every citizen in the State should have access to good quality homes:

- to purchase or rent at an affordable price,
- built to a high standard and in the right place,
- offering a high quality of life.

The government's vision for the housing system over the longer term is to achieve a steady supply of housing in the right locations with economic, social and

environmental sustainability built into the system.

The policy has four pathways to achieving housing for all:

- supporting home ownership and increasing affordability
- eradicating homelessness, increasing social housing delivery and supporting social inclusion
- increasing new housing supply
- addressing vacancy and efficient use of existing stock

Housing for All contains 213 actions, which will deliver a range of housing options for individuals, couples and families.

Section 28 Ministerial Guidelines

Having considered the nature of the proposed development sought under this application, its location, the receiving environment, the documentation contained on file, including the submission from the Planning Authority, I consider that the following guidelines are relevant:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying Urban Design Manual.
- Department's Circular Letter NRUP 02/2021 issued to Planning Authorities on the Application of Residential Densities in Towns and Villages.
- Design Manual for Urban Roads and Streets (DMURS).
- Appropriate Assessment of Plans and Projects in Ireland - Guidelines for Planning Authorities (2009, updated 2010).
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009).

5.3. Natural Heritage Designations

The nearest Natura 2000 site is the Lower River Suir SAC (Site Code 002137)

located c. 2km south of the site.

5.4. EIA Screening

Having regard to the edge of town location of the subject site, the relatively small scale of the proposed residential development and having regard to the criteria set out in schedule 7 of the Planning and Development Regulations 2001 (as amended), there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

While there is overlap between the grounds of appeal raised by the appellants, for clarity, I shall set them out separately below.

6.1.1. Appeal No.1 Edgar and Catherine Lonergan

The grounds of appeal can be summarised as follows:

- The deficiency/unsuitability of Moangarriff Road as an access road for the proposed development.
- Reports commissioned by Tipperary County Council recommended that Gortnafleur Road should be used as an access road for any future development in the Moangarriff area.
- The Clonmel and Environs Development Plan 2008 required a local area plan for the residentially zoned lands in the Moangarriff Area.

- The grant of permission is premature, pending the proper development and adoption of a LAP for the zoned lands in the Moangarriff area and is not in keeping with best practice in proper planning and sustainable urban areas.
- The development would endanger public safety because of deficient road safety and traffic hazards.
- The layout and design of the proposed development, particularly along its southern boundary, are not in keeping with or sympathetic to the scale and design of the existing residential development.
- The residents of Meadowlands have previously received a letter from the developer stating that all future developments on the lands west of Meadowlands would be accessed via Gortnafleur Road.
- The proposed development will convert the quiet cul-de-sac into a through road for all new construction and new vehicular traffic. It will create a conduit to develop the remaining 5 hectares of zoned lands to the west.
- The development will alter the character of the area and will negatively impact the residential amenity of the area.

6.1.2. **Appeal No.2 Gabrielle and John Maher**

The grounds of appeal can be summarised as follows:

- The density of the proposed development is excessive and will lead to overlooking.
- The semi-detached two-storey houses no. 14 and 15 will overlook and overshadow the appellant's kitchen and sitting room.
- House No. 1 is less than 11m from the rear boundary.
- Concern over the safety of residents from traffic entering the estate at speed.
- Concern relating to traffic safety within the estate.
- 50% of the social housing are overlooking the appellant's property.
- The negative impact of construction traffic.

- There is no overall plan for the area.

6.1.3. **Appeal No.3 Residents of Moangarriff**

The grounds of appeal can be summarised as follows:

- The lack of a comprehensive master plan for the Moangarriff area.
- The proposed development would be piecemeal, uncoordinated and premature pending the adoption of a masterplan.
- The decision on the proposed development should have been deferred until the adoption of a new Clonmel and Environs Development Plan 2023.
- The Moangarriff Road has existing deficiencies. By granting this development, the Planning Authority has contradicted its recommendations from previous reports concerning the road network and developments on this land.
- Recent developments in the area have rendered the deficiencies in the road network more serious.
- The Traffic Impact Assessment submitted with the application is inadequate as it is outdated.
- The Road Safety Audit is inadequate as it did not consider existing developments in the area.
- The submitted Development Impact Report is inadequate, and there have been no consultations/communications between the developer and the local residents to discuss the proposal or alternatives.
- Removing part of the Meadowlands boundary wall will compromise the amenity of the Meadowlands Estate, turning the quiet standalone development into a thoroughfare for the proposed development and possibly future developments.

6.2. Applicant Response

The applicant submitted a response to the Third-Party Appeals. The main points raised in the response can be summarised as follows:

- The applicant questions the validity of the appeal submitted by Residents of Moangarriff as the signature pages are the same documents submitted in support of the objection to the Local Authority.
- There are no signatures to support the appeal from the Residents of Moangarriff.
- The site is zoned for residential use in the Clonmel and Environs Development Plan 2013 and the principle of the proposed residential development is deemed acceptable.
- The proposed development provides an adequate mix of residential units.
- The houses are designed to ensure good visual surveillance over the central green area.
- The road design will assist in slowing down traffic.
- Response to issues raised by John & Gabrielle Meagher/Edgar & Catherine Lonergan:
 - Overlooking from house no.15: There is only one window in the gable, which is for the landing. This could be a fixed opaque if required.
 - Overlooking from house no.1: A smaller house type could be used to increase the setback from the rear boundary.
 - Green Area: the amenity area is centrally located with passive surveillance.
 - Part V houses: these have been agreed with the council to ensure acceptable delivery if the scheme is developed in phases.
 - Density: The proposed density complies with Circular Letter: NRUP 02/2021 and Section 5.12 of the Sustainable Residential Development in Urban Areas (2009).

- Vehicular traffic will enter the development before the entrance to the Meadowlands estate. The remainder of the Meadowlands estate will remain as quiet cul-de-sacs.
- Response to issues raised by Monagarriff Residents
 - Masterplan. The Clonmel and Environs Development Plan 2013 does not require a master plan for the area.
 - Overlooking along the eastern boundary: Houses nos. 62-65 have 11905mm to 14020mm setbacks. No.68 has a distance of 21080mm from Meadowlands house no.9.
 - Overlooking along the southern boundary: as above, the landing window of No.15 can be opaque and fixed.
 - The proposed gap in the existing Meadowlands boundary wall allows for a pedestrian link to the adjoining estate. The other is for the main vehicular entrance.
 - Scale and form: The development is predominately two-storey residential units with a suitable housing mix.
 - The two-storey apartments are own door and contribute to providing a sustainable housing mix.
- Irish Water has confirmed that there is capacity in the waterworks network to connect the proposed 68 units without any infrastructure upgrade.
- References have been made in the appeals to the Clonmel and Environs Development Plan 2008 and the Nicholas de Jong 2004 report. The 2004 Clonmel Plan is obsolete, and the De John report is almost 20 years old and has no statutory basis.
- Comments from Roadplan Consultants on behalf of the applicant:
 - Road Safety Authority data indicates no history of recent road safety issues on either the Moangarriff Road or the N24 Moangarriff Roundabout.
 - The increased risk from the commercial and industrial access on the south end of Monagarriff Road is small and typical of the road safety risks often encountered in the urban environment.

- The existing Monagariff Road is not too narrow and the small amount of traffic from Moangarriff Road does not significantly influence the performance of the M24.
- The Nicholas de Jong report was carried out in 2004; the design guidance has fundamentally changed since then. DMURS came into effect in 2013 and fundamentally changed the approach to the design and assessment of urban roads.
- Given the design speed and traffic volume on the Monagariff Road, using shared street space for cycling is the correct design choice.
- The Moangarriff Road has been taken in charge and a report by the District Engineer indicates that improvements along the Moangarriff Road are likely to be carried out in 2023.
- In zoning the land, it is assumed that the Planning Authority would have considered that the land could be supported by the road infrastructure as upgraded.
- It is considered that the 2018 traffic levels, as contained in the Traffic Impact Assessment, are similar to the current traffic levels in 2022, and the traffic counts carried out in 2018 reflect the current situation.
- An additional crossing of the Suir linking the Coleville Road to the Moangarriff roundabout and associated adequate junction would significantly improve connectivity for all residents of the area, including those in the proposed development.
- A comprehensive Stage 1/2 Road Safety Audit was carried out on the development.
- Vehicles accessing the development will be travelling at low speeds and the intervisibility between a driver of a vehicle accessing the development and a driver exiting the parking spaces at houses 1 to 5 and 66 to 68 are adequate.

6.3. **Planning Authority Response**

None Received

6.4. **Observations**

None

7.0 **Assessment**

7.1. Having inspected the site and examined the application details and all other documentation on file, and having regard to relevant local/national policies and guidance, I consider that the main issues in this appeal are as follows;

- Zoning
- Density and Layout
- Residential Amenity
- Roads/Traffic
- Appropriate Assessment

7.2. **Zoning**

7.2.1. The Tipperary County Development Plan states that the Clonmel Town and Environs Development Plan 2013 remains applicable to its Plan area until a detailed assessment and review of land zoning for residential development is carried out. The subject site is zoned in the Clonmel and Environs Development Plan 2013 as New Residential; therefore, residential development is acceptable in principle.

7.2.2. I note that the Draft Clonmel and Environs Local Area Plan 2024-2030 has recently been on public display and the period of submission or observation finished on the 11th September 2023. In the Draft Plan, the appeal site is zoned R1 New residential areas/town extensions to ensure the provision of high-quality and connected new residential environments. Lands directly to the north and west of the appeal site are zoned 'Strategic Reserve'.

7.3. Density and Layout.

- 7.3.1. A number of the appellants have raised the lack of a comprehensive master plan for the Moangarriff as an issue. While the Clonmel and Environs Development Plan 2008 required a masterplan for the 12.5 hectares of lands to the west of the existing Meadows Estate, this is not the case in the current Clonmel and Environs Development Plan. As stated, the lands directly west of the appeal site have been zoned as 'Strategic Reserve' in the Draft Clonmel and Environs Local Area Plan 2024-2030.
- 7.3.2. I consider that the layout of the proposed development has allowed for adequate connectivity to the adjoining lands for future development.
- 7.3.3. The appellants have raised concerns about removing part of the existing Meadowland's boundary wall in two locations to facilitate vehicular and pedestrian linkages, creating a 'thoroughfare'. I consider that the permeability of the development is an important element in creating a sustainable community. The linkages to the Meadowland estate will activate the existing access road, which receives little active surveillance.
- 7.3.4. The proposed development consists of 68 residential units on a 3.010ha site. This equates to a density figure of 22.6 units per hectare. I note the reason for refusal for the previous permission for 44 dwellings on this site where the Board considered that the density of the proposed development would be contrary to the Ministerial Guidelines, which indicate that net densities of less than 30 dwellings per hectare should generally be discouraged in the interest of land efficiency.
- 7.3.5. The Department's Circular Letter NRUP 02/2021 allows for, in certain circumstances, densities below 30 dwellings per hectare subject to Section 5.12 of the Sustainable Residential Development Guidelines. The surrounding housing stock on Monangarriff Road consists of low-density detached homes. The proposed development of 66 units provides a mix of housing types, including apartments and two-bed units, which will provide a different residential offering than that in the immediate area.
- 7.3.6. The proposed layout capitalises on the natural features and contours of the site to provide a distinctive area of open space, including a stepped plaza/amphitheatre.

7.3.7. Therefore, due to the surrounding pattern of development in the area, the proposed mix of units, the proposed layout, and the potential connectivity with the adjoining lands, I consider that, in this instance, the proposed density and scale of development is acceptable.

7.4. Residential Amenity

- 7.4.1. A Development Impact Report has been submitted with the application, the adequacy of which has been questioned by an appellant. I consider the Development Impact Report adequate to assess the development.
- 7.4.2. Given the separation distance of over 20 meters, I do not consider that the proposed House No.15 will appear overbearing when viewed from the dwelling to the south and will not cause significant overshadowing. I do note that there will be a landing window on the side gable of this property in close proximity to the boundary with the existing property to the south. To prevent any possible overlooking of the existing private amenity area, I recommend that this window be glazed in obscure glass. House No. 14 and 15 have rear garden lengths of 11.14m and 13.45m, respectively. I considered these adequate separation distances to prevent undue overlooking or overshadowing of the properties directly to the east.
- 7.4.3. House No.1 is located over 8 m from the boundary to the property to the south and over 48m from the existing dwelling. I do not consider that the proposed house no. 1 will significantly impact the residential amenities of the existing dwelling.
- 7.4.4. I consider that there will be no significant loss of existing residential amenities to the housing east and south of the site on adjoining lands.
- 7.4.5. As stated before, the surrounding character of the area is of low-density detached dwellings. The proposed development will provide a mix of 2,3 & 4-bed dwellings and 1 & 2-bed apartments on residentially zoned lands. This will impact the surrounding residential area, but I do not consider that this will seriously negatively impact the existing residential amenity.

7.5. Roads and Traffic

- 7.5.1. The proposed development will be accessed off the Monagarrieff Road through the existing Meadowlands access road. The appellants consider that the Monagarrieff Road has no capacity for an additional 68 residential units. Adjacent to the N24 roundabout is a service station and an industrial unit. The remaining Moangarriff Road serves local predominately low-density dwellings, and it is not a through road.
- 7.5.2. The appellants have concerns relating to the 2018 date of the traffic counts contained in the Traffic Impact Assessment. Given that there is minimal recent development on Monagarrieff Road, I consider these figures to be adequate for assessing the traffic impact of the proposed development. The Traffic Impact Assessment demonstrates traffic from Moangarriff Road has very little influence on the capacity of the Moangarriff roundabout. The Traffic Impact Assessment demonstrated the Moangarriff Road is adequate to cater for the traffic associated with the proposed development and any future development on the adjoining lands. I am satisfied the findings of the Traffic Impact Assessment are accurate.
- 7.5.3. There is a single footpath along this road for most of its length. The width of the carriageway varies from 5.8m to 6.8m. Where there is not a footpath, I consider that there is adequate width to install one. I note that it is the Clonmel District Engineer's opinion that works would need to be done to improve the Moangarriff Road generally, even if this proposed development does not go ahead. The Engineer states that there is a possibility that these works will be funded in 2023 and will solve any current issues with footpaths and provision of cycle lanes.
- 7.5.4. A Road Safety Audit Stage 1 & 2 was submitted with the planning application. The appellants expressed concerns that the audit did not consider existing entrances along the Moangarriff Road. A Road Safety Audit is required for a scheme that results in a change to the road or roadside layout initiated and/or executed for commercial or private development. I consider that the proposed changes to the road and roadside layout of the Moangarriff/Meadowlands Road have been adequately audited. I am satisfied that the recommendations of the Road Safety Audit have been amalgamated into the design of the scheme.
- 7.5.5. The appellant has expressed concerns about the potential conflict of cars reversing from houses 1 to 9 & 66-68 and vehicles entering the proposed development. I am satisfied that the width and design of the proposed road and parking layout will

ensure a reduction in traffic speeds and safe ingress and egress to the development and the individual properties.

- 7.5.6. The appellants have raised concerns relating to the impact of Construction Traffic. If the Board is minded to grant permission, I recommend that a condition be attached requiring the agreement with the planning authority of a Construction Management Plan, which will include a detailed traffic management plan.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the proposed development of 68 residential units, the availability of main services and the nature of the receiving environment, being a green field site on the edge of Clonmel Town, and notwithstanding the proximity of the site to the Lower River Suir SAC (Site Code 002137), 2km to the south of the site, I am satisfied that no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. Having considered the contents of the application, the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be GRANTED for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the zoning objective of the site in Clonmel and Environs Development Plan 2013, the design and scale of the proposed development, and the pattern of development in the vicinity, it is considered that the proposed development would not seriously injure the residential amenities of the area or property in the vicinity, would represent an appropriate residential density, would be acceptable in terms of traffic safety and convenience, would not endanger public health, and would comply with the relevant provisions of the Clonmel and Environs Development Plan 2013, Tipperary Development Plan 2022-2028, the National Planning Framework,

and the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on 20th October 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The window on the first-floor landing of House No.15 shall be glazed with obscure glass.</p> <p>Reason: To prevent overlooking of adjoining residential property.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>Details of the refuse storage areas for units No 33-36 and No 18-21 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>

	Reason: In the interest of orderly development.
5.	<p>The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the planning authority on 20th October 2022. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.</p> <p>Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.</p>
6.	<p>Proposals for a naming and numbering scheme and associated signage for the permitted development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
7.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p>Reason: In the interests of amenity and public safety.</p>
8.	<p>The construction of development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall provide a demolition management plan, together with details of intended construction practice for the development,</p>

	<p>including a detailed traffic management plan, hours of working, and noise management measures.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
9.	<p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of sustainable waste management.</p>
10.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900, Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
11.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>

12.	<p>The developer shall enter into water and wastewater connection agreement(s) with Uisce Eireann (formerly Irish Water), prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
13.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed standards of the planning authority for such works.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
14.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development.</p>
15.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and 96(2) and 3 (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p>

	<p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.</p>
16.	<p>a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each housing unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted to first occupation by individual purchasers, i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost-rental housing.</p> <p>b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each housing unit, it is demonstrated to the satisfaction of the planning authority that it has it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47</p>

	<p>agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
17.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be determined by An Bord Pleanála.</p> <p>Reason: To ensure the satisfactory completion of the development</p>
18.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p>

	<p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Peter Nelson
Planning Inspector

15th September 2023

Appendix


Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	314207	
Proposed Development Summary	Construction of 68 Residential Units	
Development Address	Moangarriff, Clonmel, Co. Tipperary	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the Proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The site is in an established end of town residential area which is well serve by transport and social infrastructure.</p> <p>While the proposed development will result in the removal of topsoil and small amounts of C&D waste these will not be significant/ Localised construction impacts will be temporary.</p>	NO

<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant Cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>Given the surrounding residential developments, the proposed development of sixty-eight residential is not exception in the contest of the existing built-up urban environment.</p> <p>While there is low scale residential development taking place in the vicinity of the site the cumulative considerations will not be significant.</p>	<p>NO</p>
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect</p>	<p>There are no ecologically sensitive locations in the vicinity of the site and the nearest European site is located Lower River Suir SAC (Site Code 002137) located c. 2km south of the site.</p> <p>The proposed development does not have the potential to significantly affect other significant environmental sensitivities in the area.</p>	<p>No</p>

other significant environmental sensitivities in the area?		
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		

Inspector: 

Date: 15th September 2023

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)