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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Offaly County Council**

**Planning Register Reference Number: 2460038**

**APPEAL** by Cayenne Holdings Limited care of Stephen Little and Associates of 26/27 Upper Pembroke Street, Dublin against the decision made on the 27<sup>th</sup> day of March, 2024 by Offaly County Council to refuse Permission.

**Proposed Development:** The proposed development consists of a mixed-use development comprising residential, commercial (café/ restaurant and retail uses) and childcare uses all contained in a number of buildings (Blocks 1-6) ranging in height from two to 13 storeys overall (including mezzanine levels at ground floor), including 'D.E. Williams House', a Protected Structure. 204 number apartments are proposed within four number apartment buildings providing a unit mix comprising of 102 number one-beds; 91 number two-beds; and 11 number three-bed units. All apartments are provided with balconies or outdoor private amenity areas. The residential element comprises in total circa 16,765 square metres. The non-residential element comprises a childcare facility (circa 224 square metres) and 20 number commercial units all at the ground and mezzanine levels (circa 3,926 square metres overall); of the 20 number units, nine number are proposed as café/licensed restaurant units (circa 1,404 square metres), with the remaining 11 number units proposed for commercial units for retail (circa 2,522 square

metres). The proposal consists of:-Block number 1 is eight-storeys in height and will comprise 74 number apartment units, together with a childcare facility (circa 224 square metres) and outdoor play space (circa 120 square metres), six number retail units (circa 1,049 sqm) and associated private open space (c. 182 sqm) together with car and bicycle parking, plant rooms, ESB sub-station and bin stores. Block 1 has a Gross Floor Area of circa 7,009 square metres. Block number 2 is six-storeys in height and will comprise 20 number apartment units and three number retail units (circa 434 square metres), ancillary private open space (circa 117 square metres), bin stores, bike stores, ESB substation, switch and plant rooms. Block 2 has a Gross Floor Area of circa 2102 square metres. Block number 3 is 11-13 storeys in height and will comprise 82 number apartment units and two number retail units (circa 684 square metres), ancillary private open space (circa 207 square metres), cycle parking and undercroft car parking spaces, ancillary bin stores, ESB substation, switch and plant rooms. Block 3 has a Gross Floor Area of circa 8,351 square metres. Three number support poles to accommodate two number 0.3 metres microwave link dishes and nine number support poles to each accommodate one number two-metre 2G/3G/4G antenna and one number 5G antenna together with associated telecommunications equipment are provided on the roof of this block. Block number 4 comprises two elements that are five and six-storeys in height respectively and will comprise 28 number apartment units and two number café/licensed restaurant units (circa 355 square metres), ancillary private open space (circa 973 square metres), car and bicycle parking, ancillary bin stores, ESB substation, switch and plant rooms. Block 4 has a Gross Floor Area of circa 2,641 square metres. Block number 5 is two-three storeys in height and partially contained within the existing De Bruns building, comprising a change of use to two number café/licensed restaurant units and ancillary rooms. Overall Gross Floor Area (circa 900 square metres). Block number 6 is two to three-storeys above basement in height and partially contained within the existing D.E. Williams House building (a protected structure), it will comprise five number café/restaurant units and ancillary rooms. Works to D. E. Williams House (a protected structure reference number 23-201) and stone-built, former



outbuilding to north, to include refurbishment, repair, change of use to café/licensed restaurant use (five number units) and ancillary alterations, including provision of new link structure to access both buildings. Overall Gross Floor Area (circa 697 square metres). Pedestrian and cyclist access is proposed from Patrick Street and Offaly Street and via the proposed east-west pedestrian street located on the northern boundary of the site (which is also to be used for deliveries / refuse). Vehicular access to serve the development will be provided from O'Connell Street from the west and Offaly Street / Columcille Street from the east. All associated and ancillary site development and infrastructural works, hard and soft landscaping, demolition and part demolition of existing structures on site (circa 6,360 square metres), circa 2,114 square metres of public open space; circa 1,842 square m of residential communal amenity space; public lighting; 480 number bicycle parking spaces; 92 number car parking spaces; signage; photovoltaic panels, and other ancillary plant and equipment at roof level. The gross floor area circa 21,700 square metres on a site circa 8,530 square metres, all on South Texas Lands, Tullamore, County Offaly. The site is generally bounded by Patrick Street (to the south) and Columcille Street (to the east), to the west by O'Connell street, to the north by Offaly Street and a site with planning permission under planning register reference 21414.

## **Decision**

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

## **Reasons and Considerations**


1. In accordance with the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) Tullamore is a Key Town (5,000+ population - Table 3.5 refers) where residential densities in the range 40 dwellings per hectare-100 dwellings per hectare (net) shall generally apply in Centre and Urban

Neighbourhoods. The proposed development comprising inter alia 204 dwelling units on a stated site area of 0.853 hectares equates to a gross density of circa 240 units per hectare and a density calculation based on net area would result in a further higher density figure. The residential density of the proposed development therefore greatly exceeds the density standards as set out in the said guidelines. In addition, the proposal would contravene materially SSP-05 of the Offaly County Development Plan 2021-2027 which states that it is Council policy that residential development proposals shall be prepared, designed and laid out in accordance with the standards as set out in the County Development Plan's Development Management Standards and in Section 28 of the Ministerial Guidelines. The proposed excessive density of this development would, therefore, be contrary to the said Ministerial Guidelines, the Offaly County Development Plan 2021-2027 and the proper planning and sustainable development of the area.

2. The development proposed is contained in a number of buildings (Blocks 1-6) ranging in height from two to 13 storeys overall (including mezzanine levels at ground floor). Policy RP-08 of the Offaly County Development Plan 2021-2027 states that it is Council policy to encourage high quality and well-designed buildings, structures, public spaces and streets to support and promote healthy place-making and quality of life. It is considered that the proposed development would, due to its excessive scale, height and mass, appear visually incongruous on the skyline when viewed from Patrick Street, Columcille Street, Harbour Street and Kilbride Street and would be visually obtrusive on the skyline when viewed from High Street and along the Grand Canal. The proposed development would be visually overbearing and an incongruous addition to the streetscape contrary to Policy RP-08 and would, therefore, be contrary to the proper planning and sustainable development of the area.



3. Having regard to the significant scale and nature of the proposed mixed-use development, the Board was not satisfied that safe and adequate vehicular access and servicing arrangements, including car parking, had been provided for in the development. The Board, therefore, was not satisfied that the proposed development would not endanger public safety by reason of traffic hazard and would not lead to conflict between road users, that is, vehicular traffic, pedestrians and cyclists, particularly in the vicinity of Offaly Street, Columcille Street and Bury Quay environs. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



*St. Logan*

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**Stewart Logan**

**Member of An Bord Pleanála**

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

Dated this *31<sup>st</sup>* day of *July* 2024.