



An
Bord
Pleanála

Inspector's Report

ABP-318342-23

Development	22 residential units
Location	Main Street/Townparks, Templemore, Co. Tipperary
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	2260738
Applicant(s)	Templemore Voluntary Housing Association (TVHA) CLG
Type of Application	Permission
Planning Authority Decision	Granted planning permission
Type of Appeal	Third Party
Appellant(s)	Aine Ryan Consulting on behalf of Seamus Hassey Denis Cummins and others Michael Condon and others
Observer(s)	Mark Kennedy
Date of Site Inspection	9th August 2024

Inspector

Catherine Dillon

1.0 Site Location and Description

- 1.1. The subject site is located on the northwestern side of the Main Street in Templemore town centre. The site is irregular in shape and comprises two end of terrace three storey vacant 19th century properties fronting onto Main Street, and their rear gardens and wraps around the rear of adjoining properties to the east. The end property is occupied by a former retail unit on the ground floor (known as Shortts) with residential above. It has a single storey rear extension and several outbuildings in the rear garden and is enclosed by a wall along its western and northern boundary. The adjoining three storey building (known as Prouetts) to the east has a single and two storey rear projection and abuts a property (Nos.110-111 Main Street) on its eastern elevation which is in residential use. The subject site would extend along the rear building line of this property which has 2 kitchen windows on the ground floor facing north and east, and bedroom windows at first floor level that overlook the subject site.
- 1.2. Immediately to the west of the site is a single width vehicular laneway (L5012) known as Park Lane which connects the Main Street and the Town Square to the Town Park to the north. There is a pinch point at the entrance to this lane from Main Street as it extends around the subject site's boundary which straightens out as it continues towards the park. There are two Town Park piers which establish the entrance into the park at the northern end of Park Lane. This laneway also connects to the GAA club, Athletic Club, a car park area and a playground immediately to the north of the subject site. The Town Park is also accessed off Blackcastle Road to the west of the park, and from Marian Road to the east.
- 1.3. To the west of the subject site is a three storey Garda building fronting Main Street with a single storey extension to its rear which connects to a rear three-storey block. There are three ground floor windows along the eastern flank to the Garda building which are grilled along its boundary with Park Lane. The Garda station has a vehicular access onto Park Lane.
- 1.4. Pickfoot Lane also known as Pigfoot Lane to the east of the subject site is a narrow laneway accessed off Main Street which provides a vehicular access to a number of residential and commercial properties and abuts the northeastern boundary of the subject site. There is also the boundary wall to a former building referred to as

'Famine Cottage' which forms a section of the eastern boundary of the subject site and abuts Pickfoot Lane.

- 1.5. The buildings within the subject site fronting onto Main Street lie within the Main Street/Patrick Street Architectural Conservation Area (ACA). The site falls from north west to south east, and has a stated site area of 0.27ha..
- 1.6. The River Mall is located approximately 375m south west of the site and Templemore lake is approximately 200m to the north west of the site. Templemore train station is c.1.5km to the south east of the subject site.

2.0 Proposed Development

- 2.1. The proposed development seeks to demolish the two existing buildings fronting Main Street and all outbuildings and construct a three/two storey building comprising 12 apartments with a communal room and an office on the ground floor. Beyond the apartment building would be a row of 2 detached terraced blocks containing 10 dwellings. The development includes the removal of the boundary wall onto Park Lane and a new vehicular entrance (spur road) close to the existing Town Park piers to serve 9 car parking spaces. It is proposed to contribute to the cost of 2 no. accessible car parking spaces along the frontage onto Main Street.
- 2.2. The development proposes to widen the entrance from Main Street onto Park Lane by setting the proposed development in from its existing western boundary and reducing the existing frontage width onto Main Street.
- 2.3. The development would connect to the existing foul and water supply. A surface water drainage system with attenuated disposal to percolation on site is proposed. The new storm drain would flow by gravity to the northwest of the site, where it would be attenuated before discharging to the existing public combined sewer southwest of the site. The tank would have a capacity to hold 83m³. SUDS measures include permeable pavement to footpaths, roads and parking bays, back garden patios, 300 litre water butts to all 10 houses, localised soakaways to back gardens and downpipe planters to apartment blocks
- 2.4. The development would comprise the following:

Apartment building, communal room, and TVHA office fronting Main Street and Park Lane

- 2.5. This building containing 12 apartments would have a three-storey frontage of c.13.5m to the Main Street and would continue around the south western corner with a three and two storey return onto Park Lane with an overall depth of 43m to the rear. There would be a flat roof linking the frontage building with the three storey element. The ground floor would contain a communal room, kitchenette, toilets and Templemore Voluntary Housing Association (TVHA) office which would have a frontage onto the Main Street with an access onto Park Lane. The ground floor would also contain a lift and stairwell to serve the 12 apartments contained within this building.
- 2.6. The apartment building would have a height to ridge of c.12.7m reducing to 9m at the two-storey element. It would include projecting balconies facing Park Lane. The three-storey element of this building would be set in between c.4.36m and c.2.75m from the eastern boundary, and the two-storey element would be c.2.7m from the same boundary. There are no habitable room windows proposed along the eastern elevation to the apartment block.
- 2.7. A two-storey over ground floor external staircase and enclosed bike storage area is proposed along the eastern elevation which would project 2.6m beyond this flank wall of the building.
- 2.8. The habitable room windows to the apartments would face onto Park Lane and to the north and it is proposed to provide private amenity space to the apartments by way of projecting balconies at first and second floor level and garden areas on the ground floor onto Park Lane.
- 2.9. A set down bay is indicated to the front of this building off Park Lane, and a rear service yard within the site to the north of the apartment block.

Terrace of 4 x 2 bedroom houses along Park Lane (Nos.1-4)

- 2.10. A terrace of 4 two storey dwellings fronting Park Lane is proposed, to the north of the apartment block. This terrace would be set back 5.12m from the eastern boundary at its closest point and set back c4m from the edge of Park Lane with a low wall and railings along the frontage.

- 2.11. It would have an overall height of 8.5m to the ridge and would front onto Park Lane with irregular shaped gardens to its rear serving the dwellings.
- 2.12. There would be windows at first floor level serving bedrooms along the eastern elevation to this terrace. There would be no windows on the side elevations.

Terrace of 6 x 2bedroom houses in northern end of site (Nos.5-10)

- 2.13. A further terrace of 6 dwellings would be positioned to the north of the aforementioned terrace block. These houses would be two storeys in height and would be staggered in a terrace row of three dwellings and their frontages would be set back between 16.7m and 17.1m from the walled boundary with the park to the north. The gardens to these dwellings would be located to the rear of the houses and would range from 34m² to 68m².

Additional ancillary structures

- 2.14. A single storey TVHA store building (26.7m²) is proposed in the north eastern corner of the site for maintenance equipment, spare parts, lawn care equipment for the existing TVHA housing stock. It would have a monopitch roof with a maximum height of 3.74m.
- 2.15. A waste management single storey structure (17m²) is proposed abutting the eastern boundary with a width of 2.87m and depth of 7.2m. It would be positioned 1.4m from the flank rear wall of the apartment building and would be attached to the terrace of 4 dwellings.

Vehicular access and car parking

- 2.16. The 9 car parking spaces would be located along the northern boundary, and it is proposed to create a new vehicular entrance into the site close to the Town Park piers to serve the parking area. A further vehicular access along Park Lane would accommodate a service yard and loading bay between the apartment block and Terrace Nos 1-4. The applicants are prepared to make a capital contribution towards providing a pathway to segregate pedestrian and vehicular traffic at this access.
- 2.17. The planning application was amended during the course of consideration which included removing the pedestrian link from the development onto Pickfoot Lane/Pigfoot Lane to the east of the development, a reduction in the number of units

from 24 to 22, and reducing an element of the apartment building from 3 to 2 storeys along Park Lane. The amended application received by way of further information (F.I) received by the P.A is the appeal currently under consideration.

- 2.18. The following tables summarise the key elements of the proposed development as revised at F.I stage:

Table 1- Key Figures

Site Area	0.27 ha
Commercial space	(area not specified)
Residential Units	<u>Apartments:</u> 4no.one bedroom 8 no. two bedroom <u>Houses:</u> 10no. two bedroom Total 22 (reduced from 24)
Density (Gross/Net)	81.4 dph (gross)
Building Height	3 storeys onto Main Street 2 and 3 storeys onto Park Lane 2 storeys facing the Park
Gross floor areas (as stated)	
Demolition	548m ²
Proposed works	2,161m ²
Site coverage	81%
Plot ratio	0.8:1
Dual Aspect	50% (F.I)
Part V	Applicant – Approved Housing Body
Communal/Public Open Space	None
Car parking spaces	9 spaces (including 1 accessible bay) 2 accessible spaces on Main Street Set down bay along Park Lane in front of apartment block
Bicycle parking spaces	14

The application was accompanied by the following:

- Design Statement
- Architectural Heritage Impact Assessment (AHAI)
- Bat and bird survey report
- Solar study
- Traffic Impact Report
- Archaeology Report
- Preliminary Construction Management Plan
- Civil Engineering report, including a flood report.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to grant permission was issued by Tipperary County Council on 5th October 2023 subject to 14 conditions. Conditions of note include the following:

Condition 1 a) Development to be implemented in accordance with revised drawings including mitigation measures set out in the Architectural Heritage Impact Assessment, Traffic Impact Report including Road Safety Audit Stage 1&2, Archaeological Impact Assessment and the Bat/Bird Survey in response to F.I..

b): This grant of permission is for 22 house units in the form of;

- 8 no. 2 bedroom apartments
- 4 no. 1 bedroom apartments
- 10 no. 2 storey 2 bedroom dwellings

Together with a spur road and all associated open spaces and services.

c) Permission is not granted for access to the development via Pickfoot Lane and this shall be omitted from the proposed development.

Condition 2: Confirmation of feasibility from Uisce Eireann prior to commencement.

Condition 3: Relates inter alia to boundary treatments and details of all boundary treatments both within and bounding the site, including folio details to be submitted prior to commencement of the development.

Condition 5 b) Windows at 1st and 2nd floor level on the rear (north eastern) elevation to be in obscure glass and opening restricted to top hung pivot.

Condition 8: On completion of the development, the developer is to submit a copy of the Safety File for the development under the Safety, Health and Welfare at Work (Construction) Regulations 2013, and to include ground level layouts, location of storm sewer, details of wastewater sewer lines, drinking water network and utility networks.

Condition 9: Relates to lighting of the yard area to be agreed with the P.A.

Condition 12: Relates to the submission of a Traffic and Pedestrian Management Plan (to include construction traffic management) which is to be affected during the construction phases of the developmental to be submitted and agreed by the P.A prior to the commencement of the development.

Condition 14: Relates to the management of the development and the development shall be owned and operated by an institutional entity/voluntary housing agency and individual units may not be sold, rented or leased.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The key items of note from the planner's assessment of the proposed development are summarised as follows:

Planner's initial report dated 20/2/2023

- Redevelopment of the vacant underutilised town centre site to residential acceptable in principle and would provide opportunities for the regeneration of the town.
- Widening of the access road would enhance the access to the Town Park, provide enhanced visibility to the laneway and safer pedestrian access with the provision of footpaths along the lane.

- Three storey building along Main Street considered appropriate.
- Concerns regarding impact on daylight/sunlight and privacy of existing residential occupiers to the north east, due to the excessive density and scale of the three storey element to the rear.
- Density calculated at 88 units per hectare was considered excessive for a small rural town.
- Stage 1 Safety Audit required regarding the widening of the Laneway to become a street with a footpath.
- Although the 14 car parking spaces would be below the Development Plan standards, considered acceptable due to the site's location within the town centre. Contributions to be applied for deficit.
- Pedestrian permeability onto Pigfoot/Pickfoot Lane unwarranted as it does not add value to the development, and legal entitlement concerns from third parties.
- Architectural Heritage Impact Assessment (AHIA) required to assess the impact of the development on the Conservation Area.
- Given the site's proximity to the adjacent park and associated amenities, the provision of public open space was considered unnecessary in this instance.
- Protruding 1st and 2nd floor level balconies on south western elevation considered not in keeping with the design idiom of any other building in the town and should be internalised.
- Part V- not required as applicants are an Approved Housing Body.
- Site lies within an Archaeological Protection Zone (APZ)- an archaeological assessment required.
- Bat survey to ascertain whether the buildings to be demolished support bat roosts etc.
- Flood risk not considered an issue.

A Further Information (F.I) was issued on 21/2/2023 on 11 points, seeking the following:

- Reduction in density, scale, removal of projecting balconies, rationale for development design via an AHIA.
- Inconsistencies in drawings.
- Archaeological Impact Assessment.
- Removal of Pickfoot Lane from scheme.
- Safety Audit.
- Bat Survey, lighting layout, details of proposed plant & mechanical equipment, landscaping & boundary treatment, and Sunlight/Daylight survey.
- Confirmation of feasibility from Uisce Eireann.

A response was received on 10/8/2023. The application was considered significant and was readvertised.

Planner's report on receipt of F.I response dated 4/10/2023

- Satisfied inconsistencies in drawings had been addressed.
- Density reduced to 81.4 hrh with the reduction of 2 units and it was considered the applicants justification for density acceptable.
- Removal of second floor on apartment block and amended roof profile to hipped roof, scale and bulk considered sufficiently reduced.
- Recommended a condition to ensure windows in rear elevation to apartment block were fitted with opaque glass.
- Provision of external balconies accepted.
- Accepted the design rationale contained with AHIA and landscaping scheme.
- Accepted findings in archaeological assessment, bat/bird survey report, mechanical equipment report and daylight/sunlight assessment.
- Pickfoot Lane access and footpath removed from the proposed development.

This report concluded the development was acceptable subject to conditions outlined above.

3.2.2. Other Technical Reports

District Engineer: Report dated 9/1/23

- Recommends F.I for Stage 1 Road Safety Audit.

District Engineer on receipt of F.I dated 21/8/23

- Confirming F.I satisfactory and recommends condition relating to surface water run-off to be collected on site.

3.3. Prescribed Bodies

3.3.1. **Department of Housing, Local Government & Heritage:** Dated 1/2/2023

Required further information including a Bat Survey. Report stated that all new buildings should include proposals for bat boxes and swift nest boxes.

3.3.2. **Department of Housing, Local Government & Heritage:** Dated 24/8/2023, in response to F.I:

All of the mitigation measures contained in the Bat/Bird Survey Report and any others considered necessary by Tipperary County Council must be incorporated into any grant of permission by way of specific conditions.

3.3.3. **Uisce Eireann:** Letter dated 5/9/2023: This letter states Uisce Eireann have reviewed the pre-connection enquiry from the applicants. Potable Water and wastewater network will have to be extended by approximately 100m and Uisce Eireann currently do not have any plans to extend its network in this area.

3.4. Third Party Observations

A total of 57 submissions were received to the initial proposal on the following summarised grounds:

Residential amenity

- Loss of light, view, privacy, overshadowing, security, access,
- Loss of security and increase in anti-social behaviour,
- Infringement of property rights.

Design, scale, density and layout of the development

- Overdevelopment of the site,
- Inappropriate design for an ACA and impact on streetscape,
- Use of inappropriate materials,
- 'Token' proposals for pedestrian permeability,
- Inappropriate design of balconies, lack of visual interest and animation of streets and spaces,
- Lack of detail on materials, finishes etc.,
- Lack of understanding of importance of the access laneway between Main Street & Town Park.

Inappropriate type of development

- Development should be for the purpose of reinvigorating the town centre e.g. digital hub and commercial centre with residential development directed towards the vacant properties in the town,
- New residential development generally better located outside the primary retail areas of the town centre.

Pedestrian safety, traffic & parking issues

- Impact on access to park particularly during construction,
- Increase in traffic and only one footpath along laneway,
- Impact on long established pedestrian priority of the access laneway and inappropriate finish and speed design of roadway,
- Pedestrian priority to the park should be maintained,
- Potential traffic disruption and risk to pedestrians,
- Not in compliance with DMURS,
- Inadequate parking provision.

Use of Pickfoot Lane

- Inappropriate for pedestrian access to the development,
- Suitability of gaining access to the development via Pickfoot Lane.

Loss of security and increase in anti social behaviour

- Use of Pickfoot Lane could cause anti social behaviour and loss of security to existing residents,
- Concerns regarding security including Garda Station.

Natural and Heritage Issues

- Removal of stone pillars at entrance to the park,
- Impact on Pickfoot lane (historic area),
- Impact on Famine house,
- Loss of park wall,
- Impact on ecology & wildlife, loss of trees, bats and lack of landscaping.

Impact on Town Park

- Overshadowing of park,
- Increase in traffic to the park,
- Overlooking of play area, child safety,
- Impact on the heritage and amenity of the town centre and Town park,
- Shortts Lane needs to be maintained open during construction.

Pollution

- Noise & waste management,
- Noise & dust during demolition & construction,
- Location of waste bin area will attract vermin.

Planning Policy

- Non-conformity with policies and principles including 'Importance of Place', Housing for our Ageing Population, and Town Centre First Policy.

Drainage & water

- Surface water drainage system would not be connected to the town centre SW drainage system,

- Relying on a 18,000 galloon holding tank for surface water on the site,
- Water will have to be removed by tanker from the site through the Park and Marion Rd.,
- Impact on water levels.

Lack of public consultation

- Particularly regarding Pickfoot lane as a pedestrian access.

3.4.1. A further 36 submissions were received to the F.I on similar grounds to the initial planning application proposal.

3.5. **Representations**

3.5.1. Councillor Michael Smith & Cllr Eddie Moran on the following grounds:

- Welcomes the development of houses in the town centre,
- Development must be appropriate in design, scale and layout, having cognisance to the visual impact of the development and the impact on the streetscape,
- Development must provide adequate parking spaces, must address any safety concerns and should provide a community building,
- The development should assess the viability of the proposed link through Pickfoot Lane.

No representations were received following the F.I response.

4.0 **Planning History**

There is no planning history related to the site.

P.A Ref: 01530661: Planning permission granted to Sean & Eileen Shortt at 114/115 Main Street on 3/10/2001 for bungalow and entrance.

Adjoining Lands to east:

P.A Ref: 2260310: Permission granted on 16/8/2022 to Margaret Hassey at No.111 Main Street for a change of use of the ground floor from retail to residential together with associated works.

P.A Ref: TUD-23-048: This enforcement concerns the opening of the boundary wall along the Park Lane boundary of the subject site.

5.0 Policy Context

5.1. Tipperary County Development Plan 2022-2028 (adopted July 2022)

- 5.1.1. Templemore is one of six District towns identified within the Tipperary County Development Plan 2022-2028, which have important roles in supporting their hinterlands and the Key Towns within the County, and in particular in supporting local economic strengths, and in providing housing and services. Templemore is identified within the Core Strategy of this Plan (Table 2.4) for a population growth of 15% by 2031, with an interim increase in additional persons of 194 to 2028.
- 5.1.2. 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.

5.1.3. Volume 3- Appendix 6 Section 4.10 Back-land & Infill development

Back-land residential development relates to small scale development located to the rear of or adjacent to existing buildings in built-up areas. To make the most sustainable use of existing urban land, the Council will consider the appropriate development of back-land/infill housing on suitable sites on a case by case basis. Backland/infill housing should comply with all relevant development plan standards for residential development, however, in certain limited circumstances; the planning

authority may relax the normal planning standards in the interest of developing vacant, derelict and underutilised land. Proposals should:

- Align with the prevailing density and pattern of development in the immediate area including plot sizes, building heights, and proportions;
- Not impact negatively upon the residential amenities of surrounding properties such as the potential loss of daylight or increased overlooking;
- Take cognisance of the potential of adjacent infill/backland sites being developed and shall not prejudice the development potential of such lands.
- Ensure adequate amenity is afforded to the existing and proposed development.

5.1.4. This Plan provides a commitment to update the Templemore Town Plan (see below) during 2023. However, until such time as an updated Plan is adopted, applicants are required to have regard to the content of the Templemore Town & Environs Development Plan.

5.2. Templemore Town & Environs Development Plan (TTEDP) 2012

5.2.1. The subject site is zoned for Town Centre Use with an objective 'To provide for town centre mixed use facilities.' Residential development and community facilities are permitted on town centre zoned lands.

5.2.2. The site lies within the Main Street/Patrick Street Architectural Conservation Area (ACA) and an Archaeological Protection Zone (APZ). The site lies within the Prime Retail Area of Templemore. The appeal site abuts the Town Park to the north which is zoned 'Amenity A', with an objective to 'To preserve and enhance amenity facilities'.

5.2.3. The Core Strategy population indicates the total house numbers required by 2022 based on a household size of 2.5 would equate to 144 dwellings.

5.2.4. The town of Templemore is located on the river Suir, which runs along the eastern edge through the town centre. The town is vulnerable to flooding and part of the subject site abuts an area identified as subject to flooding (1 in 1000 year flood zone).

- 5.2.5. The main policies and objectives are set out under; Chapter 2 (Policy & Vision) Chapter 3 (Core Strategy), Chapter 4 (Creating Sustainable Communities), Chapter 7 (Built Heritage, Natural Heritage & Amenity), Chapter 9 (Development Management Standards & Design Guidelines), Chapter 10 (Land Use zoning & zoning matrix) and Appendix 3 (Public Realm Plan).
- 5.2.6. The following objectives and policies are most relevant to the proposal:

Strategic Objective 7: To conserve and enhance the built heritage of the Templemore Town and to adopt a positive approach towards development to enhance, preserve, re-use or increase the accessibility of such features.

Policy SC2: New Housing Development It is the policy of the Council to require that new residential development conform to the Sustainable Urban Guidelines for Planning Authorities, 2008 (and associated Urban Design Manual) and the Development Management Standards for new residential development contained in Section 9.2 of Chapter 9 'Development Management and Design Standards'.

Policy TC9: Backland Development It is the policy of the Council to encourage and facilitate backland development, to strengthen the commercial or residential functions of the town. The development of backland sites will be subject to the requirements to meet standards set out in Chapter 9: Development Management Guidelines and Design Standards.

Policy TC12: Public Realm Plan; to support the implementation of the improvement initiatives identified in the Public Realm Plan (Appendix 3).

Policy WS8: Storm Water:- 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).

Policy BH1: Architectural Conservation Areas:- to ensure the conservation and enhancement of the Architectural Conservation Areas.

Policy BH2: Rehabilitation and Re-Use of Historic Streetscapes:- to encourage the rehabilitation, renovation and re-use of existing buildings within the ACAs.

5.2.7. **Chapter 9- Development Management Standards Section 9.2 Urban Residential Development**

Residential Density

Table 9.1 sets out the density guideline standards for development:

- Town Centre/infill development, to follow established plot ratios and for new town centre development the density guideline is 25-40 per hectare.

Tables 9.2 & 9.3 sets out private space standards

Dwellings :1-2 bed 48m² , 3-4 bed 65m²

Apartments Town Centre :1 bed 10m² , 2-3 bed 30-40 m²

Section 9.3 Infill Development and Apartments

5.2.8. The Council, in areas within existing residential development and mixed use development in the town centre, will require the following guidelines to be met:

- Site density, coverage and open space will be considered on a site-specific basis to permit development to integrate with the existing adjoining development. The development management standards set out in Section 9.2 may be relaxed depending on the site-specific circumstances.
- Design, height, scale, materials and finishes should be compatible with existing adjacent properties.
- Boundary treatment should ensure an effective screen between proposed and existing development.
- Private open space should provide for bin and fuel storage areas.
- Car parking provisions shall be in accordance with standard outlined in this chapter. In cases where this is not possible, a contribution to the Council toward the provision or improvement of alternative car parking will be required.

Section 9.7 Car parking standards- Table 9.5- 1 space per unit (up to 3 bedrooms)

5.3. **National Planning Context**

National Planning Framework- Project Ireland 2040 (NPF)

5.3.1. A number of overarching national policy objectives (NPOs) are applicable to the proposed development from the NPF, including:

- NPO 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
- NPO 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- NPO 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- NPO 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.4. **Section 28 Ministerial Guidelines/Other relevant guidance**

5.4.1. Having considered the nature of the proposal, I consider that the directly relevant section 28 Ministerial Guidelines and other national policy documents are:

5.4.2. Sustainable Residential Development and Compact Settlement - Guidelines for Planning Authorities (2024).

These guidelines allow greater flexibility in residential design standards and cover issues such as open space, car and cycle parking, and separation distances. Section 2.2 notes that these Guidelines should be read in conjunction with other guidelines where there is overlapping policy and guidance. Where there are differences between these Guidelines and other previously issued Section 28 guidelines, it is intended that the policies and objectives and specific planning policy requirements (SPPR's) of the Compact Settlements Guidelines will take precedence. Section 5.0

sets out the development standards for housing including SPPR 1 (Separation Distances), SPPR 3 (Car Parking) and SPPR 4 (Cycle Parking & Storage).

These guidelines recommend establishing appropriate residential density ranges through accessibility, local character, amenity and the natural environment.

5.4.3. Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (updated 2023).

These guidelines focus on the locational and planning specific aspects of apartment development. Design parameters include locational considerations and internal space standards for different apartment types including amenity spaces etc.. Many of these parameters are subject to SPPRs which take precedence over any conflicting Development Plan policies and objectives. Section 6.6 of the Guidelines states that planning authorities should have regard to quantitative performance approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings (IS EN 17037:2018), UK National Annex (BS EN 17037:2019) and the associated practice guide BRE 209 2022 (3rd ed., June 2022), or any relevant future standards or guidance specific to the Irish context. The Guidelines do not, however, set out performance criteria for building height or building separation distance relative to location. This is subject to separate guidance.

5.4.4. National Sustainable Mobility Policy – Dept of Transport 2022

This sets out a policy framework to 2030 for active travel and public transport to support Ireland's overall requirement to achieve a 51% reduction in greenhouse gas emissions by 2030.

5.4.5. Housing for All Housing for All (2021)

This policy notes that Ireland needs an average of 33,000 homes built per annum until 2030 to meet the NPF targets. These homes need to be affordable, built in the right place, to the right standard and in support of climate action.

5.4.6. Urban Development and Building Heights, Guidelines for Planning Authorities (2018).

These guidelines reflect the policy direction in the NPF in terms of achieving compact growth through urban infill and brownfield development. Section 3.2 of the Guidelines sets out criteria that a proposed development should satisfy at the scale

of the relevant city/town; at the scale of district/neighbourhood/street; at the scale of the site/building; and other specific assessments. SPPR 3 gives primacy to these criteria even where objectives of the Development Plan may indicate otherwise.

5.4.7. Design Manual for Urban Roads and Streets (DMURS) 2013

Section 4.3.1 illustrates the space needed for pedestrians to comfortably pass each other with reference to the anticipated levels of activity. The minimum space for two people to pass comfortably in areas of low pedestrian activity is 1.8m. The desirable space for two people to pass comfortably in areas of low to moderate pedestrian activity is 2.5m. The minimum space for small groups to pass comfortably in areas of moderate to high pedestrian activity is 3.0m.

5.4.8. Architectural Heritage Protection Guidelines for Planning Authorities (2011)

These guidelines place an emphasis on the regeneration of old buildings and their continued use. Section 3.10 provides criteria for assessing proposals with an Architectural Conservation Area.

5.4.9. The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009 (Flood Risk Guidelines) & Circular PL2/2014.

These guidelines advice that a fair balance between avoiding flood risk and facilitating necessary development, and eabling future development to avoid areas of highest risk and ensuring that appropriate measures are taken to reduce flood risk to an acceptable level for those developments that have to take place, for reasons of proper planning and sustainable development, in areas at risk of flooding.

5.5. **Natural Heritage Designations**

The site is not located in any designated European Site. Kilduff Devilsbit Mountain SAC (Site code: 0009340), is c.5.19km north west of the site. Lower River Suir SAC (site code: 002137), is 11.54km to the south west of the site.

5.6. **EIA Screening**

- 5.6.1. Having regard to the nature and scale of the proposed development, which is for 22 units in an established and serviced town centre location, and its proximity to the nearest sensitive location, there is no real likelihood of significant effects on the

environment arising from the proposal. The need for environmental impact assessment can, therefore, be excluded at preliminary examination stage and there is no requirement for a screening determination or EIA (see Appendix 1).

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Three third party appeals which include attached signatures were received from the following: Anne Ryan Consultancy on behalf of Seamus Hassey (Nos.110-111 Main Street); a joint submission from Denis Cummins, Kathleen O'Halloran & Johnie O'Halloran, (owners of property to north east of subject site on Pigfoot Lane), and a joint submission from Michael Condon, Breda Cummins, Majella Cummins & Marie Bannon (Main Street) have been submitted, and reflect the observations made to the planning authority and are summarised as follows:

Scale, Height, Density and contrary to Development Plan policy

- Density exceeds requirements set out in Table 8.1 of the Town Development Plan and was only marginally reduced in F.I..
- Proximity to the Town Park does not justify ignoring density requirements.
- Development out of scale with properties to the north east of the site which are all within ACA.
- Garda station is out of scale and character with the Town but this was not subject to public consultation.
- Three storey block imposing and monolithic.
- No open green space provision for future occupiers, which reinforces the overdevelopment of the site.
- Impact on the setting of market square.
- Development is cramped as density is too high for a narrow site.
- Overbearing development on the Park.

- Significant change to the urban form and the transfer of the site area to facilitate public works does not constitute community gain.
- Over concentration of apartments on a backland plot.
- Ridge line to rear of proposed development higher than established ridge line of adjoining properties.
- Fails to make a positive contribution to the neighbourhood.
- Contrary to CDP Plan policies on backland and infill development with regards to plot size and proportions.
- Inadequate public space provision.
- Reduced car parking must indicate a modal shift to sustainable modes of transport.
- Contrary to Strategic Objective 8 of the Town plan to enhance the natural heritage and open spaces of the Town and Town park.

Townscape and Architectural Conservation Area

- Loss of buildings onto the Main Street which contribute to the character of the Square.
- The AHIA states the renewal or regeneration of the existing buildings is not possible due to compliance with Parts B, L and M of the Building Regulation requirements but no engineering survey to substantiate this assertion.
- AHAI links the subject site to Opportunity Site No. 1, but there is no interconnectivity between the two sites.
- The boundary wall lies outside the ACA but it forms part of the site and its removal was not assessed in the AHAI.
- The removal of two traditional buildings with modern block and the widening of Park Lane would change the existing character onto the Square.

Loss of light

- North west facing habitable rooms and rear of properties to north east will be overshadowed in the afternoon and evenings. Increase in damp, mould lighting and heating bills due to overshadowing.

- Future occupiers have been given greater consideration than existing occupiers regarding daylight.
- Loss of passive solar energy to adjoining buildings and inability to consider solar panels.

Loss of privacy

- Acknowledge conditions regarding privacy set by the P.A but gardens will remain overlooked.
- Obscured glass windows not representative of a good quality living environment for future occupiers.
- Overlooking into rear of Garda station and associated operations.

Residential amenity – environmental impacts

- Impact on structural integrity of adjoining buildings.
- Location of waste shed next to boundary wall will give rise to vermin and odours.
- Details of noise and visual impacts of heating system on roof are deficient.
- Impact of dust and noise from demolition works.

Housing Need

- Acknowledge the need for more housing but this should not lead to inconsistent and bad planning.
- Provision of additional housing stock is welcomed in Templemore but due consideration to the sustainable development of the area should be in accordance with national and local housing policies.
- Consider the existing buildings on site could be converted rather than demolition.
- Bungalows more appropriate for elderly accommodation.
- Mix of residential development recently permitted or under consideration in the Town provides for, at minimum an increase of 90 persons, i.e 40% of the required 225 population to attain 2031 quantum.

Widening of Park Lane

- Widening of this street will transfer the street from a pedestrian to a vehicular street.
- Laneway was transferred to the people of the town by the Shortt family to access the park.
- Requires a safety audit.
- Rear apartments will dominate the view from the Square and the overall fabric of the streetscape.
- Widening of this street will expose the street to wind.
- Removal of Rights of way along Park Lane, and the lane is not owned by the applicant.

Invalid Application

- Overall height of the structure is not indicated.
- No Sustainability Statement submitted with the application for 10 or more dwellings as required in the CDP.
- Cannot determine accuracy of light study/shadow diagrams as height has not been provided.

Unauthorised development

- Works including the partial demolition of the boundary wall and removal of trees prior to the planning process.
- Discrete private nature of the walled garden has been removed.

Public Consultation

- Initial public consultation indicated 8 bungalows which was broadly supported by residents, planning application as submitted completely different.
- Proposed development is not suitable for elderly accommodation as initially proposed in public meeting.

- Public have a right to be consulted on any agreed Traffic Management Plan for work along Park Lane during construction works.

Conflict of Interest

- TVHA are led by a member of the County Council who is also an auctioneer.

Flood Risk

- Development replacing an existing garden with hardstanding areas and flood water will flow into the Main Street.

Famine cottage wall

- Reference is made to a famine cottage wall on the site but there is no local evidence of one on the site.

Pigfoot/Pickfoot Lane

- Welcome the removal of an access along this Lane to retain privacy and security.
- The use of this lane would not be DMURS complaint as specified by the applicant.

6.2. Applicant Response

- 6.2.1. The agents for the applicant have responded to the appellants submissions on the following summarised grounds:

Density

- Density complies with new housing as set out in the Guidelines for Sustainable Residential Development in Urban Areas
- High density is as a result of reduced car parking and public space due to site's proximity to the town centre and adjacent Town Park.
- Density is also distorted as the applicant has ceded to the Local Authority part of the site in order to widen Park Lane.
- All of the units are small to address the profile of the TVHA clientele, and would provide a likely population range of 54-66 persons which is not excessive.

- Density was supported by the P.A. and they considered it reasonable.

Shading of adjoining properties to the north east

- Development lies to the south west of the residential properties fronting Main Street and there would never be any shading to these properties between sunrise and noon.
- These properties would continue to benefit from 2 hours of sunlight on March 21st which is in accordance with the guidance document 'Site layout Planning for Daylight and Sunlight'.
- Sun path diagrams demonstrate very little additional shading would arise from the development.
- The high gables of the three storey Garda station already cast shadow on the properties to the north east.
- P.A satisfied the development would not impact on daylight or sunlight to adjoining north facing properties.

Improvement of Park Lane

- Redevelopment of the subject site on a smaller footprint enables the entrance along Park Lane to be opened up to the Town Park and create a vista to the town centre, in accordance with initiative 4.4. in Appendix 3 of the Town Development Plan.
- Appellants consider the narrow junction at Park Lane provides priority to the pedestrians, but this is in an adhoc manner. The proposed development would catalyse reconfiguration of the lane as a two-way street or shared surface or pedestrian street, implemented by the Local Authority.

Continuation of Pickfoot Lane as a pedestrian access from the Main Street to the Town park

- The applicant was aware of Objective 4.3 of the Public Realm Plan which sought to use the potential of linking laneways on the north side of Main Street to improve pedestrian connectivity to the Park and to assist in progressing the development of Opportunity Site No.1 (Main Street backlands).

- Recognise this is an emotive issue but the functionality of the proposed development is not dependent on this connection to Pickfoot lane.

Redevelopment vs conversion of the Shortts & Proutts buildings

- The buildings do not lend themselves for the conversion to smaller units, due mainly to fire safety, economic and accessibility grounds.
- Buildings were surveyed and measured and options for conversion were explored but were found to be inadequate for energy conservation, and to be more expensive for lesser quality accommodation.
- Installation of a lift would push the costs of the units beyond the value for money and funding criteria of the Department.

Conclusion

- The development can bring new purpose-built residential accommodation to Main Street.
- Address the strong demand for social housing.
- Help progress planning objectives for the town centre regeneration and improve access to the Town Park from Main Street.
- P.A supported the redevelopment of the underutilised site.

6.3. Planning Authority Response

None

6.4. Observations

- 6.4.1. An observation was received from Mark Kennedy (Rossestown, Thurles) with attached photographs on the following summarised grounds:

Surface water drainage and flooding

- Surface water is to be attenuated on site which will require it to be removed resulting in large vehicles gaining access along Marion Road and the children's play area and an increase in heavy vehicular movements through a residential area. Park Lane is not suitable to accommodate large lorries.

- Connection to the existing storm water may not be possible due to the current system backing up during moderate rainfall.
- There is nowhere to discharge the flood water from the development without causing flooding.
- This submission makes reference to OPW drainage works elsewhere adding to the flooding of the town.

7.0 **Assessment**

7.1. I have examined the application details and all other documentation on the appeal file, including the appeal submissions, observations, applicant's response to the appeal, relevant local and national policies and guidelines and inspected the site. Having regard to the site being on zoned town centre lands, and residential and community use being acceptable in principle, I consider that the main issues in this appeal are those raised in the grounds of appeal. The issues will be addressed under the following headings:

- Quantum, Density, Scale of the development;
- Existing Residential amenity;
- Future Residential amenity;
- Impact on the Architectural Conservation Area and visual amenity;
- Flood risk and drainage;
- Other Issues

7.2. **Quantum, Density, Scale of the development**

7.2.1. Planning permission is sought for 22 units on a 0.27 ha site within the town centre of Templemore. The third-party submissions state the development represents an overdevelopment of the site by reason of its quantum, density, scale and height resulting in amenity impacts in terms of overshadowing and loss of light. The first party in response to the appeal consider the density for the development is distorted for a number of reasons including part of the site being ceded to the P.A to extend the width of Park Lane, the reduced car parking and public open space required for

the development, due to its proximity to the town centre and town park. I note the first party do not dispute the density as cited in the P.A. report.

Quantum increase in population

- 7.2.2. Templemore is identified as a District Town (3rd Tier) within the Core Strategy of the Tipperary County Development Plan 2022. The Core Strategy within this 2022 Plan based on a population of 1,939 in 2016 provides for a 15% growth for the town in 2031, equating to 291 persons and an interim projection in 2028 equates to 194 persons. The Templemore Town & Environs Development Plan (TTEDP) 2013 sets population targets for the town and environs up to 2022 as 144 houses (based on 2.5 persons per household).
- 7.2.3. The third party consider allowing for permitted/outstanding residential applications within the area, that the population equivalent would be 90 persons for the town in addition to the proposed development having a population equivalent of 40 persons, and that it leaves a residual of 64 persons for Templemore over the next 5 years (2028 figures for the town being 194 persons). The first party contends the development equates to a likely range of 54-66 persons as the units are small. I note both parties provide a quantum of differing population increase as a result of the proposed development, however, I am mindful the core strategy for the Town is to be reviewed and I also consider the subject site is zoned, located in a town centre on a brownfield site, close to a train station and subject to all development management criteria being met, development is acceptable in principle on the site, irrespective of the proposed increase in quantum of population. I also consider the proposed development would not exceed the core strategy population projection for the town, allowing for extant permissions within the town centre.

Density

- 7.2.4. The TTEDP sets out density standards for new development within the town centre at 25-40 units per hectare, or on town centre infill sites to follow the established plot ratios. The proposed development would have a density of 81.4dph and plot ratio of 0.81, which substantially exceeds this upper density limit specified in the TTEDP and established plot ratio in the immediate vicinity. However, in Section 9.3 of the TTEDP, it states the Council will assess appropriate density on a case by case basis, and that development management standards maybe relaxed depending on

the site circumstances. This approach is reinforced in the Tipperary County Development Plan, for backland and infill development, subject to the development not impacting upon the residential amenities of surrounding properties in terms of loss of daylight or overlooking..

- 7.2.5. The Sustainable and Compact Settlement Guidelines describe towns such as Templemore as a small to medium sized town (1,500-5,000 population). The Guidelines state that the key priority for compact growth is that the scale of new development in the central areas of small to medium towns should respond positively to the scale, form and character of existing development, and to the capacity of services and infrastructure (including public transport and water services infrastructure), rather than specific densities.
- 7.2.6. The subject site is not of sufficient scale to define its own character and density and therefore needs to respond to the scale and form of the surrounding development to protect the amenities of the surrounding properties. Therefore, these considerations would take precedence over densities established within the Compact guidelines.

Scale

- 7.2.7. The development was reduced from 24 to 22 units by way of F.I by removing a third floor from part of the rear of the apartment block and remodelling the roof profile to a hipped roof. However, the overall depth of the apartment building remained the same and would project c.34m beyond the adjoining residential property to the east. The three-storey element of the apartment building would be set in between 4.36m and 2.75m from the eastern boundary for a depth of 20.6m with a height of 8.8m to the eaves. I consider a three/two-storey building of this depth in such close proximity to an adjoining residential property and its garden area, would have an overbearing and dominant impact on this property and the neighbouring residential properties to the east. A three-storey enclosed staircase is proposed to serve the apartments along the eastern elevation which would not be contained within the envelope of the apartment block but would project a further 2.6m beyond the apartment's eastern elevation to eaves height which would further increase the proximity of the building to the neighbouring boundary.
- 7.2.8. The two-storey element would be set in from the eastern boundary by c.2.7m for a depth of c13.67m and height of c.6.2m to the eaves. Although the two-storey

element provides a break in terms of being lower than the three-storey element along the eastern elevation, I consider the overall scale, depth and proximity of the apartment block to the eastern boundary would have an overbearing and dominant impact on the neighbouring properties.

- 7.2.9. I note the Garda station to the west of the subject site has a deep gable and a single storey extension linking to a three-storey rear extension. However, I do not consider the Garda station is reflective of the overall character of development along the Main Street particularly to the rear. Nevertheless, I consider the scale and bulk of the rear projection to this building has been reduced somewhat by the single storey connection extension and therefore does not appear as overbearing or imposing as the proposed development, which would extend for a much greater distance at three storeys.
- 7.2.10. The two storey proposed terrace blocks would have less of an overbearing impact on the properties to the east as they are set much further back from the boundary and would have a maximum height of 8.8 to the ridge. The bulk of the terrace blocks have also been reduced by being staggered with varying ridge heights along the front and rear elevation.

Conclusion

- 7.2.11. The Compact Settlement Guidelines emphasis the need to achieve compact growth including increasing the scale of buildings, particularly in town centres and close to public transport. However, the guidelines and the TTEDP also place an emphasis that the scale and form of development should reflect the character of existing development. Templemore is a third tier (small) town within the County's Settlement Hierarchy, and therefore is not a location identified for high density development such as the proposed development. The aforementioned Guidelines specify the density in small towns such as Templemore must have regard to the prevailing character, the existing scale and mass of existing buildings and urban grain and must be proportionate to the receiving local context rather than a blanket density range being applied.
- 7.2.12. I recognise backland sites in town centres provide an opportunity to provide sustainable compact growth, however a balance needs to be struck between achieving acceptable density and the need to protect the amenities of directly

adjoining neighbours and the general character of the area and its amenities. I consider the density for the proposed development exceeds the density standards in the TTEDP and in the Compact Settlement Guidelines for small towns such as Templemore Town, and by reason of its height and proximity to the neighbouring boundary is an overdevelopment of this confined site.

7.3. Existing Residential Amenity

- 7.3.1. The appeal submissions raise concerns regarding the impact of the proposed development on their properties in terms of overshadowing, daylight and sunlight, overlooking, odours, noise from the heating pumps and the inclusion of Pickfoot Lane in the development would result in a loss of security and create anti social behaviour. I will address these in turn below.

Overshadowing

- 7.3.2. The applicants submitted a solar study and shadow study by way of F.I to assess the impact of the proposed development on the adjoining properties to the east. The applicant's shadow analysis indicates that there would be an increase in overshadowing to the properties to the east but that they would continue to benefit from at least 2 hours of sunlight on March 21st and Sept 21st and this is attributed to the fact that the Garda Station already causes overshadowing to the east.
- 7.3.3. On my site inspection I observed the immediate neighbouring property has been converted to a residential dwelling and has a kitchen window in the north (rear) and side (east elevation) and bedroom windows at first floor level on the north elevation. I note from the shadow analysis that the properties to the east already experience overshadowing, however the applicants have not provided details as to whether the proposed development would reduce the amount of daylight received at these properties by 0.8 times its former value, as required in the BRE Daylight & Sunlight Guidance. I am not therefore satisfied that the properties to the east and their surrounding environment would not be further impacted by overshadowing from the proposed development, given its height and close proximity to the neighbouring boundary.

Daylight and sunlight

- 7.3.4. The shadow analysis is not a daylight and sunlight analysis of the development and has not been assessed in accordance with the BRE 'Daylight and Sunlight Guidance' in that it has not examined the impact of the development on the adjoining properties in terms of Vertical Sky Component (VSC); to assess whether the development would impact on the daylight currently received to the windows in the north elevation of the adjoining property.
- 7.3.5. I would concur with the third parties that the proposed development being three storeys in height and close to the eastern boundary would impact on the daylight currently received to the rear windows and the rear gardens to the adjoining residential properties and would diminish a unique amenity aspect of town centre living which it currently affords. Although I acknowledge Section 5.3.7 of the Compact Guidelines concerning daylight indicates that a detailed technical assessment is not required in all cases, however this must be balanced between poor performance and wider planning gains and compensatory solutions are not required.

Overlooking

- 7.3.6. Condition 5 of the P.A's notification to grant placed a restriction on the windows of the apartment block at 1st and 2nd floor level on the rear (north eastern) elevation to be in obscure glass and window opening restricted to top hung pivot. These windows serve an internal hallway to the upper floor apartments, and it was considered by the P.A this condition would preclude overlooking and a loss of privacy to the adjoining properties.
- 7.3.7. I note third party concerns that Condition 5 of the P.A's notification to grant would not preclude overlooking from the apartment block into their property. I consider high level windows would be more appropriate to enable light into the corridor, and prevent overlooking, rather than obscured glazing and would not prejudice the future development of any adjoining lands. In the event the Board are minded to grant planning permission I would recommend the windows on the north eastern elevation to the apartment building are high level windows at first and second floor.
- 7.3.8. Third parties have raised issues about the loss of privacy to the Garda Station as a result of the development. However the proposed terrace block would overlook the

car park to the station, and I therefore do not consider it would impact on the privacy to this building.

Odours

- 7.3.9. The proposed location of the waste bin enclosure on the eastern boundary has been raised as a concern by third parties in terms of resulting in smells and attracting vermin. I acknowledge this structure would be enclosed, however I do not consider it is in an optimum location being sandwiched in between the proposed apartment block and terrace block and next to the eastern boundary. I consider this building would be better positioned away from the rear of the terrace and apartment blocks and the neighbouring eastern boundary wall. I do not consider it would have a significant impact on the residential amenity of the neighbouring properties in terms of odour, if it is removed further away from the eastern boundary and is enclosed as proposed.

Noise from heating system on roof

- 7.3.10. The application was submitted with an outline of the specification of the proposed heat pumps, but it does not provide any details regarding noise levels from the pumps. The heat pump system would be enclosed by louvered panels (1.4m high) and located between the Main Street block and the three level hipped roof section. Access to this area would be via the attic tank room from a dormer buildout to the rear. I note the P.A were satisfied regarding the location of the proposed pumps in the roof. I would consider in the event of planning permission being granted the noise levels should be restricted to 55dB(A) during the day and to 45dB(A) at any other time at the nearest sensitive location, and not to exceed 5dB(A) above background noise having regard to the site's town centre location.

Dust from demolition and construction works

- 7.3.11. The applicants submitted a preliminary outline Construction Management Plan (CMP) with the planning application. This specifies inter alia, the time of construction works, a Traffic Management Plan agreed with the P.A, continuous dust monitoring at the site, transportation of waste, sediment run off measures and specific times regarding the removal of vegetation and buildings being checked by bat specialists before demolition.

7.3.12. It is to be expected there would be an element of dust and disruption during the redevelopment of the site, however, I am satisfied the proposed CMP is in accordance with best practice standards, and the construction works would not unduly impact on residential amenity in terms of dust. In the event of planning permission being granted a suitable condition would be attached requiring the Construction and Environmental Plan to be agreed with the P.A.

Loss of security/anti social behaviour

7.3.13. The subject site includes lands to the south of Pickfoot Lane/Pigfoot Lane and the initial proposal included a pedestrian access from the development onto this lane. Several submissions have expressed concern about the use of Pickfoot lane as a pedestrian access and that its use would result in anti-social behaviour and loss of security. On my site inspection I noted this access was narrow and is used as a vehicular access to serve the residential properties along the lane. Whilst I consider the use of this access would increase pedestrian permeability for the future occupiers of the development and as a pedestrian access to the town park, I do not consider it is warranted, as pedestrians can avail of Park Lane to walk into town or to the Town Park. I note however this aspect has been removed in the response to further information.

7.3.14. I note the First party's comments to the appeal on this issue and that they considered the use of Pickfoot Lane provided the potential to make a contribution towards progressing the development of the backlands for 'Opportunity Site No. 1' identified in the TTEDP. Although an appropriate access would need to be identified as part of any proposal to develop this opportunity site, I am not convinced given the narrow alignment of Pickfoot Lane, it would be the most suitable access to progress Opportunity Site No.1. Nevertheless, I consider the issues raised by third parties regarding the use of this lane have been overcome as it was removed from the proposed development by way of F.I, and that the viability of the appeal proposal is not dependent on the use of this lane.

Conclusion

7.3.15. The daylight and sunlight assessment is deficient in that it has not assessed the impact of the development on the existing daylight and sunlight received by the adjoining property and whether the proposed development would reduce it to a

significant degree as specified in the BRE Daylight and Sunlight standards. Having regard to the orientation, scale and proximity of the proposed development to the adjoining residential properties, I am not satisfied that it would not result in overshadowing and a loss of light to the adjoining neighbouring properties.

- 7.3.16. The privacy and overlooking aspects of the apartment block could be overcome subject to conditions restricting the windows on the eastern elevation of the apartment block being high level, however I do not consider this would reduce the dominance or overbearing impact of the apartment block to neighbouring properties.
- 7.3.17. The noise aspect of the proposed heat pumps in the roof could be controlled via noise restriction levels and I consider any noise and disturbance during demolition or construction could be controlled through best practice standards.
- 7.3.18. I consider in the event of planning permission being granted the waste management building should be relocated away from the neighbouring boundary.

7.4. Future Residential Amenity

- 7.4.1. Although the amenity for future occupiers of the proposed development was not raised in the grounds of appeal, matters such as open space provision and car parking were raised by third parties. I also consider the layout of the development needs to be assessed as it is a reflection of the overall standard of the proposed development's layout. I note reference is made by third parties that the proposed accommodation was to be for elderly persons, there is no reference made in this regard in the planning application documentation.

Single aspect units

- 7.4.2. I note as a result of the amendments made to the proposed development the number of dual aspect apartment units would equate to 50% largely as a result of part of the development being reduced to two storeys. SPPR4 of the guidelines provide that at least 33% of the apartments must be dual aspect in central / accessible urban locations and 50% dual aspect in intermediate locations. The remaining single aspect units would have a westerly aspect, with a number of the rooms dependent on a balcony area to provide light to habitable rooms.

- 7.4.3. Section 9.3 of the TTDEP states where dual aspect units are not possible single aspect units should ensure that the main living areas face south. Whilst I appreciate this is a constrained site, I consider the applicants should have provided details regarding the annual probable sunlight hours (APSH) for the proposed single aspect units, Nos 6,7,8,11 and 12, particularly during the winter months in accordance with the BRE Standards. This is particularly pertinent given the height of the Garda building to the west, as to whether future occupiers of the apartment block will depend on artificial lighting to serve habitable rooms, given they are westerly facing.

Public and Private Open Space

- 7.4.4. The TTEDP requires that a development proposing 4 or more dwellings incorporates a minimum of 15% of the gross site area as usable public open space and the same standard applies in the Tipperary CDP. However, Section 9.3 of the TTEDP for infill development and apartments may relax development management standards depending on the site specific circumstances. Policy and Objective 5.1 of the Sustainable Residential Development and Compact Settlements Guidelines, requires a public open space provision of 10-15% of net site area. These guidelines allow in some circumstances a P.A to set aside (in part or whole) the public open space requirement arising under the development plan, in cases where it is unfeasible, due to site constraints or other factors, to locate all of the open space on site. In other cases, it recommends the planning authority might consider that the needs of the population would be better served by the provision of a new park in the area or the upgrade or enhancement of an existing public open space or amenity. It is recommended in the aforementioned guidelines that a provision to this effect is included within the development plan to allow for flexibility, and that the planning authority may seek a financial contribution within the terms of Section 48 of the Planning and Development Act 2000 (as amended) in lieu of provision within an application site. There are no policies within the TTEDP regarding contributions towards a public space deficit or in the Tipperary CDP, however the development contributions scheme provides funding towards the provision of open space, recreational and community facilities.
- 7.4.5. The P.A had no objection to the proposal regarding the lack of public open space provision for the development, due to its proximity to the Town Park, and did not require a financial contribution in lieu of the provision within the site. Whilst I consider

the inability to provide any open space provision within the site is an indicator of the overdevelopment of the site, I consider this can be justified given the development's proximity to the town park and the flexibility in the TTEDP for infill development and apartments. If the Board are minded to grant planning permission for the development I would recommend a financial contribution to be agreed by the P.A is attached in lieu of the public space provision.

Private Space and privacy for future occupiers

- 7.4.6. Each apartment unit and dwelling would meet the minimum private space standards, however, I have concerns regarding the irregular shaped configuration of the garden areas for dwellings 3, 4 and 8 of the proposed terrace houses, is a practical useable space.
- 7.4.7. The revised apartment layout would have kitchen/living room windows on the northern elevation at first and second floor level overlooking the rear gardens to the proposed terrace units (Nos1-4). The ground floor level window serving the kitchen/living room to apartment No.4 would be set back 1.4m from the waste management building to the north which I consider a poor outlook for the future occupiers to this apartment. The kitchen/living room window to apartment No. 9 on the first floor would be set back c4.2m from the garden of dwelling No.1 to the north and would result in overlooking into the rear garden of this property. However if this window was to be removed the kitchen/living room would be dark. The bedroom windows to apartment No. 12 on the second floor would be set back 18.47 from the same dwelling, however I consider this would be sufficient not to result in overlooking to warrant a refusal on this ground.

Parking

- 7.4.8. The layout submitted at F.I illustrates 9 car parking spaces, 14 no. bicycle spaces and a loading bay within the development and a further 2 spaces along the main street subject to a contribution levy. The TTEDP parking standards would require 1 space per dwelling unit, however in town centre mixed use development consideration will be given to dual usage, where peak times do not coincide. There would therefore be a deficit of 13 spaces within the development boundary for the proposed apartment development.

7.4.9. The Apartment Guidelines are non-prescriptive in terms of car parking standards other than to note that planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard in intermediate urban locations. I note that certain policies and standards in the TTEDP are now superseded by the applicable mandatory SPPRs in the Compact Settlement Guidelines. I consider 11 no.car parking spaces (including 2 on the Main Street), and 14 cycle spaces provided for the proposed apartment development satisfactory, as the site is located within the town centre and within 1.5m from the railway station. I noted on my site inspection there is a public car park directly opposite the site within the Town Square, along the Main Street and within the Town park to the north of the site. The P.A did not raise a concern regarding the deficit in car parking due to its location within the town centre and the availability of parking close by. I am of the opinion that the proposed parking is adequate for the development and would comply with the Transport criteria in the Sustainability Matrix in Appendix 1 of the Town Development Plan.

Conclusion

7.4.10. Whilst I consider the lack of public open space provision and deficiency in car parking for the development is an indicator of the site not being able to accommodate the level of development on site, I consider given the site's location within the town centre, availability of street public parking provision and public transport and its proximity to the public park these deficiencies would be acceptable in this location, subject to all other criteria being satisfactory.

7.4.11. I have additional concerns regarding the layout of the development and the quality of accommodation afforded to future occupiers of the proposed development in terms of the level of probable daylight hours to the single aspect units, the outlook for apartment No.4, the useable space of some of the rear garden areas to the terrace units, and the overlooking of windows in the apartment block onto the rear gardens of the terrace block to the north.

7.5. Impact on the Architectural Conservation Area (ACA) and visual amenity

Impact of the proposal on the ACA

- 7.5.1. The frontage of the subject site lies within the Templemore Main Street/Patrick Street ACA but the buildings are not protected within the TTEDP. However, Policy TC4 of this Plan seeks to promote and encourage the re-utilisation and re-development of existing buildings along the town centre streetscape. I note third parties have raised concerns about the loss of the two buildings on the site and, that the applicant has not provided a justification for their demolition by way of a structural survey. The first party in their response to the appeal have outlined the buildings were surveyed and options to convert were explored but the buildings were found to be inadequate on energy conservation grounds, awkward internal layouts, accessibility grounds due to level differences between floors and fire safety grounds and such challenges would push the financial viability of the conversion of the properties beyond the value for money and funding criteria. I note the P.A on receipt of the AHIA had no objection in principle to the demolition of the proposed structures.
- 7.5.2. The Main Street market square is defined by traditionally scaled 2-3 storey buildings and the facades follow a continuous building line which is punctuated by narrow carriage archways. The ACA for the Main Street outlines the carriage arch is a very distinct feature in Templemore and a reveal to the town's trading and agricultural past. There is a significant level of dereliction along the Main Street within Templemore as identified in the Public Realm Plan, which can impact on the overall character of an ACA. Although the subject buildings are not unique in terms of other buildings along the Main Street, they contribute to the uniform character along the Main Street, in terms of height, plot width, building line, eaves height and fenestration. They are not recorded as being dangerous structures or as derelict sites, nor do they have a detrimental effect on the character of the area as they are reasonably well maintained. I consider a structural survey by the applicants could have provided a basis for the demolition of the buildings. Section 3.10.3 of the Architectural Heritage Protection Guidelines lists several criteria which should be considered when a building is to be demolished in a Conservation Area including whether the removal of a structure would impact on the setting of other structures in the area or adjacent protected structures. I consider the removal of these two buildings along the Main Street would impact on the balance and setting of the

Market Square, and that alternatives to the demolition of the structures was not fully explored in the AHIA submitted by the applicants.

- 7.5.3. The proposed apartment building would have a higher eaves and ridge height and deeper roof span than the existing buildings on site and the adjoining buildings to the east. However, I consider the design of the proposed frontage is in accordance with Policy BH1 of the Town plan in that it maintains the established building line of the Main Street and incorporates traditional elements such as a painted render finish and slated roof. Although the proposed building would have a higher eaves and ridge height than the adjoining Garda building, its proportions are reflective of this building. Nevertheless, Policy BH2 seeks to encourage the rehabilitation, renovation and re-use of existing buildings within the ACAs, in a manner that is sympathetic to the existing streetscape and the applicants in my opinion have not justified the removal of the buildings. The proposed block would be out of scale in the context of the streetscape and would erode the architectural integrity that is unique to the town.
- 7.5.4. The proposed building would have a reduced frontage onto Main Street to widen the entrance from the Main Street onto Park Lane from c.2.86m to 7.58m which would double the existing gap along the street. Although it would increase the vista from the Main Street onto Park Lane it would impact on the current sense of enclosure to the Market Square.
- 7.5.5. The proposed increase in the width of this entrance would reveal the proposed balconies to the apartment block from the Main Street. I consider the inclusion of projecting balconies to the apartment building is inappropriate in this location, in that it is not in keeping with the established character of buildings in the Main Street or Conservation Area. I would therefore concur with the initial planner's report that they should be internalised. The applicant in their F.I response sought to maintain the external balconies on the grounds that most apartment dwellers prefer to have open balconies and a 180 degrees aspect in their amenity space where possible; problems of diminution in light to the deeper part of the living / kitchen / dining area in a single aspect apartment, and for ventilation reasons. I consider this reinforces my concern that the proposed apartment block is an overdevelopment of the site. I consider recessed balconies within the façade line of the apartment block would provide an open area on one side of the apartment and make the open space area

less exposed and provide greater privacy for the future occupiers of the units, and would be more in keeping with the character of the Conservation Area.

Terrace blocks

- 7.5.6. I consider the proposed terrace blocks Nos1-4 would provide a strong frontage and enhance passive surveillance onto Park Lane. I note the terrace block Nos. 5-10 would have gable windows fronting onto this Lane. However, I consider Block Nos.5-10 would contribute to the streetscape if the frontage to this terrace faced the Lane, rather than a gable end. I also consider the proposed layout of both terrace blocks has resulted in Nos. 1-4 having irregular rear garden areas which further compromises the back garden to No.8.

Widening of Park Lane entrance

- 7.5.7. Park Lane is currently a narrow single one way vehicular width road that leads from the Town Park onto Main Street and has no footpath. The entrance from the Town Park onto Park Lane has a width of c3.24m reducing to c.2.86m at the Main Street exit point. I consider the narrow lane width prohibits vehicles moving fast along this road. The Public Realm Plan for the town mentions the Park Lane entrance from Main Street to the Town Park being concealed within the streetscape due to minimal signage. It notes that the Lane is a vehicular priority area which mitigates its usability for pedestrians. Section 4.4 of this Public Realm Plan suggests improving the surface treatment currently in place to provide a greater sense of pedestrian priority awareness for vehicles. I do not consider the Park Lane entrance at the Main Street is required to be widened to the extent proposed in the appeal development, as the existing entrance prohibits vehicles from moving at speed onto the street. I do not therefore concur with the first party that the justification for a higher density on the site is justified because of the ceded of their site for the widening of Park Lane public realm works.
- 7.5.8. The Public Realm Plan however does not specifically refer to widening the Park Lane entrance. I consider the widening of the gap from the Main Steet onto Park Lane is excessive compared to the existing archways and laneway widths which are a predominant feature of the Main Street and ACA and could actually increase vehicular use and speed along the laneway to the detriment of pedestrians. A shared surface along this laneway as promoted in DMURS would provide a 'place

based' approach for this lane and would be more effective in reducing vehicle speeds. I also consider the widening of the laneway exposes the proposed projecting balconies to the apartment block, which are not a feature of this conservation area.

Removal of section of stone wall at the Park Entrance:

- 7.5.9. The proposal would include the removal of a short section of stone boundary wall to the Town Park beside the eastern stone pier to separate vehicular traffic and pedestrians at this section of the Lane into the Park. These piers are not recorded as protected structures, and I would agree with the comments in the AHIA that this element of the proposal could provide a greater exposure for the piers. I am satisfied the piers would not be compromised by the proposed development. However, I have concerns that a vehicular entrance so close to the piers could cause a traffic conflict with vehicles exiting the proposed development and the adjoining Garda Station and vehicles using Park Lane from the Town Park side. The P.A however did not raise this as a concern.

Famine cottage wall

- 7.5.10. The description of the proposed development refers to 'conservation works to a section to what is known locally as the 'Famine Cottage' wall.' This wall is indicated on the layout plan as being located along a section of the northeastern side of the subject site along Pickfoot Lane and would form part of the side garden to dwelling No.10. Third parties state there is no evidence of a famine cottage wall. The OSI maps submitted in the AHIA indicate this wall maybe a remnant of former cottages along Pickfoot Lane. On my site inspection, there was a structure with window opes abutting Pickfoot Lane, and although it is not a protected structure, I consider the inclusion of the wall into the proposed development is acceptable.

Conclusion

- 7.5.11. The removal of two traditional buildings with a modern block and the widening of the entrance from Main Street onto Park Lane would alter the ACA character of this part of the street and impact on the current sense of enclosure onto the Market Square and would be contrary to Policy. I therefore consider the removal of the existing buildings on the subject site requires further justification to meet the criteria in Section 3.10.3 of the Architectural Heritage Protection Guidelines for their removal.

- 7.5.12. I note the Public Realm Plan refers to improving pedestrian safety by creating a shared surface along Park Lane and improving signage for the Town Park. I consider the significant widening of the entrance onto Main Street would actually increase vehicular use of the laneway to the detriment of pedestrians and would be contrary to DMURS. As stated in the public realm strategy surface treatment which provides a greater sense of pedestrian priority leading into the park would guide pedestrians along the route whilst creating an awareness of pedestrians for vehicle drivers.
- 7.5.13. The projecting balconies along Park Lane are not a feature of the vicinity and would detract from the traditional market town streetscape. I consider overall the proposed development would impact on the ACA by widening the existing opening onto Park Lane and exposing the three storey block with projecting balconies from the Main Street and would conflict with Policy BH2 which seeks to retain buildings in the conservation area.. I would recommend if the Board are minded to grant planning permission for the development the balconies are internalised to maintain the strong formal street facades that defines the character of the Main Street ACA.

7.6. Flood Risk and Drainage

- 7.6.1. A third party has raised concerns about the site being subject to flooding and the surface water being attenuated on site. The main sources of fluvial flooding to the site is via the Mall River c.265m to the west of the subject site which flows in a southerly direction towards the River Suir c.1.47km to the south east of the site. Another source of fluvial flooding to the site is from Templemore Lake c.200m to the north of the site. Pluvial flooding could arise in the event the existing sewers along the Main Street back up.
- 7.6.2. The Strategic Flood Risk Assessment for the TTEDP indicates serious flood events occurred along the Mall River and Patrick Street during the flood events of 1998 and 2000. This correlates with the information on floodmaps.ie (accessed 7/11/2024) and these flood maps do not record any recent flood events in the immediate vicinity of the site. The subject site does not lie in an area defined as benefitting lands or within the 1 in 100 year flood event area. I also note the subject site is not on alluvial soil. It is however located in close proximity to the 1 in 1000 year flood event (0.1%) AEP. The Suir CFRAMS Study shows the site to be in Flood Zone C and the highest

water level expected in the Mall River is stated at 112.97m OD for a 0.1% AEP. This CFRAMS study was carried out before the River Mall Flood Relief Scheme commenced in 2021. The Strategic Flood Risk Assessment of the TTEDP acknowledges that the implementation of this flood relief scheme would significantly mitigate the impact of flooding in the town. However, the Flood Management Guidelines state the presence of flood protection structures should be ignored in determining flood zones because areas protected by flood defences still carry a residual risk of flooding.

- 7.6.3. The Flood Risk Assessment report submitted with the planning application identifies a number of mitigation measures for the development against flood risk including a surface water attenuation tank and finished floor levels of the development set at 114m OD rising to 114.85mOD. This would ensure any future development of the site would have a 500mm freeboard above the highest water level including allowing for a mid and future range scenario and taking account of climate change. I note the P.A had no objections to the proposal on flooding grounds.

Surface Water drainage

- 7.6.4. All surface water within the vicinity of the site flows into a public combined sewer on the Main Street. A new separate gravity storm drainage system is proposed for the development, which would connect to an attenuation tank on the site before being discharged into the existing public combined sewer. The discharge to the public sewer would be restricted to 2 litres/per second and the attenuation tank would have a capacity of 80m³. The proposed surface water tank calculations have allowed for the hard surface areas, permeable paving, typical rainfall events, and for a 20% global warming factor.
- 7.6.5. Several SuDs measures are also proposed including permeable pavement to footpaths, roads and parking bays, permeable pavement to back garden patios, 300 litre water butts to all 10 houses, localised soakaways to back gardens and downpipe planters to apartment blocks. The tanking of the surface water attenuation tank as suggested by a third party would not be a requirement of the drainage design.
- 7.6.6. I am satisfied the attenuation tank would cater for a 1 in 100 year flood event.

Conclusion

- 7.6.7. This is a brownfield site and is zoned for town centre uses. I note the third party submitted photographs of a flood event close to the site in in 2023, however I am satisfied the application has addressed the possibility of the proposed development creating flood events elsewhere, or any flood events impacting on the development in accordance with the Flood Management Guidelines. The proposed surface water attenuation tank would be capable of collecting any storm water run-off from the site and discharging at an acceptable rate to the public network.

7.7. Other Issues

Invalidity of application

- 7.7.1. The third parties have raised a number of issues regarding the validity of the application. I am satisfied that the applicants have provided sufficient evidence of their legal interest to make an application. Any further legal dispute regarding land ownership and conflict of interest is considered a Civil matter and are outside the scope of the planning appeal. I do not consider that there is any basis for dismissing the appeal on these grounds.

Bat survey

- 7.7.2. A bat and bird survey were carried out on 14 and 15th June 2023 by Gerard Tobin, an ecological consultant, of the buildings and structures on the site. It is noted that there was no bat emergence from the affected buildings and the survey did not identify any bat sites. A bat derogation licence is therefore not required unless bats are found during the works. A number of mitigation measures are proposed within the report, including in the event bats are discovered during demolition works, swift nest boxes being erected on the external facia of the development, and using low pressure sodium lighting. It is recommended in the event of planning permission being granted these mitigation measures are included as recommended by the Department of Housing, Local Government & Heritage report.

Lack of consultation/engagement

- 7.7.3. I note the third party submissions regarding the proposed development changing from that discussed at a public meeting held with the applicants, compared to the

current proposal submitted in the planning application. However, there is no mandatory requirement for applicants to carry out a public consultation process under Irish planning legislation, other than that specified in the Planning Act regarding public notices, weekly planning lists, and Local Authority website.

Structural Integrity of adjoining buildings

- 7.7.4. A third party has raised concerns regarding the impact on their building during demolition and construction works. However, this is a Building Control matter and outside the remit of the planning process.

8.0 Screening for Appropriate Assessment

- 8.1.1. I have considered the project in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. The subject site is located within Templemore Town Centre and is located approximately 5.19km south east from Kilduff Devilsbit Mountain SAC (Site code: 0009340), and c.11.54km to the north east of the Lower River Suir SAC (site code: 002137).
- 8.1.2. The proposed development comprises the demolition of two end of terrace properties within the Main Street of Templemore town centre and outbuildings to the rear, and the construction of 22 residential units and associated works. The development would connect to the existing public infrastructure within the town. The development proposes a surface water attenuation tank within the proposed car park area of the development.
- 8.1.3. Having considered the nature, scale and location of the proposed development, 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 proposed development is on serviced lands.
 - I note that there are no direct hydrological connections between the subject site and any European site.
 - Having regard to the separation distance from the European sites regarding any other potential ecological pathways and intervening lands.
 - All surface water is to be contained on site.

8.1.4. I conclude that 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.

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

9.0 Recommendation

9.1.1. I recommend planning permission is refused for the reasons outlined below.

10.0 Reasons and Considerations

1. It is considered that the proposed development, by reason of its response to the site's context, and in particular the density, height, scale and overall layout would constitute an overdevelopment of a limited site area that would seriously injure the residential amenity of neighbouring residential properties by its prominence, proximity to the boundary and over shadowing. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the existing character and the prevailing pattern of development within the Main Street/Patrick Street Architectural Conservation Area, and the existing buildings on the site contributing to the overall character of the streetscape, it is considered that the proposed development, by reason of the demolition of the existing buildings, overall scale and design, including projecting balconies and the widening of the Park Lane entrance along Main Street, would be out of character with its surroundings, and would detract from the streetscape along Main Street and within the Conservation Area. The proposed development would, therefore, be contrary to Policies BH1 and BH2 of the Templemore Town and Environs Town Plan, which seek to protect and enhance Architectural Conservation Areas and encourage the rehabilitation, renovation and re-use of existing buildings within the Conservation Areas. The proposed development would seriously injure the visual amenities of the Conservation Area and would be contrary to the proper planning and sustainable development of the area.

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.

Catherine Dillon
Planning Inspector

25th November 2024

Appendix 1 Form 1 EIA Pre-Screening

An Bord Pleanála Case Reference	ABP Ref: 318342-23		
Proposed Development Summary	Demolition of 2 three storey buildings, construction of 22 units, widening of Park Lane, connection to existing foul and public water, drainage system with attenuated disposal to percolation on site and car parking and associated works.		
Development Address	Main Street, 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	X
		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	X		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	X	Class 10 (b) (i) threshold >500 dwellings. Class 10 (iv) Urban Development	Proceed to Q.4
4. Has Schedule 7A information been submitted?			
No	X	Preliminary Examination required	
Yes		Screening Determination required	

Inspector: _____

Date: _____

Appendix 2 Form 2
EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP Ref: 318342-23	
Proposed Development Summary	Demolition of 2 three storey buildings, construction of 22 units, widening of Park Lane, connection to existing foul and public water, drainage system with attenuated disposal to percolation on site and car parking and associated works.	
Development Address	Main Street, Templemore, Co.Tipperary	
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.		
	Examination	Yes/No/ Uncertain
Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions or pollutants?	<p>The proposed development is to provide for the demolition of 2 existing buildings along the Main Street in Templemore and for the construction 22 residential units on zoned lands with connections to public services in a town centre site within a conservation area is considered exceptional compared to the scale and form of the existing character.</p> <p>The development will involve demolition waste and there is the potential for silt laden run off. Construction activities will give rise to waste for disposal. Such wastes will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be localised and temporary in nature and implementation of a CEMP will satisfactorily mitigate potential impacts. Connection to the WWTP is feasible and capacity is available. Significant wastes, emissions or pollutants are therefore not anticipated.</p>	No
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having regard to other existing and/or permitted projects?	<p>The appeal site has a stated area of 0.27ha and the proposed development would have a density of 81 dph on backland lands and in the context of the surrounding environment, this is considered excessive.</p> <p>The site is a town centre site, and the development would not be exceptional in terms of a town centre development. Please refer to Planning History Section 4 of this report. No significant cumulative considerations.</p>	No
Location of the Development	There are no ecological sensitive locations in the immediate vicinity of the subject site. The nearest European sites are Kilduff Devilsbit	No

<p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>Mountain SAC (Site code: 0009340 c.5.19km north west of the site and the Lower River Suir SAC (site code: 002137), c. 11.54km to the south west of the site. The appeal site is not hydrologically connected to these sites. There was no evidence of bats within the structures within the site, and best practice methods are proposed during demolition of these buildings in the event that bats are found.</p> <p>The site abuts the 1 in 1000 year flood (Flood zone C), however it is proposed to provide an attenuation tank on the site to collect surface water, and have a freeboard to the houses above the highest flood level, allowing for climate change. A flood Risk Assessment has been submitted.</p> <p>There are a number of additional SuDS measures proposed including permeable pavement to footpaths, roads and parking bays, back garden patios, 300 litre water butts to all 10 houses, localised soakaways to back gardens and downpipe planters to apartment blocks.</p> <p>The site lies within an Architectural Conservation Area and the properties on the site contribute to the character of the existing streetscape within the ACA. However, an EIA is not warranted given the size and height of the development.</p> <p>The appeal site is a brownfield site. Having regard to the scale of the proposal, intervening land uses and separation distance, and best practices during building works, there is no potential to significantly impact on the ecological sensitivities of this European site or other significant environmental sensitivities in the area.</p>	
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)