



An
Bord
Pleanála

Inspector's Report

ABP-320214-24

Development	Residential development of 4 no. units. The creation of a boundary wall with pedestrian private entrance off Station Road and associated site works.
Location	Station Road, Tullow, County Carlow.
Planning Authority	Carlow County Council
Planning Authority Reg. Ref.	23110
Applicant(s)	Sayvale 17 Limited.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Donnacha Harkin Frank and Angela Byrne
Observer(s)	Board of Management of St Columbas's NS Scoil Phadraig Naofa

Date of Site Inspection

7th October 2024.

Inspector

Jennifer McQuaid

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	5
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	7
3.4. Third Party Observations	7
4.0 Planning History	8
5.0 Policy Context	8
5.1. Development Plan	8
5.2. National Policy	9
5.3. Regional Policy	10
5.4. Natural Heritage Designations	10
5.5. EIA Screening	10
6.0 The Appeal	10
6.1. Grounds of Appeal	10
6.3. Applicant Response	11
6.4. Planning Authority Response	13
6.5. Observations	14
6.6. Further Responses	15
7.0 Assessment	15
8.0 AA Screening	22
9.0 Recommendation	22

10.0	Reasons and Considerations.....	22
11.0	Conditions	23
Appendix 1 – Form 1: EIA Pre-Screening & Form 2: Preliminary Examination		

1.0 Site Location and Description

- 1.1. The proposed site (0.025ha) is located along Station Road (R725) at the northeastern edge of Tullow town, Co. Carlow. The site was previously a car park/forecourt area and adjacent single storey dwelling (all in the same landholdings). The site is currently tarmac hardstanding with open boundary to the public road, a block wall defines the boundary to the north (rear) and west (side). The boundary to the west is open and partly adjoins the single storey dwelling.
- 1.2. The surrounding area is generally residential with education and community uses. Phadraig Naofa National School is located to the immediate south and residential development at Willow Close, is located to the west.
- 1.3. The site is within a “Zone of Notification” for archaeology, (Historic Town CW008-045). Medieval Parish Church is located 100m east of the proposed site and Tullow Castle is located 120m southeast of the proposed site.

2.0 Proposed Development

- 2.1. The proposed development consists of:
 1. 4 no. residential units (2no. 1-bedroom apartments and 2no. studio apartments) in two storey block.
 2. Boundary wall with pedestrian private entrance off Station Road.
 3. All ancillary site works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority granted permission subject to 27 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planning report discusses the principle of development, which is acceptable, design is acceptable and offers an active street frontage, proposal is generally in accordance with the apartment guidelines, but Apartment 02 could provide dual aspect windows and applicant needs to demonstrate compliance with DEHLG Best Practice Guidelines for Quality Housing for Sustainable Communities (2007). In addition, further information requested to address the concerns of the third-party submissions, SuDs, car parking and Construction Management Plan.
- Further information was received but clarification was sought on the following items: balcony screening, windows for the WCs, car parking, location of former fuel pumps.
- The response was deemed acceptable, and the development was granted permission.

3.2.2. Other Technical Reports

- Municipal District Officer: Further Information requested in relation to car parking and Construction Management Plan.
- Water Services: Further Information requesting the applicant to complete trial holes on the site to ensure there is no pre-existing infrastructure or contaminated soil (possibility that the site was the location of a filling station in the past and may have buried tanks.)
- Fire Officer: No objection subject to conditions.

3.2.3. Conditions

- Condition 2 (b) Prior to the commencement of development, the applicant shall submit revised plan and elevation drawings for the written agreement of the Planning Authority, which incorporate windows in the rear north wall elevation for each apartment bathroom.

Reason: In the interest of residential and visual amenities.

- Conditions 5 & 6 relates to archaeology.

3.3. Prescribed Bodies

- Uisce Eireann: 50 metre sewer pipes required along the adjoining public road.
- Department of Housing, Local Government and Heritage: Observation received following the FI response. The department broadly concur with the recommendations for the proposed mitigation as set out in the AIA report, and therefore recommends that archaeological excavation and monitoring of groundworks, as described, be included as a condition in any grant of planning that may issue.

3.4. Third Party Observations

Two observations were received by the Planning Authority. The issues raised were:

- Concerns regarding the design of proposed adjacent two storey dwellings.
- Apartment 03 will impact on their amenity, loss of privacy. Request relocation of window to the rear and remove the balcony.
- Policy HP16 in the Local Area Plan restricts apartment development generally to town centre.
- Proposal is outside of the town centre.
- No communal amenity space. Design and location do not compensate for its omission.
- Permeable paving shall be provided.
- Design and density should be reconsidered.

Further submissions were received on the Further Information Response as follows:

- Inappropriate scale and nature
- Height and overshadowing
- Balconies unacceptable including the use of 1.8m of high perforated metal balcony screen.
- Inadequate car parking
- No remediation for any soil contamination on site

- Insufficient details regarding noise and air emissions from construction.
- No details on how the development will be managed post construction.
- Public open spaces referred to are too far from development
- Development is outside town centre and does not adjoin public transport.
- Density unsuitable for the area.
- Development will result in substandard residential development.

4.0 Planning History

9224: Permission granted for the erection of a canopy over existing pumps at existing service station.

5.0 Policy Context

5.1. Development Plan

Carlow County Development Plan 2022-2028(CDP).

Chapter 3: Housing

Chapter 5: Sustainable Travel and Transportation

Chapter 16: Development Management Standards.

Density – lower residential density development and serviced sites will be facilitated on appropriate sites within smaller towns and villages within the rural area in compliance with the programme for “new homes in small towns and villages” NPO 18(b).

Tullow Local Area Plan 2017-2023 (still in place until the Draft Tullow Local Area Plan 2024-2030 is adopted).

The site is located on lands zoned as Existing Residential/Infill. The objective is to protect and improve existing residential amenity; to provide for appropriate infill residential development; to provide for new and improved ancillary services.

Chapter 4.5 Brownfield/Derelict/Vacant/Underutilised Sites acknowledges that there are a number of brownfield, vacant and derelict sites in Tullow which detract from the

overall ambience. In addition, they acknowledge that vacant development sites are an opportunity for Tullow to provide for additional housing.

Chapter 5: Housing and Sustainable Neighbourhoods

Policy HP 16: To restrict apartment developments generally to town centre locations or suitably located sites adjoining public transport connections. Apartments will not be permitted where there is an over concentration of this type of development.

Higher density schemes will only be considered where they exhibit a high architectural design standard creating an attractive and sustainable living environment.

Policy HP 17: To seek the provision of high-quality apartments where permitted within sustainable neighbourhoods by achieving appropriate floor area sizes and levels of amenity within each apartment development; and ensuring that suitable social infrastructure and other support facilities are available the neighbourhood.

Chapter 7: Transport and Movement

Chapter 9: Utilities Infrastructure, Climate Change and Environmental Management.

Tullow Town Centre First Plan (July 2023) – this document identifies the proposed site as within the zone identified as “Town Centre Study Area”.

5.2. National Policy

- National Planning Framework – Project Ireland 2040

National Policy Objective 13 advocates that planning standards should be flexibly applied in response to well-designed development proposals that can achieve urban infill and brownfield development objectives in settlements of all sizes.

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

- Sustainable residential Development and Compact Settlement Guidelines 2024. (Compact Guidelines)
- Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities (2022) (Apartment Guidelines)

- Design Manual for Urban Roads & Streets (DMURS) 2019.

5.3. Regional Policy

- Regional Spatial and Economic Strategy for the Southern Region

5.4. Natural Heritage Designations

The proposed site is not located within a designated Natura 2000 site. The nearest sites are located at:

- Slaney River Valley SAC (Site Code: 000781) is located c.380 metres to the southwest.
- Ardristan Fen pNHA (Site Code: 000788) is located c.4km to the southwest.
- Slaney River Valley pNHA (Site Code: 000781) is located c.5km to the south.

5.5. EIA Screening

- 5.5.1. The proposal relates to a 4no. infill apartments with connection to public services in Tullow Town. The site is located on zoned lands and not within a designated site. Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Please refer to Form 1 and Form 2 as per Appendix 1 below.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.2. The grounds of appeal are submitted from four local residents who live in close proximity to the proposed development. The concerns raised are:
- Proposal is outside the town centre and does not comply with the LAP policy HP16.

- Lack of social infrastructure and public transport connections
- Proposed development would result in poor residential amenity.
- No communal open space. The proposed design does not compensate for the omission of communal open space.
- Reduced density would be more suitable.
- Possible failure to comply with condition 2 which relates to “submit revised plans and elevation drawings for the written agreement of the Planning Authority, which incorporate windows in the rear north wall elevation for each apartment bathroom”. Having regard to the applicant’s response to FI, the applicant has no intention of incorporating windows in the rear north wall and has suggested mechanically ventilating the bathroom.
- Overlooking of appellants property, the proposed balconies for apartments 1 and 3 will potentially overlook to the west regardless of the proposed 1.8m perforated screen. Appellants request a boundary wall between the proposed development and the property to the west. However, this would create overshadowing for both properties, but it would allow for the continued use and enjoyment of the appellants garden and property.
- Patio door at the gable end of the appellants house to the west.
- The existing rear garden is at least one metre higher than the ground level of the apartments.
- A single storey development would be more appropriate and reduce overlooking

6.3. Applicant Response

The applicant has made the following response:

- The site is zoned as “Existing Residential/Infill” in the Tullow Local Area Plan 2017-2023.
- Chapter 4.5 Brownfield/Derelict/Vacant/Underutilised Sites acknowledges that there are a number of brownfield, vacant and derelict sites in Tullow which detract from the overall ambience. In addition, they acknowledge that vacant

development sites are an opportunity for Tullow to provide for additional housing.

- Chapter 16: Development Management Standards, section 16.8.2 states lower residential density development and serviced sites will be facilitated on appropriate sites within smaller towns and villages within the rural area in compliance with the programme for “new homes in small towns and villages” NPO 18(b).
- HP 16 of Tullow Local Area Plan 2017-2023 states apartment developments should be restricted generally to town centre locations or suitably located sites adjoining public transport connections.
- Tullow Town Centre First Plan (July 2023) – this document identifies the proposed site as within the zone identified as “Town Centre Study Area”.
- Although the site is not zoned as “Town Centre Activities”, the site directly abuts it, and it is located in a suitably located area as per HP 16 of Tullow LAP and protects the main retail core of Tullow.
- Section 2.3.6 Town Centre of Tullow LAP lists Market Square and Church Street as being the main retail core of Tullow town. The proposed site is 100m from Church Street and 230m from Market Square and is currently being considered for a new public realm strategy. In addition, the site is located on Station Road, which is a connection road to the main N81 (Dublin Road) through Tullow and is within 200m or less of the bus stops.
- NPF, NPO 13 advocates that planning standards should be flexibly applied in response to well-designed development proposals that can achieve urban infill and brownfield development objectives in settlements of all sizes.
- NPF, NPO 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale relative to location.
- The proposal efficiently uses the land and infrastructure of an existing infill site and helps to restore and strengthen the area’s social and physical fabric.

- The site is in close proximity to a supermarket, a number of schools, health centre, day care centre, medical centre, parish centre, park and education centre. Church Street is 100m away from the proposed site.
- The proposal has been designed in accordance with Sustainable Urban Housing: Design Standards for New Apartments Guidelines. Section 4.12 states for building refurbishment schemes on sites of any size or urban infill schemes on sites up to 0.25ha, communal amenity space requirements may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality.
- There are public open spaces within close proximity of the site. Pairc Mhuire is c.200m to the east of the site, and Tullow playground and Skate Park is c.750m to the southwest along with a River Walk.
- Private amenity space has been provided in accordance with Sustainable Urban Housing: Design Standards for New Apartments. Each balcony/terrace has a minimum of 5m² each.
- Each condition will be addressed and agreed with the Local Authority as per the typical statutory process.
- The balcony at Apartment 3 has been designed to only open to the front of the proposal to alleviate any issues of overlooking. A full height wall has been installed to the first-floor balcony, and the gable window has been moved to the rear façade. The distance between the two gables of the building is c.16m, and there are no first-floor windows on the opposing neighbouring building.
- In regard to ground floor, there is a substantial existing boundary wall c.2m high with vegetation on the appellant side which will remain in place so there are no overlooking issues from the ground floor apartment.

6.4. Planning Authority Response

The Planning Authority have made the following comments:

- Principle of development is acceptable. Site is zoned as Existing Residential/Infill as set out in Tullow Local Area Plan 2017-2023.

- The site adjoins the Town Centre.
- The site is next to and within a short walking distance of the town centre, including key services, bus stops, commercial, educational and community uses.
- The site as is represents underutilised and vacant parcel of land within a built-up area.
- The proposal addresses vacancy in the town and provides residential accommodation in a central and accessible location.
- The site is underutilised and vacant parcel of land within a built-up urban area.
- The design integrates into the existing built fabric.
- The design will make a positive contribution.
- There is a mixture of single storey and two storey along this road.
- Section 4.12 of the Apartment Guidelines provides for a relaxation in part or whole in relation to the provision of communal amenity space for urban infill schemes on site of up to 0.25ha.
- It is not considered that the proposed development would result in any direct overlooking and loss of privacy to neighbouring properties.

6.5. Observations

There were two observations received from the schools opposite the subject site.

The following concerns were raised:

- Development is inappropriate in scale and nature, and it is overdevelopment of the subject site.
- The height of the building and proposed balconies will directly overlook the boy's primary school into both the classrooms and the playgrounds. The proposed metal balcony screens are not an acceptable solution.
- No parking/access for work vehicles/deliveries on the busy road with a dangerous junction where children cross to and from the school.

- Potential impact of noise and dust from the site which will affect teaching in the classroom, outdoor activities and planting.
- Increased heavy vehicle traffic during construction which will increase traffic congestion and danger to pupils crossing the N81.

6.6. Further Responses

- None

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issue in this appeal are as follows:

- Principle of Development
- Design & Residential Amenity
- Overlooking
- Appropriate Assessment

7.2. Principle of Development

7.3. The proposed site is located in Tullow Town, Co. Carlow. The site will be assessed in accordance with Tullow Local Area Plan 2017-2023 (as extended) and Carlow County Development Plan 2022-2028. The site is zoned as Existing Residential/Infill, the objective is to protect and improve existing residential amenity; to provide for appropriate infill residential development; to provide for new and improved ancillary services.

The zoning provides for infill development within these existing residential areas. The primary aims of this zoning objective are to preserve and improve residential amenity and to provide for further infill residential development at a density that is considered suitable to the area and to the needs of the population. Such areas, particularly where bordering the commercial centre, will be protected from the pressure of development of higher order uses such as retail and offices.

Policy HP 16 restricts apartment developments generally to town centre locations or suitably located sites adjoining public transport connections. Apartments will not be permitted where there is an over concentration of this type of development. And Policy HP 17 seeks the provision of high-quality apartments.

The site is directly adjacent to land zoned as Town Centre Activities to the north and west. The objective is to provide for the development and improvement of appropriate town centre uses including retail, residential, commercial, office and civic uses.

- 7.4. The grounds of appeal outline that the proposal is outside the town centre and does not comply with the Tullow LAP policy HP16 as the development consists of apartments. The appellant's also highlight that there is a lack of social infrastructure and public transport connections to the proposed site.
- 7.5. The applicant and Planning Authority have submitted a response and have both highlighted that the site is zoned as "Existing Residential/Infill" in the Tullow Local Area Plan 2017-2023. The site complies with Chapter 4.5 Brownfield/Derelict/Vacant/Underutilised Sites which acknowledges that vacant development sites are an opportunity for Tullow to provide for additional housing.
- 7.6. The applicant recognises that HP 16 of Tullow LAP generally restricts apartment developments to town centre locations or suitably located sites adjoining public transport connections. However, Tullow Town Centre First Plan (July 2023) – this document identifies the proposed site as within the zone identified as "Town Centre Study Area" and the proposed site directly abuts the zoning "Town Centre Activities". The proposal is an efficient use of the land and infrastructure and is located in close proximity to a number of services, facilities and public transport along with a connection road to the main N81 (Dublin Road) through Tullow and is within 200m or less of the bus stops.
- 7.7. I note the proposed site is located on lands zoned as Existing Residential/Infill as per Tullow LAP. Residential is permitted in principle at this location. The zoning matrix does not distinguish between housing and apartment residential units. However, I acknowledge policy HP 16 of Tullow LAP which restricts apartment developments generally to town centre locations or suitably located sites adjoining public transport connections. I have reviewed the zoning of Tullow LAP and note the site abuts the

town centre where apartments are generally acceptable. Having visited the proposed site, I note there is not an over concentration of apartment type developments in this area and generally detached or semi-detached dwellings are located along Station Road. I consider that there is a need for apartment type developments in this area and that the proposal complies with the CDP which highlights a significant population growth in Tullow town from 2011 Census to 2016 Census. In addition, Chapter 3 Housing, Section 3.10 Apartments, acknowledges that the greatest demand for apartment type accommodation will be in Carlow Town followed by Tullow and Muine Bheag which provide higher levels of services, employment, access to public transport and amenities. In this regard the Council may consider greater diversity and flexibility in housing schemes and may consider apartments as part of a mix of housing types in a given housing development. It is in my opinion, given the location of the proposed site zoned as existing residential/infill, adjacent to the town centre zoning, population growth and the need for a variety of house types, the proposal for apartment type residential development is considered acceptable.

- 7.8. Having reviewed the drawings submitted with the application, I consider that the development is a high architectural design standard and creates an active street frontage in an otherwise underutilised site and complies with policy HP16 & HP17. The overall height of the building is similar to the adjacent two storey dwelling to the west. Therefore, I consider the higher density scheme of apartment is acceptable at this location and contributes to a sustainable living environment.
- 7.9. Having regard to the LAP and the CDP, I consider the proposal of 4 no. apartment is acceptable at this location. The proposed development is in accordance with the zoning for the site. The applicant has submitted a high-quality design which improves the street frontage of the area and overall provides a positive contribution to the area.
- 7.10. **Design & Residential Amenity & Condition 2**
- 7.11. The site size is (0.025ha) and consists of an infill site along a regional road. The proposed development consists of two storey building consisting of 4 no. apartments, 2 no. 1 bed on the ground floor and 2 no. 1 bed on the first floor. A balcony is proposed as private open space for each apartment.

- 7.12. The grounds of appeal state the proposed development would result in poor residential amenity and that the proposed design does not compensate for the omission of communal open space. A less dense proposal would be more suitable.
- 7.13. In addition, the grounds of appeal outline it is not possible for the applicant to comply with condition 2 which relates to “submit revised plans and elevation drawings for the written agreement of the Planning Authority, which incorporate windows in the rear north wall elevation for each apartment bathroom”.
- 7.14. I will assess the design and layout in accordance with the LAP, CDP, compact settlement guidelines and the apartment guidelines.
- 7.15. The building has a stated floor area of 231.24sqm, each apartment has a floor area over the required minimum 45sqm for a one-bedroom apartment as per apartment guidelines. As shown in the table below, the proposed apartment complies with the minimum floor areas and standards as per the apartment guidelines.

Apartment	Area provided	Compliance Y/N
Overall floor area - 45sqm.	Apt. 1 – 46.8sqm Apt. 2 – 47.51sqm Apt. 3 – 46.8sqm Apt. 4 – 47.51sqm	Y
Width of living/dining room – 3.3m	Apt. 1 – 3.47m Apt. 2 – 3.94m Apt. 3 – 3.47m Apt. 4 – 3.94m	Y
aggregate floor – area of living/dining room – 23sqm	Apt. 1 – 23.59sqm Apt. 2 – 23sqm Apt. 3 – 23sqm Apt. 4 – 23.07sqm	Y
Minimum bedroom width – 2.8m	Apt. 1 – 2.92m	Y

Apartment	Area provided	Compliance Y/N
	Apt. 2 – 2.80m Apt. 3 – 2.92m Apt. 4 – 2.8m	
Minimum bedroom floor area – 11.4m	Apt. 1 – 12sqm Apt. 2 – 11.51sqm Apt. 3 – 12sqm Apt. 4 – 11.51sqm	Y
Minimum storage area – 3sqm	Apt. 1 – 3.62sqm Apt. 2 – 3.02sqm Apt. 3 – 3.26sqm Apt. 4 – 3.03sqm	Y
Minimum private amenity space – 5sqm	Apt. 1 – 5.21sqm Apt. 2 – 5.14sqm Apt. 3 – 5.39sqm Apt. 4 – 5.51sqm	Y
Minimum communal amenity space – N/A due to the limited number of apartments.		

7.16. In terms of car parking, the applicant has provided 1 car parking space per unit, I consider this as acceptable, as the site is located in an urban area and close to public transport and the town centre. Bin storage and bicycle storage are located to the west of the site. I consider that this is acceptable and in accordance with the apartment guidelines.

- 7.17. I note the appellants concerns in relation to communal space, as highlighted in section 4.12 of the apartment guidelines; “for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, communal amenity space may be relaxed in part or whole, on a case-by-case basis, subject to the overall design quality”. It is in my opinion, that due to the confined nature of the site (0.025ha) and the limited number of 4 no. apartments, proximity of the town centre and Tullow playground and skate park, that communal space is not required.
- 7.18. I acknowledge the appellants concern in relation to condition 2, the Planning Authority have requested the applicant to submit revised plan and elevation drawings prior to commencement which incorporate windows in the rear north wall elevation for each apartment bathroom in order to provide natural ventilation. I note the requested windows would be located in the shower cubicle of the bathroom, and due to the size of the bathroom it is not possible to reconfigure the layout. The applicant has stated in his further information response to the Planning Authority that mechanical ventilation can be fitted to the bathroom. Given, the location of the proposed window, I consider mechanical ventilation would be a more appropriate solution. Therefore, it is my opinion that condition 2(b) (which requires a bathroom window) of the Planning Authority decision shall not be attached if the Board are mindful to grant permission.
- 7.19. Having regard to the apartment guidelines and compact settlement guidelines, the design and layout of the proposed development, the size of the site, I consider that the proposed development is in compliance with the apartment guidelines. The omission of communal open space is acceptable due to the location and size of the site. And it is my opinion that condition 2(b) is not required and cannot be complied with appropriately.
- 7.20. **Overlooking**
- 7.21. The two-storey building consisting of 4no. apartments are located along a regional road, it is set back c.1metre from the footpath, c.16.4 metres from the gable end of the dwelling to the west, c.1.3 metres from the dwelling to the east (identified as in the ownership of the applicant) and c. 5.4 metres from the building to the rear (north).

- 7.22. The grounds of appeal have raised concerns in relation to the proposed balconies for the apartment 1 and 3, the appellants have stated that the balconies will overlook the garden, private space of the dwelling to the west. The proposed 1.8m perforated screen on the western elevation is not considered sufficient and the appellant suggests the construction of a new boundary wall between the proposed development and the dwelling to the west would be a better option or to reduce the building to a single storey dwelling. It is stated that the garden of the dwelling to the west is at least 1 metre higher than the ground level of the apartments.
- 7.23. Two number observations were received from the schools opposite the subject site and concerns were also raised in relation to overlooking into the classrooms and playground areas.
- 7.24. The applicant has responded by stating the balcony at Apartment 3 has been designed to only open to the front of the proposal to alleviate any issues of overlooking. A full height wall has been installed to the first-floor balcony, and the gable window has been moved to the rear façade. The distance between the two gables of the building is c.16m. In regard to ground floor, there is a substantial existing boundary wall c.2m high with vegetation on the appellant side which will remain in place so there are no overlooking issues from the ground floor apartment
- 7.25. I have assessed the location of the proposed development in relation to the property to the west, and I note the property is located 16.484metre from the gable end of the proposed apartments. The private garden of the dwelling to the west is located between the existing and proposed development where a c.2m high boundary wall exists. There are no first-floor windows on the existing property to the west and no windows proposed on the western elevation of the proposed development, therefore I conclude that there will be no directly overlooking issues between windows. The applicant has proposed a full height wall to block any potential overlooking from Apartment 3 to the rear garden of the dwelling to the west. It is my opinion, given the location of the proposed balcony for apartment 1 & 3 facing southwards and the location of the adjacent garden to the west, there is no potential for overlooking. The proposed development as presented is considered acceptable.
- 7.26. In regard to overlooking to the school and playgrounds area to the south, the proposed development is located c.13 metres directly across the road from the

school. The school consists of a single storey building, I do note the ground levels are slightly higher at the school than the proposed development. However, the perceived overlooking will be no greater than that already experienced from the adjacent properties along Station Road. There are no guidelines in regard to the distance of residential units to schools, however, it is my opinion, as there are no first-floor windows at the school, there will be no direct overlooking. The playground areas are located to the southeast of the proposed development, and therefore I do not consider that overlooking will be an issue.

- 7.27. Having regard to the location of the proposed development in relation to the existing dwelling to the west and the existing school to the south, I do not consider that overlooking is an issue given the separation distances.

8.0 AA Screening

- 8.1. Having regard to the proposed development of a 4 no. residential units with connection to public sewer and public water within the boundary of Tullow Town. Surface water will be directed to the existing storm water network. The nearest European Site is Slaney River Valley SAC (Site Code: 000781) located c.380 metres to the southwest. It is considered that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant impact individually or in combination with other plans or projects on a European site.

9.0 Recommendation

I recommend that permission be granted, subject to the conditions and considerations as set out below.

10.0 Reasons and Considerations

- 10.1. Having regard to the location of the site, to the design & layout of the proposed development and the information captured in the Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities and the Carlow County Development Plan 2022-2028 and Tullow Local Area Plan 2017-2023, it is considered that the proposed development is in accordance with the zoning

objective and would not have a significant impact on residential amenity or character of the area or negatively impact on the town centre. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 30th day of June 2023, as amended by further information received on 5th April 2024 and 29th May 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All mitigation measures in relation to archaeology as set out in the Daniel Noonan, Archaeological Consultancy, March 2024 Archaeological Impact Assessment (AIA), shall be implemented in full, except as may otherwise be required in order to comply with Condition 3. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest.

3. (a) The developer shall engage a suitably qualified licensed eligible archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, groundworks, including breaking/removal of remaining surfaces, foul sewer extension works and/or the implementation of agreed preservation in-situ measures associated with the development. No groundworks shall be carried out without consultation with the Local Authority Archaeologist or the National Monument Service (NMS).
- (b) Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the NMS as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation by preservation in-situ/excavation.
- (c) The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.
- (d) Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring, and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest.

4. The Construction Environmental Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in AIA and as may become relevant during the course of archaeological excavation and monitoring. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.

Reason: To ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest.

5. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of all common areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

6. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

7. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

8. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

9. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

10. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the drawing. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

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

Reason: In the interests of visual and residential amenity.

12. A revised Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of residential amenities, public health and safety and environmental protection.

13. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation

provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

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

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.

Jennifer McQuaid
Planning Inspector

9th December 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-320214-24			
Proposed Development Summary	Construction of 4 no. residential units in a two-storey block with all associated site works.			
Development Address	Station Road, Tullow, County Carlow.			
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		
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				
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)	Conclusion
No				
Yes	X	Class 10b(i) Construction of more than 500 dwelling units.	The proposal is for 4 no. residential units, the subject site is located in an urban area on zoned lands in	Proceed to Q.4

			Tulow town on a site measuring 0.025ha.	
--	--	--	---	--

4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____

Form 2
EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP- 320214-24	
Proposed Development Summary	Construction of 4 no. residential units in a two-storey block with all associated site works.	
Development Address	Station Road, Tullow, Co. Carlow.	
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development. Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<ul style="list-style-type: none"> • The proposal is for 4 no. infill residential apartments within the settlement boundary for Tullow town. • The development will consist of typical construction and related activities and site works. • Surface water will be discharged to public sewer/drain. • Wastewater will be discharged to public sewer. 	No
<p>Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>	<ul style="list-style-type: none"> • The site size measures 0.025 hectares. The size of the development is not exceptional in the context of the existing urban environment. • There are existing dwellings and retail/commercial units adjacent to the site, however, 	No

	there is no real likelihood of significant cumulative effects with the existing and permitted projects in the area.	
<p>Location of the Development Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<ul style="list-style-type: none"> • The subject site is not located within any designated site. The nearest sites are: <ul style="list-style-type: none"> - Slaney River Valley SAC (Site Code: 000781) is located c.380 metres to the southwest. - Ardristan Fen pNHA (Site Code: 000788) is located c.4km to the southwest. - Slaney River Valley pNHA (Site Code: 000781) is located c.5km to the south • My Appropriate Assessment screening undertaken concludes that the proposed development would not likely have a significant effect on any European Site. • The subject site is located outside any flood zone risk area for coastal and fluvial flooding. 	No

Conclusion
EIA is not required.

Inspector:

Date: _____

DP/ADP: _____ Date: _____
(only where Schedule 7A information or EIAR required)