



Planning and Development Acts 2000 to 2019

Planning Authority: Offaly County Council

Planning Register Reference Number: 18/356

APPEAL by Eoin Woodlock and others care of Riverside, Tullamore, County Offaly against the decision made on the 2nd day of May, 2019 by Offaly County Council to grant permission with conditions to Cayenne Holdings Limited care of Kenny Lyons Associates of Block 6, Central Business Park, Clonminch, Tullamore, County Offaly.

Proposed Development Construction of 22 number apartment-type dwellings over three stories and all associated development works to include; (a) construction of ancillary plant room, bin and bicycles stores, car parking, and internal roads and paths, (b) installation of services to the development which will include a foul sewer pumping station and rising main, surface water drainage and attenuation, water services, (c) landscaping to the open space and new riverside walkway along the Tullamore River, (d) widening of an existing laneway to construct a new roadway, footpath, cycle path and construction of a new boundary wall, railings and a relocated entrance to the adjoining training centre, and (e) provision of a new footpath to the existing bridge over Tullamore River, all at Riverside, Tullamore, County Offaly.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. The “Urban Design Manual – A Best Practice Guide” issued by the Department of the Environment, Heritage and Local Government in May 2009, to accompany the “Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages)” includes key criteria such as context, connections, inclusivity, variety and distinctiveness. It is considered that the proposed development results in a poor design concept that is substandard in its form and layout; fails to provide high quality usable open space; fails to establish a sense of place; would result in a substandard form of development lacking in variety and distinctiveness, all of which would lead to conditions injurious to the residential amenities of future and existing occupants. Furthermore, the layout of the proposed scheme, being dominated by roads, is contrary to the provisions of the “Design Manual for Urban Roads and Streets” issued by the Department of the Environment, Community and Local Government and the Department of Transport, Tourism and Sport in 2013. It is considered that the proposed development would, therefore, seriously injure the residential amenities of future occupants, would endanger public safety by reason of traffic hazard within the site, and would be contrary to the proper planning and sustainable development of the area.

2. It is considered that the density of the proposed development is contrary to the provisions of the “Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages)” issued by the Department of the Environment, Heritage and Local Government in May, 2009 to planning authorities under section 28 of the Planning and Development Act. The site of the proposed development is on serviceable lands, within the development boundary of Tullamore town centre. It is considered that the proposed development would not be developed at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to the town centre and to the established social and community services in the immediate vicinity. It is considered that the low density proposed would be contrary to the aforementioned Ministerial Guidelines, which indicate that net densities less than 30 number dwellings per hectare should generally be discouraged in the interests of land efficiency. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. On the basis of the information provided with the application and the appeal and in the absence of a Natura impact statement the Board cannot be satisfied that the proposed development, either individually, or in combination with other plans or projects would not be likely to have a significant effect on European Site Number 000571, or any other European site, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting approval/permission.

John Connolly

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.