



An
Bord
Pleanála

Inspector's Report ABP-318251-23

Development	Renovation of an existing vacant terrace of 4 no. two-storey dwelling houses to re-establish 5 no. two-storey dwelling houses and all associated site works.
Location	Bradley's Row, Templemore, Co. Tipperary
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	2360158
Applicant(s)	CCK Estates Ltd
Type of Application	Permission
Planning Authority Decision	Permission
Type of Appeal	Third Party
Appellant(s)	Paul Tumelty
Observer(s)	None
Date of Site Inspection	10 th of July 2024 21 st of August 2024
Inspector	Angela Brereton

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Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2 – Form 2: EIA Preliminary Examination

1.0 Site Location and Description

- 1.1. The site, which is an existing brownfield site in the town centre, is situated on the east side of Bradley's Row (L3009), to the south-east of Main Street in Templemore. The site is bound to the south-east by the access to the Lidl supermarket site, with a retail and residential block (retail at ground floor level and an apartment block overhead) situated south of such access.
- 1.2. To the north-west, and adjoining the development site, is a two-storey terrace building, constructed to the same height as the existing dwellings on the subject development site. There is also a dwelling house that has rear first floor windows facing the site and a bungalow to the north facing the site. There is a high block wall which provides screening along this boundary. There is a 'Tyre Centre' located to the north of the site also with access from New Row.
- 1.3. The existing terraced houses that are within the subject site, are located on the northeastern side of Bradley's Row. They are currently unoccupied and appear in poor repair, although they were part of the historic character of the streetscape. Internally they, including the former extensions at the rear are derelict and currently not habitable. The shed to be demolished to the rear of the houses in the northern part of the site is no longer in use and also appears derelict. The site is overgrown and there is no sub-division or boundary wall on site between the shed and the former housing.
- 1.4. There is a high wall along the site boundaries which provides screening. There are two rear windows in the two-storey house facing the site. There is a bungalow which has a higher level gable end window that can be seen from the site. These properties have access from New Row to the north.
- 1.5. The site has locked gated access to the rear off Bradleys Row, which runs adjacent to the new Lidl site entrance. These were opened on the day of the August site visit, as in view of the high walls surround it is not possible to see the site in its entirety from the Lidl carpark to the southeast of the site or the public road.
- 1.6. Terraced housing is located on the opposite side of Bradleys Row. The site is zoned for commercial use in the Templemore and Environs Development Plan 2012.

2.0 Proposed Development

2.1. Permission is sought for the following:

- The renovation of an existing, vacant terrace of 4 no. two-storey dwelling houses to re-establish 5 no. two-storey dwelling houses (1 no. one-bedroom house and 4 no. two-bedroom houses); including the refurbishment of the dwelling units and
- The construction of two-storey rear extensions on each of the two-bedroom dwelling houses. The works include:
 - the demolition of the remaining, derelict, rear extension structures, and a section of the side site boundary wall (to Lidl site),
 - the construction of private rear gardens with pedestrian access for each of the dwellings,
- Access to the rear for parking via the existing side entrance off Bradley's Row, private parking bays, related and ancillary services and all associated siteworks.

2.2. Note the description of development was amended by further information submitted on the 31st of July 2023 to include an additional detached dwelling (no.6) to the rear of the site.

3.0 Planning Authority Decision

3.1. Decision

On the 19th of September 2023 Tipperary County Council granted permission for the proposed development subject to 14no. conditions. These conditions are relatively standard and include regard to minor amendments, infrastructure issues including surface water drainage, submission of a Construction Management Plan, construction/demolition works, lighting, parking and development contributions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner had regard to the locational context of the site, planning history and policy and to the reports received and to the submissions made. Their Assessment included the following:

- They note the commercial zoning in the Templemore Town and Environs Development Plan 2012, and National Policy for Town Centres. They consider the redevelopment of this site for residential purposes to be acceptable.
- They consider the proposed design and layout to be acceptable.
- They note that the applicant intended to provide access through the proposed commercial lands to the rear and had serious concerns in this regard.
- They recommend that the applicant be requested to submit revised proposal for this area/revisions to the site boundary and open space/yard area.
- That F.I be submitted regarding the communal open space area at the rear.
- The proposed development has been screened for AA and it has been determined that an AA is not required.
- In view of the extensive renovations and demolitions to older properties it is recommended that a bat survey be submitted.
- In view of historic flooding in the area they recommend that an FRA be submitted.

Further Information request

The Planning Authority requested that F.I be submitted to include the following:

- They noted serious concerns about the access being proposed to the commercial lands to the rear and requested that revised proposals be submitted for this area to include revisions to the site boundary.
- The applicant was requested to submit a traffic management plan and a pedestrian management plan, outlining proposals for the construction and demolition phase of the project.
- To submit a detailed Construction Environment Management Plan for the proposed development to include noise and mitigation measures.

- As the existing buildings proposed for redevelopment and part demolition may have the potential for roosting bat species, the applicant was requested to arrange a bat survey to be carried out.
- To submit details of proposed lighting for the development and in particular to provide light to the communal/open spaces and parking areas.
- They note serious concerns with the proposed open space provisions to serve the development and in particular the lack of green and landscaped areas. They advise that a comprehensive landscaping scheme be submitted.
- The applicant is advised that the proposed development site is located within an area historically prone to flooding. They advise that a Flood Risk Assessment be submitted.

Further Information response

Evelyn Duff Architects have submitted an F.I response to include the following:

- They have regard to the planning history and note that revised proposals now submitted include a detached 2-bedroom dwelling house (dwelling no.6) to the rear of the site that compliments the scale and design of the proposed terrace extensions. They provide details of this and of landscaping, boundary treatment and open space.
- The applicant has engaged Laois Hire Traffic Management Division to prepare a Traffic and Pedestrian Management Plan for the demolition and construction stage of the proposed works and they refer to the attached plan.
- A detailed site-specific Construction Environment Management Plan has been prepared for the works by Ayrton Group. This plan includes proposals for noise and dust mitigation during demolition and construction phases.
- A Bat Survey Report has been prepared by Ash Ecology and Environment Ltd. They provide details.
- They refer to the lighting drawing prepared by MMS Consulting Engineers and to the accompanying public lighting report.
- A detailed landscaping plan has been prepared in-house by the architect. Details are given of landscaping proposals.

- A site-specific Flood Risk Assessment has been carried out by Ash Ecology and Environment Ltd. This confirms that overall, there is no foreseeable impact on surrounding developments in terms of contribution to flooding.

Planner's response

Their response to the F.I submission includes the following:

- The Planning Authority note the proposal to include a 6th dwelling and consider that the revised proposal which removes the proposed access to lands to the rear of the site of a small housing development to be appropriate.
- They note that a Traffic and Pedestrian Management Plan has been submitted for the demolition and construction stage of the proposed works. That the District Engineer has confirmed that such proposals are acceptable.
- The P.A consider the CEMP submitted to be acceptable but that it is appropriate to request that a Final CEMP be submitted for the written agreement of the P/A prior to the commencement of development.
- They accept the findings of the Bat Survey and consider that a condition should be attached to the grant of permission relating to implementation of mitigation measures set out in the report.
- They note that a Lighting Report has been submitted and recommend that a condition requiring that lighting be directed inwards on the development, be cowled etc.
- They have regard to the landscaping proposals submitted and consider them to be acceptable.
- They note the site-specific FRA submitted and consider the findings to be acceptable relative to the proposed development.
- They recommend and provide a breakdown of development contributions.
- They conclude that having examined the plans and particulars submitted with the planning application and the foregoing matters that they recommend that permission be granted subject to conditions.

3.3. Other Technical Reports

3.3.1. District Engineer

They recommended that F.I be sought regarding the following:

- Construction Waste plan required
- Pedestrian management plan required
- Construction site traffic plan required
- Scaffold licence will be required during construction.
- Pole to be relocated at proposed entrance so it does not interfere with sightlines.
- Special development contributions for footpath works.

In response to the F.I submission they had no objection and recommend conditions to include regard to surface water runoff, a scaffold licence, relocation of existing pole at the entrance and inclusion of a special contribution towards new footpath outside the proposed development.

3.4. Prescribed Bodies

There are no reports from Prescribed Bodies noted on file.

3.5. Third Party Observations

A submission has been made by a local resident who has concerns about the impact of the proposed development on the residential amenities of the area. As they are the subsequent Third Party their concerns are considered further in the context of the Grounds of Appeal.

4.0 Planning History

The Planner's Report does not refer to any planning history relevant to the subject site.

5.0 Policy Context

5.1. Relevant Government Policy / Guidelines

- National Planning Framework – Project Ireland 2040
- Southern Region Spatial and Economic Strategy (RSES)
- Climate Action Plan 2024
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities (May 2021).
- Design Manual for Urban Roads and Streets, (2019)
- Traffic and Transport Assessment Guidelines (2014)
- Development Management, Guidelines for Planning Authorities (2007)
- Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities (2007).
- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE 2011)
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009).

5.2. Tipperary County Development Plan 2022-2028

This plan is for the entire county of Tipperary and was adopted in July 2022.

Core Strategy

Table 2.4 provides a Core Strategy Table which includes population projections from 2016 to 2031, relative to the Housing requirement and existing residential and Estimated zoning Framework(ha). This includes reference to the District Town of Templemore. Figure 2.4 provides the Core Strategy Map.

Settlement Strategy

Section 4.2 refers to Tipperary's Towns and Villages. Table 4.1 provides the County Settlement Hierarchy. Templemore is included as one of six District Towns.

Section 4.2.1 refers to Towns

The settlement strategy has identified 12 towns in Tipperary. Town Development Plans are currently in place for seven of these towns, with two towns subject to LAPs. As stated in the Core Strategy, the current Town Development Plans and LAP will remain applicable until they are replaced with LAPs, in accordance with the framework and timeline as set out in Table 4.2.

Table 4.2: Framework of Town Plans and Local Area Plans. Templemore is included as a District Town. This includes note of the: 'Templemore and Environs Development Plan 2012 (as extended)' and provides that LAP preparation is to commence in 2023.

The Council will prepare new LAPs in accordance with the Core Strategy, and Sections 4.3 and 4.4. New LAPs will, in collaboration with the local community and stakeholders, identify strategic objectives for each town consistent with the RSES and relevant Section 28 Guidelines, including land zoning, compact growth area, key sustainable mobility priorities, core retail area, settlement consolidation sites, strategic employment sites, architectural heritage, constraints such as flooding and any further relevant key future priorities.

Templemore

Section 4.4.6 has regard to the Town Profile Plan (Figure 4.17) for Templemore, which illustrates the town boundary, compact growth area, walking and cycling distances and other relevant planning opportunities and constraints. *The compact nature of the town and its suitability to support a '10-minute town concept' and active travel is evident.* This also notes: *Templemore will continue to grow as a District Town and to support a high quality of life for its residents.*

Details are given of District Towns: Strategy for Growth. This includes: *The District Towns will continue to perform an important role in the county by providing employment opportunities, high quality retail choice, regional transport services and*

community services for their hinterlands in line with their capacities for growth and expansion.

Section 4.7 provides the Planning Policy and Policy 4-1 seeks to: *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.* This provides that New Development will be considered under the criteria listed under (a) to (e). The latter provides:

(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.

Section 4.8 includes Planning Objectives: 4 – A includes reference to the preparation of LAPS. Criteria (a) to (d) refer.

(d) Actively seek the regeneration of sites, infrastructure and the built environment as part of an overall focus on compact growth, active travel and low-carbon development.

Housing

Chapter 5 refers, and Section 5.3 to Residential Development in Towns and Villages. This includes regard in Section 5.3.1 to Urban Residential Development. Section 5.4 to Housing Mix and Universal Design.

Environment and Natural Assets

Chapter 11 includes regard to Water Quality and Protection and to Flood Risk Management. Planning Policy is provided in Section 11.9.

Transport

Chapter 12, Section 12.3 includes: *The Plan provided a spatial strategy for growth for the development of the Key Towns, and other settlements along the rail network, including settlements such as Thurles, Templemore and Limerick Junction located on a high frequency Dublin to Cork/Limerick Railway network.*

Water and Energy Utilities

Chapter 15, Section 15.4 refers to Sustainable Surface Water Management (SuDS).

The Council is responsible for the on-going maintenance and monitoring of sustainable drainage systems within our towns and villages and will seek to maintain drainage having consideration to Water Sensitive Urban Design and application of a nature-based SUDS approach.

The Council will require all new development to provide a separate foul and surface water drainage system and to incorporate water sensitive urban design and a nature-based SUDS approach, where appropriate, in new development and the public realm.

Section 15.6 refers to Planning Policy. Policy 15-7 refers to the implementation of SuDS.

Volume 3 Appendix 6 provides the Development Management Standards

Section 2 refers to Land Use Zoning and Settlement Plans.

Section 2.2 to Flood Risk Management.

Volume 5 – Consolidated Strategic FRA

Table 3 refers to Measures for Individual Settlements and includes reference to Templemore.

5.3. Templemore and Environs Development Plan, 2012 (as extended)

This Plan came into effect in April, 2012 and as noted in the Tipperary CDP 2022-2028 above is still the pertinent plan for Templemore. The development plan sets out the strategic planning framework, policies and objectives of the Council for land use development within the plan boundary.

There was a Variation in Accordance with Section 13 of the Planning and Development Act 2000 (as amended) to the LAP in May 2017. This was to incorporate provisions of the Urban Regeneration & Housing Act 2015 regarding the Vacant Site Levy and Urban Renewal & Regeneration into the Development Plan.

Creating Sustainable Communities

Chapter 4 relates to facilitating new residential development within the town.

Strategic Objective 2: *To ensure balanced spatial residential growth in Templemore, whereby residential developments create communities, which have access to key social, educational and community facilities.*

Policy SC1 refers to the sequential approach to the future development of residentially zoned lands and to phasing.

Policy SC2 refers to New Housing Development being in accordance with the Guidelines.

Policy SC3: refers to Sustainability Matrix.

Town Centre Strategy and the Economy

Chapter 5 refers. Strategic Objective 4 includes: *To regenerate the Town Centre of Templemore as a location for investment and employment generation and to identify appropriate lands for industrial, enterprise, office and retail uses.*

Section 5.3 refers to Urban Renewal and Opportunity Sites. Policies include:

Policy TC10: *It is the policy of the Council to positively promote and encourage the re-utilisation and redevelopment of existing buildings in along town centre streetscape.*

Policy TC11: *It is the policy of the Council to promote and encourage the re-utilisation of suitable redundant or obsolete structures, ensuring that the improvement and screening of neglected site and the renewal, repair and/or maintenance of structure sis in line with the Councils' powers under the Derelict Site Act, 1990.*

Water Services and Water Quality

This includes regard to the Templemore Waste Water Treatment Plant - *The plant, which is of the highest standard, is located on Station Road and has the capacity to cater for a population equivalent of 6,000. It is envisaged that the new treatment plant will facilitate the future development of the town for the next 20 years and beyond.*

Policy WS8: *It is the policy of the Council to require storm water retention facilities for all new developments and to incorporate design solutions which provide for*

collection and recycling of surface water in accordance with the Sustainable Urban Drainage Systems (SUDS).

Built Heritage, Natural Heritage and Amenity

Chapter 7 refers. It is noted that the site is not included in Map 7.1 which shows the Architectural Conservation Areas. The buildings while part of the historic character of the streetscape are also not included in the list of Protected Structures.

Policy BH2: Rehabilitation and Re-Use of Historic Streetscapes - *It is the policy of the Council's to encourage the rehabilitation, renovation and re-use of existing buildings within the Architectural Conservation Areas in a manner that is sympathetic to the existing streetscape.*

Policy BH4 refers to Vernacular Structures: *It is the policy of the Council to encourage the protection, retention, appreciation and appropriate revitalisation and use of the vernacular heritage in Templemore Town and its environs.*

Development Management Standards and Design Guidelines

Chapter 9 refers. Section 9.2 relates to Urban Residential Development and to the Guidelines. This includes regard to Residential Density. Table 9.1 provides the Density Guidelines. This includes:

- *Town Centre/Infill Development – Follow established Plot Ratios.*
- *Town Centre/New Development 25-40 units per ha.*

Design Statements are required for developments over 5 no. houses. These are to include regard to Context, Natural Features, Traffic Management, Permeability, House Design, Public Open Space, Private Open Space, Phasing.

Table 9.2 - Private Open Space for 3-4 bed dwellings – 65sq.m and for 1-2 bed dwellings is 48sq.m.

Section 9.3 refers to Infill Developments and Apartments.

Section 9.4 refers to Extension to Dwellings.

Section 9.7 provides the Car Parking Standards. Table 9.5 refers and provides that for Dwellings (up to 3-bedrooms) 1 space for dwelling unit.

Land Use Zoning

Chapter 10 provides the Land Use Zoning and Zoning Matrix.

As shown on the Zoning Map the land is zoned for Commercial Use. The land to the rear (northeast) is zoned for Amenity use.

Table 10.1 provides the Matrix of Use Classes related to Use Zones. This includes that Residential Development is generally not permitted in a Commercial Use zone. *Proposed use will not be favourable considered, except in exceptional circumstances and in such instances, the development may represent a material contravention of this plan. This may be due to envisaged negative impact on existing and permitted uses, incompatibility with policies and objectives contained in the Plan.*

Table 10.2 provides the Zoning Objectives i.e. *To provide for and protect commercial and industrial facilities.*

Appendix 6 of the LAP contains a Stage One Strategic Flood Risk Assessment

5.4. Natural Heritage Designations

The site is located some distance (c.5.7kms) away from the Kilduff, Devilsbit Mountain SAC.

The pNHA Area Templemore Wood is to the northwest of the town.

5.5. EIA Screening

An Environmental Impact Assessment 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.

The subject development is in summary for the renovation and refurbishment to provide for 5no. houses and the construction of 1no. house (i.e. 6no. houses in total) and all ancillary works on a site of c.0.139ha (as per the revised plans). The development falls well below the threshold of 500 dwelling units noted above and also the applicable site area threshold of 10ha. The site is not in an area where the predominant land-use is a business district, so the 2ha threshold is not applicable.

I have given consideration to the requirement for sub-threshold EIA. The site is located in an area of existing residential (albeit within the commercial zoning) in the town of Templemore, and it is also to connect to existing services (The Land Use Zoning Map in the Templemore and Environs Development Plan 2012-2018, as extended relates). The proposed development will not have an adverse impact in environmental terms on surrounding land uses. The site is not designated for the protection of the landscape or of natural or cultural heritage. 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 within an urban area and on lands that are serviced,
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended),
- The character and pattern of development in the vicinity,
- 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.

Reference is had to Appendix 1- Form 1 (EIA Pre-Screening) and Appendix 2 – Form 2 (EIA Preliminary Examination) attached to this Report. I conclude that 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

A Third Party Appeal has been submitted by local resident, Paul Tumelty. His Grounds of Appeal include the following:

- While the redevelopment of the terraced houses is welcomed, provided the design is appropriate for the site he has serious concerns regarding the permitting of the 6th dwelling to the rear of the site, due to zoning, flood risk and additional run-off, incorrect drawings, omitting of prominent building features, selective viewpoints, over-shadowing, over-looking, public lighting effects, and road safety issues regarding access.

Contravention of Templemore and Environs Development Plan 2012

- Approving the 6th dwelling on commercially zoned lands contradicts Tipperary County Council's land use zoning objectives.
- The appeal site does not form part of any phasing as per POL SC1 of the Plan, as these lands are not zoned for residential purposes.
- The Board is asked to consider whether it is appropriate to consider such lands for residential purposes when they are zoned commercial. The 6th dwelling be removed for this reason.

- They attach a copy of the 25 inch historical maps, which they consider clearly indicate that the rear of the proposed site was never residential.

Location is in a Flood Risk Zone

- They have regard to the findings of the FRA carried out and note that the Flood relief scheme is still not complete with no indication of when it will be complete.
- The FRA was conducted before the addition of the 6th proposed dwelling so that the site was not properly assessed based on the new layout.
- The FRA contains inaccurate information as to the location within a flood risk zone.
- Medium Probability flood events have approximately a 1-in-1-100 chance of occurring or being exceeded in any given year. This is also referred to as an Annual Exceedance Probability (AEP) of 1%.

Negative Impact on Residential Amenity

- The design and layout of the development will negatively affect the residential amenity of both properties to the north. This will include loss of privacy, overlooking and loss of sunlight and natural light.
- They consider that the photomontages misrepresent the overlooking aspect of the development, and this should have been properly assessed.
- It does not appear that a Daylight/Sunlight Assessment was carried out to consider overshadowing on the adjacent property and others in the vicinity.
- They include a series of attachments including photos and mapping.

Access to Site

- They are concerned that internal photos of the site have not been included and that the Planner's Report is devoid of such photographs.
- That the 3d visuals and supporting layout maps display a different representation to what is actually present. They refer in particular to the location of the bungalow and omission of windows in this property as shown on the drawings.

- They also note concerns relative to boundary treatment.

Concerns regarding Entrance Sightlines and Public Safety

- The engineer has not adequately addressed the sightlines and traffic safety regarding this development.
- They note that the location of the entrance is adjacent to that of the Lidl carpark and query whether a Road Safety Audit has been completed for the development entrance.
- Insufficient parking allocations were designated based on the number of proposed dwellings in the development.

Public Lighting and Residential Amenity

- Public lighting is of concern for the adjacent bungalow and they are concerned about light spillage.

Bat Survey

- The bat survey was conducted when the rear of the site was not under consideration and they have concerns that full consideration was not given to the workshop area at the rear of the site. An updated bat survey should be submitted.

6.2. Applicant Response

Evelyn Duff Architects response on behalf of the applicants includes the following:

- The applicant purchased the site in 2020 with the rear boundary line coinciding with the original shed wall. They note that they own the entire landholding shown blue.
- They include some further details and revisions as shown on revised drawings submitted with their response to the Appeal.

Contravention of Templemore and Environs Development Plan

- They have regard to OS mapping and submit that historically the shed at the rear was originally used as a domestic fuel shed by the terraced housing, and

that it is reasonable to conclude that the shed is ancillary to the established use on the site.

- They submit that the current proposal for an additional dwelling house (No.6) to the rear of the site addresses the Planning Authority's concern regarding future access to a commercial development at the rear of the site through a residential site.
- That the proposed revised design and layout addresses the other concerns raised by the Planning Authority relative to open space, removal of a derelict shed in poor condition, re-construction of boundary walls, private open space for no.6 etc.
- The proposed development will bring a town centre terrace of 5 vacant houses back to residential use and up to modern day living standards.
- Dwelling no.6 will render the development economically feasible for the applicant who would otherwise lose the commercial potential/value of the land to the rear of the site.
- In a Variation to the Templemore and Environs Development Plan 2012, the Planning Authority will encourage urban regeneration – Section 3.1.1 relates.
- They note that the Planner's Report also supports this development and include quotes relative to their support for the regeneration of the site and compliance with national policy and guidelines.

Location within a Flood Risk Zone

- They note that an FRA was carried out at F.I stage by Ash Ecology and Environmental Ltd that reinstates the original findings regarding flood risk on the site.
- To summarise the proposed development is deemed suitable regarding the relevant objectives within the Tipperary CDP 2022-2028 and the Planning System and Flood Risk management Guidelines (OPW 2009).
- They note that SuDS measures will be provided.

Negative Effect to Residential Amenity

- They submit that a dwelling house is more appropriate than commercial development on the site beside the existing detached bungalow and the two storey dwelling house to the north.
- They note that the Council's planning condition no.3 omits first floor windows from the side (northern) elevation to prevent overlooking of the existing dwelling. As an additional measure the applicant is prepared to reduce the height of the proposed dwelling house no.6 and they provide details as to how this can be achieved.
- They also refer to topographical survey drawing submitted which shows that no.6 is also moved marginally to the south-east by approx. 300mm further from the site boundary wall.
- They submit that the proposed dwelling will not cause loss of light or overshadowing and is in accordance with the BRE 209 'Site Layout Planning for Daylight and Sunlight: A Good Practice: Second Edition 2011. They include some illustrations.

Access to the Site

- They note the gate to the side of the site and that the planning authority were involved throughout the planning application and consultations.
- They have included 3d views which add the extension to the detached bungalow and the side windows to the two storey dwelling house. There was no intention to mislead; the bungalow and 2 storey dwelling were shown in block format only, similar to houses across the road from the development as access is unavailable to measure all windows/doors etc.
- The bungalow extension is hidden from view by the boundary wall and the first floor windows on the 2 storey dwelling do not appear on any planning search for the property.
- They provide details of boundary treatment and note that in view of the configuration of the windows no overlooking will occur.

Concerns regarding Entrance Sightlines and Public Safety

- The existing entrance between the terrace and the LIDL site has served the housing terrace rear yard/gardens for many years.
- They are proposing a shared entrance and to remove a section of the boundary wall for improved visibility.
- The utility poles will also be removed in liaison with the providers to meet Condition no. 2 of the Council's permission.
- Parking bays are proposed to the rear to deter on-street parking. They submit that the number proposed are appropriate for a town centre location. Bicycle parking is also proposed.

Public Lighting and Residential Amenity

- There is a public light to the north of the existing bungalow that provides street lighting into the existing bungalow site.
- They provide that the proposed public lighting within the site can be reduced to lesson any impact and note details of this.

Bat Survey

- They refer to the updated Bat Report prepared by Ash Ecology and Environmental Ltd that reinstates the original findings regarding bats on site.

6.3. Planning Authority Response

There is no response from the Planning Authority noted on file.

6.4. Observations

There are no Observations noted on file.

7.0 Assessment

- 7.1.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the Third Party appeal and the First Party response, the reports of the local authority, having inspected the site, and

having regard to the relevant national/regional/local policies and guidelines, I consider the substantive issues in this appeal to be considered are as follows:

- Planning Policy Considerations
- Design and Layout and Impact on the Character and Amenities of the Area
- Material Contravention issues
- Access and Parking
- Development Contributions
- Drainage and Flood Risk issues
- Screening for Appropriate Assessment

7.2. Planning Policy Considerations

- 7.2.1. Project Ireland 2040: National Planning Framework (NPF) is concerned with securing compact and sustainable growth. Reference is also had to regeneration and identifying infill sites. Section 2.2 provides an Overview of the NPF Strategy and this includes relative to Compact Growth: *Making better use of under-utilised land and buildings, including ‘infill’, ‘brownfield’ and publicly owned sites and vacant and under-occupied buildings, with higher housing and jobs densities, better serviced by existing facilities and public transport.* Objective 6 seeks to: *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.* 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.
- 7.2.2. The Regional Spatial and Economic Strategy for the Southern Region 2020-2032 (RSES) notes that County Tipperary is located within both the Mid-West and South-East SPA. Templemore in the northern part of the county is within the Mid-west SPA. The Strategy supports compact urban development, sustainable development of

brownfield and infill sites, regeneration and consolidation of the existing settlement pattern in urban areas.

- 7.2.3. In addition, regard is had to the recent ‘Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)’, and to the amendments to the SPPRs therein as relevant to the subject application. These Guidelines replace the ‘Sustainable Residential Developments in Urban Areas Guidelines for Planning Authorities’ issued as Ministerial Guidelines under Section 28 of the Act in 2009 (now revoked). There is a renewed focus in the Guidelines on the renewal of existing settlements and on the interaction between residential density, housing standards and quality urban design and placemaking to support sustainable and compact growth. This includes that the density of development in rural towns and villages should respond in a positive way to the established context.
- 7.2.4. The Tipperary County Development Plan 2022-2028 describes Templemore in Section 4.3 as a District Town with a compact growth area, with a growing population. A Strategy is provided to support the sustainable development of the town of Templemore. This includes that: *A detailed assessment and review of land zoning will be carried out in line with the NPF Methodology for a Tiered Approach to Land-zoning to inform the preparation of new LAPs or review of existing for each of these towns in line with Table 4.2: Framework of Town Plans and LAPs.* Table 4.2 provides a Framework of Town Plans and LAPs. This notes that LAP preparation is to commence in 2023 for a review of the Templemore and Environs Development Plan 2012 (as extended).
- 7.2.5. The Templemore and Environs Development Plan 2012 -2018 (as extended) is still the pertinent plan. This notes that the role of planning in regeneration or urban renewal is primarily established through the formulation of appropriate policies and their subsequent implementation through the development management process. Section 5.3 which refers to Urban Renewal includes: Policy TC10: *Re-Use and Re-Development It is the policy of the Council to positively promote and encourage the re-utilisation and redevelopment of existing buildings in along town centre streetscape.* While, noting the existing buildings proposed for refurbishment are not within an Architectural Conservation Area or Protected Structures, they nevertheless form part of the historic streetscape of Templemore. As has been noted in the Policy Section above, Policy BH2 supports the Rehabilitation and Re-Use of Historic

Streetscapes. Policy BH4 provides: *It is the policy of the Council to encourage the protection, retention, appreciation and appropriate revitalisation and use of the vernacular heritage in Templemore Town and its environs.*

- 7.2.6. Having regard to the Land Use Zoning Map for Templemore, it is noted that the site while containing existing residential is within the Commercial Zoning. Regard is had to the issues raised in the documentation submitted including land use zoning and to whether the extent of the subject site is considered to be acceptable for residential development, to the proposed design and layout, impact on the character and amenities of the area, drainage and infrastructure including Flood Risk Assessment. These are considered further in the context of this Assessment below.

7.3. Design and Layout and Impact on Character and Amenities

- 7.3.1. A Development Impact Statement Planning Report has been submitted with the application. This describes the proposed alterations and rear extensions to the terrace houses and includes a Visual Assessment, showing contemporary additions. Drawings have been submitted showing existing and proposed plans. The original plans showed a smaller site area in red (1,030sq.m/0.103ha) and while shown within the blue line boundary did not include the former commercial yard area and shed to the rear within the subject site. This area was described on the Site Layout Plan as originally submitted as 'Landholding outlined in blue 1,384sq.m/0.1384ha commercial site shaded blue: 352sq.m/0.035ha). However, it noted that the Planning Authority were concerned about access to the commercial unit and the proposed gate to the rear of the site.
- 7.3.2. The initial planning application consisted of the renovation of and extension to the original terrace to provide 5no. dwelling houses; an additional dwelling house was added following a re-advertising process in response to the F.I request. The site was extended to the east to include the applicant's full landholding (shown on the revised plans as 1,390sq.m/ 0.139ha. The applicants provide that the housing terrace was originally constructed as 5no. dwelling house; this is evidenced by the historical map. That the intention is to re-establish and refurbish derelict extension along the rear of the premises.

- 7.3.3. Where possible, homes in new residential developments are to be universally designed to the 'Lifetime Homes' standard set out in Quality Housing for Sustainable Communities (DEHLG, 2007). This includes regard to minimum room sizes, dimensions and overall floor areas when designing residential accommodation. The proposed refurbished and extended dwellings would comply with the floor area and minimum room sizes as specified in the spatial standards in Section 5.3.2 and Table 5.1 of these Guidelines.
- 7.3.4. I note that two no. first floor windows from the rear elevation of the dwelling to the north of the row of houses to be refurbished face the site. However, the context of the proposed development will not significantly impact on this property from what was the original extended terrace. It is noted that dwelling house no. 5 will not include the two-storey rear extension shown for the other 4no. properties. This setback is important to ensure that it does not adversely impact on adjoining property.
- 7.3.5. The applicant provides that the extensions proposed to the rear of the existing terrace contain no first-floor side windows looking north towards the adjacent property, and that therefore no overlooking from the proposed development to the 2 storey dwelling will occur. Revised 3D views have also been submitted, showing these windows relative to the rear of the proposed development.
- 7.3.6. I would consider that the refurbishment of the existing housing to provide 5no. houses facing Bradleys Row, is in line with policy concerning regeneration of town centres and compact development. That it will improve the visual appearance in the streetscape and the character of the now vacant derelict site. The provision of the 6th house to the rear of the site was introduced at F.I stage.

Regard to proposed dwelling no.6

- 7.3.7. The Appellant provides that they are supportive of the redevelopment of the terraced houses, provided the design is appropriate for the site but has serious concerns regarding the permitting of the 6th dwelling to the rear of the site, including the impact on residential amenity such as overlooking, overshadowing of their property and on the character and amenities of the area. Concerns have also been noted regarding the access/road safety, public lighting and flood risk.

- 7.3.8. Regard is had to the revisions made to the plans submitted with the First Party response to the Appeal. They provide that the proposed development will provide for regeneration and bring a town centre terrace of 5 vacant houses back to residential use and up to modern day living standards. That dwelling house no. 6 will render the development economically feasible for the applicant who would otherwise lose the commercial potential/value of the land to the rear of the site. That it will bring a mix of 1 and 2no. bedrooms to the area in the refurbished properties facing the street and a new dwelling (2no. bedrooms 4person house) to the rear of the site, all using the existing access to Bradleys Row.
- 7.3.9. The Revised Site Layout Plan shows the offset of proposed dwelling no.6 set further back from the side elevation of the bungalow. I noted onsite that there is a high wall (c.2.5m) along the boundary with the bungalow which provides screening and that a gable window can be seen in the side elevation of the bungalow from the site. The Council's permission included condition no.3 which provides for the omission of first floor windows and allows for the installation of velux windows, or a relocation of the bathroom window. It also provides for all bathroom windows to be obscure glazed. It is noted that the revised plans submitted on the 8th of November 2023, show that these modifications have been incorporated in the elevations.
- 7.3.10. The First Party note that as an additional measure, the applicant is prepared to reduce the height of the proposed dwelling house no.6. That this can be achieved by proposing a dormer roof construction with an eave's height of 4m and a ridge height of 6.3m reduced from 7.05m. That this height brings the proposed ridge line of the dwelling to a level of 116.70 compared to the eaves of the nearest commercial building to the east at 116.04. They refer to the topographical survey drawing PS01. They also advise that house no.6 is moved marginally to the south-east by approx. 300mm further from the appellant's boundary wall. That the proposed dormer house external wall face is approx. 2.7m from the inside face of the boundary wall at the narrowest point and 5.7m to the boundary wall at the widest end/front elevation. That the ridge line is on average 6.8m from the site boundary wall, will not cast significantly more shading than the existing site boundary wall (they include drawings showing shadow casting for 21st of March). They also refer to compliance with BRE209 'Site Layout Planning for Daylight and Sunlight: A Good Practice' Second Edition 2011.

7.3.11. I would consider that in view of the modifications made at F.I stage and as shown on the revised plans submitted with their response to the appeal, show that the revised house type will be acceptable and will not adversely impact on the bungalow to the north-west which faces New Row. That significant overshadowing and overlooking will not be an issue. I would also recommend, that if the Board decides to permit that all boundary walls be retained and as shown on the drawings be replaced where necessary.

Open Space Provision

7.3.12. The Site Layout Plan shows the rear garden areas for the 5no. houses facing Bradleys Row and c. 25sq.m. This is less than the 48sq.m recommended for 1-2 bedroomed houses in Table 9.2 of the Templemore Town and Environs DP 2012. The proposed house no.6 private garden area exceeds 48sq.m.

7.3.13. Regard is had to the 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)'. Chapter 5 provides the Development Standards for Housing. This refers to compact development and SPPR 2 to Minimum Private Open Space Standards for Houses. This is 20sq.m for a 1 bed house and 30sq.m for a 2 bed house. While house no. 6 would be in accordance with these standards, nos. 1- 5 at 25sq.m are below the minimum. However, it is noted that Section 5.3.2 of the Guidelines which refers to 'Private Open Space for Houses' includes: *A more graduated and flexible approach that supports the development of compact housing and takes account of the value of well-designed private and semi-private open space should be applied.*

7.3.14. In this case the revised Site Layout Plan and Landscape drawings show that it is proposed to provide a 'Shared Open Green Area at 15% of the Overall Site Area'. This is to be located centrally within the site, to the rear of the 5no. houses and parking area and to the front of house no. 6. I would consider that this arrangement in a town centre setting would comply with SPPR 2 of the said Compact Guidelines. If the Board decides to permit, I would recommend that a landscaping condition be included.

7.4. Material Contravention issues

- 7.4.1. Section 34(6) of the Planning and Development Act 2000 (as amended) sets out the procedure under which a planning authority may decide to grant permission for such a development. Section 37(2) of the 2000 Act provides the constrained circumstances in which the Board may grant permission for a material contravention. These include whether the development is of strategic or national importance, where the development should have been granted having regard to regional planning guidelines and policy for the area etc., where there are conflicting objectives in the Development Plan or they are not clearly stated, or permission should be granted having regard to the pattern of development and permissions granted in the area since the making of the Plan.
- 7.4.2. Reference is had to section 7.15 of the Development Management Guidelines 2007, which advises that caution, should be exercised when refusing permission on the grounds that the proposed development would materially contravene the development plan. That where such a reason is given it must be clearly shown that specific policies/objective of the plan would be breached in a significant way. Section 6.4 refers to *Planning reports – Importance of a balanced approach*.
- 7.4.3. The issue of material contravention is not raised specifically in the current application. It is noted that the Planner's Report does not have an issue with the proposed development as shown on the revised plans and that they recommended that the area at the rear be included in the site and that permission for the additional house be granted. However, as mentioned by the Third Party the subject site is within land zoned 'Commercial' in the Templemore LAP 2012 -2018 (as extended). As noted in the Policy Section above, Table 10.1 provides that residential is 'generally not permitted' within the commercial zone.
- 7.4.4. Appendix 6, Volume 3 of the Tipperary CDP provides the Development Management Standards. Section 2 refers to Settlement Plans and Land Use Zoning. It includes:
A land use zoning framework is set out in Volume 2 Section 3.0, Table 1.2 Land Use Objectives, explains the general land use types applied in the settlements and Table 1.3 Zoning Matrix sets out the typical use types that may be 'acceptable in principle', 'open for consideration' or 'not permitted' on any given land use zone designation.

- 7.4.5. It is of note that as shown in Table 1.3 – Zoning Matrix, that residential is considered ‘acceptable in principle’ in Village Centre/Town Centre. Therefore, I would consider that there is some confusion relative to the zoning taking into account the existing residential on site and the mixed-use pattern of development in the area. Where such conflicts arise, the Tipperary County Development Plan 2022-2028 (and any reviews thereof), would have primacy in decision-making.
- 7.4.6. The Third Party is concerned that the lands in the rear portion of the site were never historically used for residential purposes and were instead once used as a Mechanics Workshop which can be defined as a commercial use. They ask the Board to consider if it is appropriate for the site to be considered for residential purposes when such a use has not been established and is not compatible with the commercial land use zoning objective. They ask that the 6th dwelling be removed and refer to a copy of the 25inch historical maps, which they submit clearly indicate that the rear of the proposed site was never residential.
- 7.4.7. The First Party response provides that the historical map (they include an extract) documents that the gardens to the rear of the terrace contained outbuildings and a yard ancillary to the residential terrace; these outbuildings were changed/demolished over time and the terrace houses were extended to the rear. They submit that the side access route serves another yard/field to the rear of the terrace. In this respect I note the site shown within the red line boundaries as F.I stage is completely enclosed (other than the existing locked access gates) and separate from the adjoining sites.
- 7.4.8. On my site visit I did not see a subdivision between the front and the rear part of the site and it all appears as one site served by the existing access from Bradley’s Row. There is an old derelict shed at the rear. I would not consider that documentation has been submitted to show that it was in commercial use in recent times. I would have no objection to the demolition of the shed and would consider that the provision of the dwelling no.6 would be more in keeping with the pattern of residential development on this enclosed site and in the area. I note that the Lidl store and mixed-use development is to the southeast of the site and there is a shed for a tyre centre to the northeast. So, I would consider that there is a pattern of residential and mixed use/commercial in the immediate area. I would therefore not consider that the proposed development which includes refurbishment and renovations to a row of

existing historic dwellings and the provision of a 6th dwelling on the subject enclosed site would be in material contravention of the Templemore and Environs Development Plan 2012-2018 (as extended) or of the Tipperary County Development Plan 2022-2028.

7.5. Access and Parking

- 7.5.1. The access to the site from Bradleys Row (L-3009) is existing and is in the south eastern side of the site. It is adjacent to the separate entrance to Lidl store and carpark which adjoins the store to the southeast. The Appellant notes concerns regarding the entrance sightlines and public safety. Noting that the entrance is beside a busy LIDL store on a heavily used footpath by shop customers. That the carpark reaches capacity at busy periods.
- 7.5.2. I would note that the site is within the urban speed limits and the County Engineer notes that adequate sightlines are available at the entrance. Also, that the existing ESB pole adjacent to the entrance is to be relocated to the rear of the site so it does not interfere with sightlines existing the site. Condition no. 2 of the Council's permission refers.
- 7.5.3. Details submitted with the F.I submission notes that the applicant has engaged Laois Hire Traffic Management Division to prepare a Traffic and Pedestrian Management Plan for the demolition and construction stage of the proposed works. They include details relative to proposals to close the footpath fronting the existing terrace during the works. Pedestrian barriers and a temporary pedestrian route are proposed along with approach signage and site access signs.
- 7.5.4. The First Party response notes that they are proposing a shared entrance and to remove a section of the boundary wall (shown 10m in length), along the boundary with the entrance to the Lidl carpark for improved visibility. They provide that parking is proposed to be provided at the rear to deter on-street parking. They also note that the houses opposite the site contain individual onsite parking spaces and these reverse off/onto Bradleys Row. That the utility poles will also be removed in liaison with the providers to meet condition no.2 of the Council's permission.
- 7.5.5. The Appellant is concerned that there is a lack of onsite parking spaces for the 6no. houses in the development as proposed. In this respect it is noted that the now

vacant original properties did not have onsite parking. As shown on the Site Layout Plan submitted at F.I stage, 5 no. car spaces are provided as originally proposed but are re-arranged and it is submitted that this provision be acceptable with the possibility of an off-site parking bay if required. Table 9.5 of the Templemore and Environs DP 2012 provide a standard of 1 space for dwellings up to 3 bedrooms.

- 7.5.6. The applicants provide that with the proximity to the town centre and the railway station the development will suit individuals who may not require a car. The proximity to the parking for the Lidl store and mixed-use development site is also noted. In addition, noting that ample space can be provided in the proposed rear garden for bins/recycling and for bicycle storage. There is also an internal store at ground floor level that can hold a bicycle if required.
- 7.5.7. If the Board decides to permit, I would recommend conditions regarding access, parking and surface water drainage.

7.6. Development Contributions

- 7.6.1. The applicant has submitted a Traffic and Pedestrian Management Plan for the demolition and construction stage of the proposed works. This plan includes provisions to close the footpath fronting the existing terrace during the works and details proposals including pedestrian barriers and a temporary pedestrian route along with approach signage and site access signs.
- 7.6.2. It is noted that the Council's District Engineer does not object to the proposed development but recommended a Special contribution towards new footpath outside proposed development required costed at €130/m² alternately that the developer carry-out the works by providing detailed specification and applying for a Road Opening licence. They, provide that this has been costed at €130/m² (Area approx. 40m x 100m² i.e. Total Approx €13,000).
- 7.6.3. Regard is had to Section 7.12 of the Development Management Guidelines. This includes that 'special' contribution requirements of a particular development may be imposed under section 48(2)(c) of the Planning Act where specific exceptional costs not covered by a scheme are incurred by a local authority in the provision of public infrastructure and facilities which benefit the proposed development. This includes: *A condition requiring a special contribution must be amenable to implementation under*

the terms of section 48(12) of the Planning Act; therefore it is essential that the basis for the calculation of the contribution should be explained in the planning decision. This means that it will be necessary to identify the nature/scope of works, the expenditure involved and the basis for the calculation, including how it is apportioned to the particular development.

- 7.6.4. Regard is had to the Tipperary County Council Development Contribution Scheme 2020. This includes regard to General, Special and Supplementary Development Contributions. Section 5.1 refers to General Development Contributions within the scheme and Section 5.2 to Special Development Contributions. I note that the Council have not included a special development contribution condition in their permission. Regard is had to the scope of the General Section 48 Development Contributions Scheme and to the need for a road opening licence. The latter is within the remit of the Council. Therefore, I would not recommend the inclusion of a special contributions condition.
- 7.6.5. In addition, I note that the Council's permission also includes a contribution of €1,500 towards the parking shortfall of 1no. space. This is in accordance with Section 9.2 of the Tipperary Development Contributions Scheme 2020. This also includes: *In order to promote desirable town/village centre development the following will apply to commercial/office/retail development within the town/village centre land use zoning; Where a requirement for car parking spaces is generated but all car parking spaces cannot be provided on site, the car parking contribution will be calculated providing an offset of 1 space for each EV charging space provided in the development.* As per condition no. 14 of the Council's permission a contribution of €1,500 is required. If the Board decides to permit, in view of the parking shortfall of 1no. space, I would recommend the inclusion of such a condition.

Public Lighting

- 7.6.6. The appellant submits that public lighting design is a concern for the adjacent bungalow as a light has been placed beside the kitchen and bedroom windows. That this raises concerns that light spillage will affect the bedrooms of the adjacent bungalow.
- 7.6.7. The First Party response notes that there is a public street light on the street to the north of the existing bungalow that provides street lighting into the existing bungalow

site. That the lamp standard 2A, can be removed from the proposed scheme and replaced with 5no. low level bollard lighting along the parking area/footpath as shown on the revised Site/Ground Floor Plan. They provide that the remaining lamp standard output is reduced to meet the recommendation in the bat survey. They note that there are three existing lamp standards along Lidl's boundary wall which also cast light into the residential site.

- 7.6.8. If the Board decides to permit, I would recommend the inclusion of an appropriate lighting condition.

Construction Management

- 7.6.9. The works include the demolition of the remaining, derelict, rear extension structures, and a section of side site boundary wall (to Lidl site), the demolition of the shed at the rear, the construction of private rear gardens with pedestrian access to each of the dwellings, access to the rear for parking via the existing side entrance off Bradleys' Row, private parking bays, related and ancillary services and all associated siteworks at Bradleys Row, Templemore.
- 7.6.10. It is noted that as part of the F.I submission a site-specific Construction Environment Management Plan has been prepared for the works. This plan includes proposals for noise (section 5.4) and dust mitigation (section 5.2) during demolition and construction phases.
- 7.6.11. If the Board decides to permit, I would recommend, that it be conditioned that a detailed Construction Environment Management Plan be submitted for the written agreement of the Planning Authority.

7.7. Drainage and Flood Risk issues

- 7.7.1. It is proposed to connect to existing public services. A Confirmation of Feasibility letter has been submitted from Irish Water. This notes that based on the details provided they advise that Water Connection and Wastewater Connection is feasible without infrastructure upgrade by Irish Water. Drawings showing the proposed drainage layout have been submitted.

Flood Risk Assessment

- 7.7.2. The Council's F.I request advised that the proposed development site is located within an area historically prone to flooding. Noting that the Flood Risk Management Guidelines for Planning Authorities – DEHLG 2009, require a comprehensive FRA for proposals in areas at risk from flooding. They advised that the FRA should clearly quantify the incidence of flooding on the site and should assess the impact of flooding on the development and outline measures to mitigate same. That it should also have regard to the impact of the development on offsite flood levels and third-party lands.
- 7.7.3. The F.I response referred to the Site Specific FRA carried out by Ash Ecology and Environment LTD. That the survey confirms that overall, there is no foreseeable impact on surrounding developments in terms of contribution to flooding. *'The flood risk to the site is deemed as very low, and the finished floor levels meet freeboard requirements. There remains a remote risk of a 0.1%AEP flood event overtopping the FRS defences. There are no significant flow paths across the site that are diverted due to the development, and no loss of flood storage.'*
- 7.7.4. Regard is had to the Third Party concerns about the location of the proposed development in a flood zone and the accuracy of the information presented in the FRA submitted. They are concerned that it did not take the changes to the site boundary to facilitate dwelling no.6 into account. Also, that the proposed design has not taken the impact of surface water drainage from the proposed development or climate change adequately into account. They note that the flood relief scheme has not been completed.
- 7.7.5. Regard is had to the Site Specific Flood Risk Assessment (revised) submitted with the First Party response to the grounds of appeal. The SSFRA comprises Stages 1 and 2 involving both identification and initial assessment of flood risks related to the development and site using published modelled data. Section 3.2 refers to Existing identification of Flood Risk and has regard to the OPW Preliminary FRA flood maps and to OPW CFRAM studies undertaken. Figures 13 and 14 show the CFRAM mapping which notes that the subject site is within a flood zone. Figure 15 notes that the Templemore Environs DP 2012 flood map layer suggests that the site bounds the 1/100 year zone. Appendix 6 of this Plan provides Stage One Strategic FRA.

- 7.7.6. Volume 5 of the Tipperary CDP 2022-2028 includes a Consolidated SFRA. Table 3 has regard to Measures for Individual Settlements and this includes Templemore where there is a Flood Risk Management Plan for the Suir River Basin. This notes the measures underway: *Progress a Flood Relief Scheme for the River Mall (Templemore)*, the status of the scheme is at Stage IV: Implementation/Construction. The Outline includes: *The River Mall (Templemore) Flood Relief Scheme includes construction of a new channel of 750m, with an additional inlet structure of 70m which will accommodate a gravel and debris trap, a new outflow from Templemore lake to flow under Blackcastle road and link with the new channel, two culverts to run the channel under Richmond road and Talavera, a new outflow point south of Talavera to link to new channel back with the old river, widening of the old river channel downstream of the town, embankments at various locations and surface and foul diversions as necessary. The scheme is expected to provide protection against a 100-year flood (1% Annual Exceedance Probability).*
- 7.7.7. The SSFRA (revised) submitted notes that OPW records at floodmaps.ie show several major flood events related to the Mall River, and a summary is given in Fig. 18. They note flood events that are the closest to the site but provide that the site lies outside the affected properties. Section 3.3 has regard to Source Pathway-Receptor Model. Table 4 notes that there is a moderate risk of Fluvial flooding from the Mall River, of the subject site. The CFRAM and Templemore and Environs DP 2012 flood maps place the site within or bounding the 1% AEP flood zone. Pluvial and groundwater flooding were not deemed relevant mechanisms and no flood maps suggested these at the site location. However, in terms of elevation, the site is not afforded much protection from the Mall river channel. The Stage 1 FRA concluded that there is a fluvial flood risk to the site from the River Mall.
- 7.7.8. Section 4 notes that a Stage 2 FRA (initial FRA) is undertaken to in summary confirm the strength of available evidence and potential flood levels at the site. Consideration is also made of ongoing flood relief works and any other relevant information. They have regard to CFRAM mapping and to hydraulic modelling – Figures 22 and 23 show the model upstream and downstream of the site. Note is also had of the history of flooding and the Templemore Flood Relief Scheme – Figure 24 provides an overview. They have regard to the OPW Climate Change policy and note that climate flow estimates have been applied.

- 7.7.9. The SSFRA has regard to a topographical inspection of the subject site, noting a slight fall to the south from Bradley's Row. It notes that Flood maps did not suggest any groundwater flood risk at the subject site. That the implementation of the Templemore Flood Relief Scheme has provided protection to 1% AEP flood levels to include climate change, accommodating flows of 21.63m³/s. That existing CFRAM modelling was based on a 1%AEP flow of 18m³/s. Minimum flood defence design levels are taken using the 1% AEP flood value + climate allowance + freeboard. They provide that as a result of the FRS scheme's successful implementation, the flood risk to the site is very low, remaining with the 1/1000 year level. That the development will meet minimum freeboard levels because the 1% AEP flood (+climate) is contained within the FRS specification. This is demonstrated by the site's minimum road levels of 110.10mOD, while the FFLS are 450mm higher at 110.55MOD. That it can be assumed that the 0.1%AEP flood levels would be much reduced based on the FRS measures. That large scale hydraulic modelling based on the FRS scheme are needed to give an accurate appraisal of potential 0.1% flood extent. Based on the FRS protection level with climate change, the risk of flood waters inundating the development is very low. Figure 27 shows the revised Site Layout Plan, including the green areas for private gardens and communal open space.
- 7.7.10. Section 4.3 of the SSFRA has regard to Flood Resistance and Resilience measures to be taken into account as a precautionary measure and considering the potential of climate change and the remote possibility of a 0.1% flood event. This notes that there are mitigation measures that may be considered as part of a flood resistance and resilience building approach – Figure 31 refers. Table 6 summarises proposed flood resistance measures for this development.
- 7.7.11. Section 4.4 refers to measures to be taken to offset any implications on surrounding properties due to the development. This includes that due to the proposed development there will be no removal of flood storage that may impact flood levels elsewhere. In addition, that there are no major flow paths across the site. Having regard to Surface Water Management, rainfall runoff from the development is to be routed to the public sewer/drain. Estimates for runoff peak discharge and volumes are included.

7.7.12. Section 4.5 refers to the use of Sustainable Drainage Systems (SuDS). Note is had of section 1.7 of the Tipperary SFRA 2022-2028 and the incorporation of SuDS in new developments. It is provided that the recommended SuDS measures for this development are specified using the SuDS selection hierarchy shown in Table 7, with locations highlighted in Figure 31.

7.7.13. A list of SuDS measures is given in Section 4.6 Conclusions and Recommendations:

- (1) bio-retention planters to buffer rainfall runoff to the public sewer;
- (2) Implement permeable paving for the side entrance/parking areas.

It is noted that the proposed new dwelling to the rear retains permeable ground (shared green area and rear garden area) to maximise surface water infiltration. The SSFRA recommends rainwater butts, permeable paving and bio-retention planted located at downpipes in private gardens as SuDS measures. That these measures are being provided.

7.7.14. It is proposed to locate the permeable paving in the parking bays (herring bone pattern) and in the seating area and select areas of private gardens (square/ straight run paving) to maximise surface water infiltration. It is provided that attenuation tanks are not suitable for the proposed development. It is concluded that there is no foreseeable impact on surrounding developments in terms of contribution to flooding. That the use of SuDS measures provides a more sustainable use of surface water over the existing vacant dwellings. To summarise they provide that the proposed development is deemed suitable regarding the relevant objectives within the Tipperary CDP 2022-2028 and the Planning System and Flood Risk Management Guidelines (OPW, 2009).

7.7.15. Having regard to the details submitted in the SSFRA, I would consider that it has been demonstrated that the development proposed for the refurbishment and renovation of the vacant properties and the provision of a new dwellinghouse to the rear of the site will not adversely impact flooding of the site, or the surrounding lands, provided the appropriate SuDS measures are implemented. That taking into consideration the Flood Relief Scheme currently being implemented to provide flood defences for Templemore, that flood risk is low and the proposal will not result in significant change in flood risk in the area.

7.8. Bat Survey

- 7.8.1. In response to the Council's F.I request a Bat Survey Report was prepared by Ash Ecology and Environment Ltd. It is noted that this study confirms that there was no bat emergence from the affected row of houses on site or the walled structures to the rear. That a bat derogation licence is therefore not required unless bats are found during the works.
- 7.8.2. The Third Party is concerned that the bat survey was conducted when the rear of the site was not under consideration. They are concerned that the site as a whole was not given full consideration. That there is no conclusive evidence that the former workshop (now in derelict condition) was included in the survey. They are concerned that an updated bat survey should have been carried out.
- 7.8.3. The First Party response provides that the original in-depth bat survey included the shed at the rear, but at the time of submission the area where the shed was not included as part of the residential proposal. They refer to an updated report prepared by Ash Ecology and Environment Ltd. Noting that this reinstates the original findings regarding bats on the site.
- 7.8.4. The results of this updated survey concluded that there was no bat emergence from the affected row of houses onsite, or walled structures to the rear. That a bat derogation licence is not required (however if bats are found using any structures during the refurbishment or demolition then works should cease immediately and a bat derogation sought from the NPWS before works can continue).
- 7.8.5. Recommendations include a bat/wildlife friendly design along with the installation of bat and bird boxes, and no demolition works during the bird nesting season for structures labelled 1,3 and 4 on Figure 3, which is March 1st to August 31st under the Wildlife Acts. It is concluded that the overall impact arising from the proposed works for bats will be 'Low Impact' to Negligible' in the long term.

8.0 Screening for Appropriate Assessment

- 8.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000, as amended.

- 8.1.2. The Kilduff Devilsbit Mountain SAC (site code: 000934) is c.5.7km to the northwest of the site.
- 8.1.3. The proposed development comprises the renovation of 4no. dwellings to provide 5no. dwellings and to include an additional dwelling at the rear i.e. 6no. dwellings in total, together with all ancillary works, located on serviced lands within the Templemore Town and Environs Development Plan 2012-2018 (as extended) boundaries.
- 8.1.4. No nature conservation concerns were raised in the planning appeal.
- 8.1.5. No streams/watercourses are identified on site.
- 8.1.6. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European site. The reason for this conclusion is as follows:
- The nature of the works proposed which are located on serviced lands.
 - The distance to the nearest European sites, and the absence of any hydrological or other pathways.

I conclude on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000, as amended, is not required.

9.0 Recommendation

I recommend that permission be granted for the reasons and considerations below.

10.0 Reasons and Considerations

Having regard to the provisions of the Tipperary County Development Plan 2022-2028, to the locational context of the site within serviced lands within the boundaries of the Templemore & Environs Development Plan 2012 (as extended), to the nature of the proposed development and to the renovation works and the pattern of

development in the surrounds, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity and would constitute an acceptable form of development at this location. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by further plans and particulars submitted on the 31st of July 2023 and by the further plans and particulars received by An Bord Pleanála on the 8th of November 2023 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interests of clarity.

2. (a) This grant of permission is for 6 housing units in the form of: Renovation of an existing terrace of 4no. two storey dwelling houses to 5no. two storey dwelling houses and 1 no. detached unit.

(b) The development of house no. 6 shall not be commenced until the proposed refurbishment works to the vacant terrace of two storey dwellings are completed.

(c) The proposed design and layout of the 6th house shall be in accordance with the revised plans submitted on the 8th of November 2023.

Reason: In the interests of clarity and residential amenity.

3. Prior to the commencement of development, the developer shall submit details of the following for the written agreement of the planning authority:

(a) Details of the materials, colours and textures of all the external finishes to the proposed development.

(b) All bathroom windows shall be obscure glazed and the opening sections shall be restricted to top hung pivot.

Reason: In the interests of visual and residential amenity.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the site, without a prior grant of planning permission.

Reason: In the interest of the residential amenities of the area.

5. The site including the areas of communal open space shown on the approved plans shall be landscaped in accordance with a landscape scheme which shall be agreed in writing with the planning authority prior to the commencement of development. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation.

Reason: In order to ensure the satisfactory development of the communal open space areas, and their continued use for this purpose.

- 6 (a) Final details of all proposed site boundary treatments including proposed replacement boundary walls shall be agreed in writing with the planning authority prior to the commencement of development.

(b) The high level existing northern boundary wall between the site and adjoining residential properties shall be retained.

Reason: In the interest of visual and residential amenities.

7. The access from the public road, and internal road and vehicular circulation network serving the proposed development, including turning bays, parking areas, footpaths and kerbs, signage and traffic calming measures, shall be in

accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets (DMURS), issued by the Department of the Environment, Community and Local Government in March 2019, as amended. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of amenity and of traffic and pedestrian safety.

8. Prior to the commencement of development, ESB, Telecom poles or service connections on the roadside at the entrance shall be relocated in accordance with the written agreement of the planning authority so as not to interfere with sightlines from the development.

Reason: In the interests of public safety.

9. 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.

Reason: In the interest of public health.

10. The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development. A Confirmation of Feasibility for connection to the Irish Water network shall be submitted to the planning authority prior to the commencement of development.

Reason: In the interest of public health.

11. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting.

Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

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

Reason: In the interests of visual and residential amenity.

13. 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.

Reason: To ensure the satisfactory completion and maintenance of this development.

14. The construction and demolition works for the development shall be managed in accordance with a Construction Environment Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of the intended construction practice for the proposed development, including measures for the protection of existing residential development, hours of working, traffic management during the construction phase, noise and dust management measures and off-site disposal of construction/demolition waste.

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

15. Site development and building works shall be carried only out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

16. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of

facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

17. 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 resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

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

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

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

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

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

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

21. Prior to the commencement of development, a payment of a financial contribution of €1,500 shall be paid to the Planning Authority in respect of the provision of on-street parking in the administrative area of Tipperary County Council that is provided or intended to be provided, by or on behalf of the Authority in accordance with the terms of the Tipperary County Council Contributions Scheme 2020 made under Section 48 of the Planning and Development Act, 2000 (as amended).

Reason: It is a requirement of the Tipperary County Council Contributions Scheme 2020 as amended, to include a condition requiring a contribution in lieu of car parking facilities be applied to the permission.

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.

Angela Brereton
Planning Inspector

30th of August 2024

Appendix 1 - Form 1

EIA Pre-Screening [EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318251-23		
Proposed Development Summary	Renovation of an existing vacant terrace of 4 no. two-storey dwelling houses to re-establish 5 no. two-storey dwelling houses and the construction of a 6th house and all associated site works		
Development Address	Bradley's Row, Templemore, Co. Tipperary		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	✓		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes	✓	Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	✓	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____

Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-318251 -23	
Proposed Development Summary	Renovation of an existing vacant terrace of 4 no. two-storey dwelling houses to re-establish 5 no. two-storey dwelling houses and the construction of a 6th house and all associated site works	
Development Address	Bradley's Row, Templemore, 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 proposed development to provide for the renovation of 4no.units to provide 5no. residential units and an additional unit at the rear i.e 6 no. units in total (stated area 0.139ha) is within the Templemore and Environs Development Plan 2012 (as extended) boundaries and is on lands zoned 'Commercial' and the site is adjoining Existing Residential, Mixed/Use and Commercial development.</p> <p>The proposed development is to connect to public services. As per the documentation submitted, including regard to Construction Management it will not result in significant emissions or pollutants.</p>	<p>No</p> <p>No</p>
<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>This proposal to provide for a total of 6no. residential units (stated area 0.139ha) and is well below the threshold of 500 units and below 10ha as per Class 10(b) of Schedule 5 of Part 2 of the Planning and Development Regulations 2001 (as amended).</p> <p>Please refer to the Planning History Section of this Report. No significant cumulative considerations</p>	<p>No</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</p>	<p>Residential Development on serviced site on zoned lands within the Templemore and Environs DP 2012 (as extended) boundaries and the proposal includes regard to surface water drainage and the incorporation of SuDS. A Flood Risk Assessment has been submitted.</p>	<p>No</p>

<p>impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The proposal includes the implementation of SuDS in surface water drainage. This has been assessed in the documentation and shown on the drawings submitted, and it is concluded that it will not have a significant effect.</p>	<p>No</p>
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)