



An  
Bord  
Pleanála

## Inspector's Report

### ABP-304562-19

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<b>Development</b>	Construction of 22 apartments over three stories and all associated development works
<b>Location</b>	Riverside, Tullamore, Co Offaly
<b>Planning Authority</b>	Offaly County Council
<b>Planning Authority Reg. Ref.</b>	18356
<b>Applicant(s)</b>	Cayenne Holdings Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Eoin Woodlock & Others
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	12/09/19
<b>Inspector</b>	Gillian Kane

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## 1.0 Site Location and Description

- 1.1.1. The subject site is located in the town centre of Tullamore, at the eastern end of Riverside, across the Tullamore River. A narrow country lane running from a single-lane bridge provides access from the eastern end of Riverside to the subject site and a HSE single storey building. The site is undeveloped, with overgrown hedgerow forming the southern, northern and eastern boundaries. The Tullamore River runs to the immediate north of the site, from which there is an approx. 2m drop to the riverbank. A tall belt of leylandii with post and wire fencing separates the subject site from the adjoining HSE building. To the south of the subject site and using the same access off the bridge is a large Engineering facility.
- 1.1.2. The Riverside cul-de-sac has housing on the southern side and Tullamore College on the northern side. The school's large surface car-park is accessed from Riverside.

## 2.0 Proposed Development

- 2.1.1. On the 17<sup>th</sup> August 2017 planning permission was sought for the construction of a three-storey apartment block of 22 no. apartments, with car and bicycle parking at ground level. The proposed units are two 1-bed, seven two-beds and thirteen 3-beds. The proposed development involved the widening of the existing laneway serving the site to construct a roadway with footpath and cycle path, the construction of a new boundary wall, railings, the relocation of the existing entrance serving the adjoining Health Centre and the provision of a new footpath to the existing bridge over the Tullamore River.
- 2.1.2. The application was accompanied by:
- letter of consent from the adjoining landowners,
  - planning report
  - Flood Risk Assessment

## 3.0 Planning Authority Decision

### 3.1. Planning Authority Reports

- 3.1.1. **Community Water Officer:** Recommended Standards from the Local Authority Waters & Communities Office

- 3.1.2. **Environment Water Services:** Further information request recommended, regarding consultation with Irish Water, details on flood risk assessment, water supply, foul sewerage and surface water,
- 3.1.3. **Roads Design:** Further information required regarding the lands adjoining the site, bridge over the Tullamore River, RSA, condition of existing bridge, suitability of proposed road, DMURs compliance, pedestrian crossing point, footpath and cycle track provision, street lighting, charging points for EV, revision of car parking layout and revised location for storm water attenuation tank.
- 3.1.4. **Area Engineers:** Traffic and Transport assessment required.
- 3.1.5. **Planning Report:** Site is designated as “opportunity site” in Tullamore and Environs Development Plan. Site is within 1in100 flood zone. Report states that site is zoned residential and town centre. Notes objective TTEO08-06 that requires a link road between Riverside and Church Avenue, states that applicant should be requested to provide. Objective TTEO08-12 requires pedestrian path from Whitehall to Riverside therefore a pedestrian path is required along full norther boundary of the site. Density of 26 units per ha is less than Sustainable Residential Development in Urban Areas Guidelines but the developable area of the site is restricted by flood risk. Not all apartments provide required open space and storage area. If proposed development was partially facing on to the connecting road it would result in a superior urban design. Proposed development is detached from surrounding residential houses. Applicant should be requested to address issues raised in internal reports. Further information request recommended.

### 3.2. **Prescribed Bodies**

- 3.2.1. **HSE:** No objection to the proposed development subject to 4 no. requirements regarding services, ventilation, drinking water provision and control of rodents.

### 3.3. **Third-party Observations**

- 3.3.1. Concerns raised regarding impact on floodplain, impact on adjoining residential properties, suitability of the site to accommodate traffic.

### 3.4. Request for Further Information

3.4.1. On the 8<sup>th</sup> October 2018, the applicant was requested to address the following:

- 1 Flood plain in-fill compensatory measures
- 2 a) Pre-connection agreement from Irish Water, b) Expected water demand  
c) Foul sewer longitudinal sections, d) details of foul sewer pumping station  
e) Longitudinal sections of surface water sewers, f) design calculations for  
rainfall storage, g) details of attenuation systems, h) consent of OPW for  
storm drainage discharge point, i) access to storm drainage discharge points
- 3 a) revised proposal showing some units facing the roadway leading to the site  
b) schedule for each apartment showing compliance with standards for storage  
and private open space
- 4 a) Traffic and Transport Assessment, b) structural survey of bridge across  
Tullamore River, c) details of proposed cycle path
- 5 a) Letters of consent from landowners for all lands not in applicant's ownership  
b) consent for taking in charge of Bridge, c) Road Safety Audit, d) CBR tests for  
proposed road, e) compliance with DMURS, f) pedestrian crossing point  
g) redesign of footpath across adjoining Engineering site, h) cycle track  
i) street lighting, j) EV suitable parking spaces, k) revision of proposed parking at  
east end of the proposed building, l) alternative location for storm water  
attenuation
- 6 details of road to the south of the site,
- 7 Revised design to incorporate recommendations of Local Authorities Water and  
Communities Office
- 8 Address third part observations
- 9 Provision of a pedestrian path along the full northern boundary

### 3.5. Response to Further Information Request

3.5.1. On the 4<sup>th</sup> April 2019, the applicant responded to the FI request. Of note is the following:

- 1 revised FRA,
- 2 h) site already drains to the Tullamore River therefore only matter for discussion  
with OPW is type of discharge outlet,

- i) principal storm water drainage discharge point is located in the proposed green space which facilitates access for cleaning.
- 3 a) If houses are required to face the bridge it will cut off access to lands beyond. All proposed units are dual facing and therefore offer surveillance. Pedestrian access is in the form of a riverside walkway, b) Compliance with the Urban Housing Guidelines demonstrated.
- 4 a) request for a TTA is premature given proposal is for only 22 no. houses. b) Bridge can currently accommodate 22 no. units. If the Council seek to facilitate further residential access it will need to be upgraded, c) Proposed cycle lane has been revised.
- 5 a) the red line extends to allow a foul sewer rising main only. It is a public roadway and does not require consent for an application. b) the existing bridge was built by the engineering firm. They have consented to the taking in charge of the bridge, c) Stage 2 road safety audit will be carried out at detailed design stage, d) Road details provided. e) Where possible DMURS has been considered. The proposed road needs a limited additional width, with the consent of the adjoining landowner, f) Uncontrolled crossing points are shown on drawings, g) uncontrolled crossing point shown on proposed roadway, h) Cycle lane will be two-way, i) street lighting proposal submitted, j) Universally accessible car charging points proposed, k) adjustments will be made to the site layout to avoid hazard from the car spaces nearest the entrance, l) as compensatory floor storage is not required, it may be possible to provide attenuation by way of a swale.
- 6 Objective TTEO 08-06 Roads department are requested to confirm what they want
- 7 The Planning Authority are asked to provide details as to what is required for marginal or emergent vegetation, if there are otters in Tullamore River, who will maintain otter holes and bird boxes. A cobble mattress in the river could cause a flood risk. The river walkway will be a permeable surface.
- 8 The proposed borders will not restrict access to the adjoining property. The proposed roadway has been designed to accommodate development on the adjoining lands.

The proposed development is in keeping with the development plan. There is no flood risk associated with the development. The proposed traffic measures on the bridge are a formalisation of the existing system. The scale of the proposed development does not require an EIA. A path will be provided along the river boundary.

### 3.6. Reports on File following submission of FI

- 3.6.1. **Water Services & Environment:** Response is satisfactory
- 3.6.2. **Roads Design:** Proposal is satisfactory subject to conditions.
- 3.6.3. **Planning Report:** Applicant did not provide a link to Church Avenue, this shall be requested by way of condition. Outstanding issues raised in the Roads Design report shall be requested by way of condition. Layout is acceptable. Development should be built with 'taken-in-charge' standards in mind, this shall be imposed by way of condition. Recommendation to grant permission subject to conditions.

### 3.7. Decision

- 3.7.1. On the 2<sup>nd</sup> May 2019, the Planning Authority issued a notification of their intention to GRANT permission subject to 24 no. conditions. Conditions of note include:
  - 2: Revised drawings of the proposed roadway
  - 3: footpath and boundary details
  - 20: Road Safety Audit

## 4.0 Planning History

- 4.1.1. None on the subject site.
- 4.1.2. To the south of the subject site, (**Planning Authority reg. ref. 1996 refers**) permission is being sought for the demolition of existing buildings and structures in site, construction of a retail-led, mixed use town centre development on the site of 4.25ha. The proposed development includes a two-storey retail block with 8 no. apartments, a single storey retail block, a cinema block, another single storey retail block with attached garden centre. The application was submitted to Offaly County Council on the 6<sup>th</sup> March 2019. On the 30<sup>th</sup> April 2019 the applicant was requested to submit further information which included a revised Retail Impact Statement, an urban design statement, a revised FRA, and a revised EIAR. The Board will note that

the Architects of the subject development are also the Architects of this adjoining application for development.

## 5.0 Policy Context

- 5.1. The government published the **National Planning Framework** in February 2018. Objective 3c is to deliver at least 50% of new houses in the city/suburbs of Dublin, Cork, Galway, Limerick and Waterford. Objective 11 is to favour development that can encourage more people to live or work in existing settlements. Objective 27 is to prioritise walking and cycling accessibility to existing and proposed development. Objective 33 is to prioritise the provision of new homes that can support sustainable development. Objective 35 is to increase residential density in settlements.
- 5.2. The **Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas** were issued by the minister under section 28 in May 2009. Section 1.9 recites general principles of sustainable development and residential design, including the need to prioritise walking, cycling and public transport over the use of cars, and to provide residents with quality of life in terms of amenity, safety and convenience. Section 5.11 states that densities for housing development on outer suburban greenfield sites between 35 and 50 units/ha will be encouraged, and those below 30 units/ha will be discouraged. A design manual accompanies the guidelines which lays out 12 principles for urban residential design.
- 5.3. The **Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments** were issued in March 2018. It contains several specific requirements with which compliance is mandatory. The minimum floor area for one-bedroom apartments is 45m<sup>2</sup>, for two-bedroom apartments it is 73m<sup>2</sup> and for three-bedrooms it is 90m<sup>2</sup>. Most of proposed apartments in schemes of more than 10 must exceed the minimum by at least 10%. Requirements for individual rooms, for storage and for private amenities space are set out in the appendix to the plan, including a requirement for 3m<sup>2</sup> storage for one-bedroom apartments, 6m<sup>2</sup> for two-bedroom apartments and 9m<sup>2</sup> for three-bedroom apartments. In suburban locations a minimum of 50% of apartments should be dual aspect. Ground level apartments should have floor to ceiling heights of 2.7m.
- 5.4. The minister issued **Guidelines for Planning Authorities on Urban Development and Building Heights (December 2018)**. Section 3.6 states that development in



suburban locations should include an effective mix of 2, 3 and 4 storey development. SPPR 4 is that planning authority must secure a mix of building heights and types and the minimum densities required under the 2009 guidelines in the future development of greenfield and edge of city sites

- 5.5. The minister and the minister for transport issued **the Design Manual for Urban Roads and Streets (DMURS) in 2013**. Section 1.2 sets out a policy that street layouts should be interconnected to encourage walking and cycling and offer easy access to public transport. Section 3.2 identifies types of street. Arterial streets are major routes, link streets provide links to arterial streets or between neighbourhoods, while local streets provide access within communities. Section 3.3.2 recommends that block sizes in new areas should not be excessively large, with dimensions of 60-80m being optimal and 100m reasonable in suburban areas. However maximum block dimensions should not exceed 120m. Section 4.4.1 states that the standard lane width on link and arterial streets should be 3.25m, while carriageway width on local streets should be 5-5.5m or 4.8m where a shared surface is proposed.
- 5.6. **The Planning System and Flood Risk Management Guidelines for Planning Authorities** (DOEH&LG 2009), distinguishes between three types of flood zones and the vulnerability of uses to flooding. The aims and objectives of the Guidelines is to: Avoid the risk, where possible, Substitute less vulnerable uses, where avoidance is not possible, and mitigate and manage the risk, where avoidance and substitution are not possible. Flood risk assessments (FRAs) aim to identify, quantify and communicate to decision-makers and other stakeholders the risk of flooding to land, property and people. The purpose is to provide sufficient information to determine whether particular actions (such as zoning of land for development, approving applications for proposed development, the construction of a flood protection scheme or the installation of a flood warning scheme) are appropriate.

## 5.7. Tullamore and Environs Development Plan (extended to 2020)

- 5.7.1. The 2010-2016 plan has been extended to 2020. Under the plan, the subject site is zoned 'Residential' which according to section 15.3.6 of the plan shall be taken to primarily include the use of land for domestic dwellings (including meeting housing needs of members of the travelling community), religious and civic residences. It may also provide for a range of other uses particularly those that have the potential to foster, enhance and supplement the development of new residential communities for example, schools, crèches, local convenience store, doctor/dental surgeries, open space (formal and informal) etc.
- 5.7.2. **Section 14.2** of the plan refers to Multiple Housing Schemes and states that such schemes should strive for excellence, particularly in form, scale and design. A high standard of architectural design and layout are the main criteria for achieving a high quality living environment and all housing developments will be assessed against policies, objectives and standards of this Development Plan. The Planning Authority will also have regard to "Sustainable Residential Development in Urban Areas Guidelines 2008" and accompanying document "Urban Design Manual – Best Practice Guide 2008", published by the Department of Environment, Heritage and Local Government (DoEHLG) particularly in relation to density. In so doing, particular attention will be given to good design, ensuring that higher densities are not achieved to the detriment of residential amenity or general urban and environmental quality.
- 5.7.3. **Section 7.2** of the development plan refers to **Opportunity Sites**, of which the subject site is one. The plan requires the submission of an urban design statement which shows compliance with the criteria listed under site assembly, land use, urban design, residential development, movement and access, built & cultural heritage, natural heritage and floodplains.
- 5.7.4. **TTEP 07-17** It is the Councils' policy to require that any proposal brought forward for the sites identified on Map 7.3 will include a comprehensive urban design plan showing the rationale behind the proposal and how it will interact within its context and the wider Town Centre area.
- 5.7.5. **TTEO 08-06** To extend and improve the existing distributor road system, where necessary, to accommodate the growing/changing movement patterns within the

town. Of relevance to the subject site is 'provide a link road between Riverside and Church Avenue'.

- 5.7.6. **TTEO 08-12** - Develop a network of interlinked pedestrian priority linkages through the town. Of relevance to the subject site is: "Investigate the feasibility of creating linkages, pedestrian and/or cycleways .....from Whitehall to Riverside along the Tullamore River.
- 5.7.7. **Section 13.2.5** of the plan refers to **riparian buffer zones** and wildlife corridors. It states that where developments are proposed adjacent to waterways and notwithstanding the consideration of setback distances to mitigate against flooding, the Councils will generally seek a setback distance of between 30 metres to 50 metres from the waterway's edge. The Councils may reduce or increase this setback depending on the size of the site and the nature of the development proposed.
- 5.7.8. The development plan contains four objectives reacting to flooding. They are:
- **TTEP 10-15** It is the Councils' policy to ensure that development proposed is not itself subject to an inappropriate risk of flooding, and/or that it does not increase flood risk or flood damage at other locations.
  - **TTEP 10-16** It is the Councils policy to have regard to any mapping of flood patterns, in particular those carried out by the Office of Public Works and [www.floodmaps.ie](http://www.floodmaps.ie).
  - **TTEP 10-17** It is the Councils' policy to comply with the recommendations arising from the "Tullamore Flood Risk Assessment and Management Study 2008" and the Councils will require proposed developments to demonstrate full compliance with the recommendations of the Study, where required.
  - **TTEP 10-18** It is the Councils' policy that in the case of development proposals in floodplain areas, the mitigation measures as outlined in the Tullamore FRAM 2008 shall be fully implemented prior to the proposed development taking place.
- 5.7.9. Section **14.2.1.4** refers to **Dwelling Design**: stating that the value of an appropriate housing layout will not be realised without corresponding high standards in house design. The Planning Authorities welcome contemporary designs and innovation in this area. Context remains very important principally in outlying mature residential areas of the town and environs. Materials and finishes will also be required to be of a

high standard and to take account of their context. Where necessary, colour schemes will be required to be prepared by a suitably qualified person.

## **5.8. Natural Heritage Designations**

- 5.8.1. The Tullamore River which forms the northern boundary of the subject site discharges to the Charleville Woods SAC which is 2.1km from subject site.

## **5.9. EIA Screening**

- 5.9.1. Having regard to nature and scale of the development and the built-up urban location 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.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. A third-party appeal against the decision of the Planning Authority to grant permission was submitted to the Board. It is signed by five residents of Riverside. The grounds of the appeal can be summarised as follows:

- It is submitted that the concerns of the residents were not fully addressed by the Planning Authority.
- The appellants disagree with the finding of the Planning Authority that the proposed development would not “injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would otherwise accord with the proper planning and sustainable development of the area”.
- It is submitted that the proposed development would cause flood risk to the appellants properties and that the increased traffic at construction and operational stage would be detrimental to the residents of the road.
- A contra flow system is not safe or suitable on the bridge.
- An existing and ongoing problem with traffic on the road will become more hazardous or even impassable.

- In recent years the river has been flooding to higher levels. The creation of hard areas further upstream will cause problems to the resident's houses. The mitigation factors proposed do not offer the residents any comfort.
- The resident's concerns are not addressed in the conditions attached to the grant. Quite a few details are still up for negotiation

## 6.2. Applicant Response

6.2.1. The First party have responded to the third-party appeal as follows:

- The subject site is within the defined town centre boundary and is zoned residential. The proposed development is also an identified 'Opportunity site' in the development plan.
- A detailed flood risk assessment was undertaken which showed that the site is in Flood Zone C and is low risk.
- The development will have surface water attenuation by way of a swale on the green space. There will be no increase in flood risk.
- The proposed development of 22 no. houses is substantially smaller than the Tullamore College development directly across from the appellants. The estimated timescale for traffic is 12-15 months.
- Two cars cannot currently pass on the bridge. The proposed stop / go system is merely a formalisation of the current system.
- If piling is required it will be restricted to day-time hours.
- The scale of the development is such that an EIA is not required.
- The Board is requested to uphold the decision of the Planning Authority to grant permission.

## 6.3. Planning Authority Response

6.3.1. The Planning Authority request the Board to support its decision to grant permission.

## 6.4. Observations

6.4.1. None on file.

## 7.0 Assessment

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Layout and Design
- Flooding
- Traffic
- Development Management Standards
- Appropriate Assessment

### 7.2. Principle of the Proposed Development

7.3. The subject site is zoned for residential development and is located within the town boundary of Tullamore. Further, it is identified as an opportunity site within the town centre. I am satisfied that subject to other planning considerations the principle of a multiple residential development on the site is acceptable.

### 7.4. Layout and Design

7.4.1. I note that the subject application was not accompanied by an Urban Design Statement which shows the rationale behind the proposal and how it will interact within its context and the wider Town Centre area, as required by policy TTEP 07-17. Further, the subject site being a designated opportunity site is required by section 7.2 of the plan to submit an urban design statement which shows compliance with the criteria listed under site assembly, land use, urban design, residential development, movement and access, built & cultural heritage, natural heritage and floodplains.

7.4.2. The proximity of the subject site to the town centre, the large development being sought to the south of the subject site (Planning Authority reg. ref 1996 refers) and the possibility of the proposed new road opening up further residentially developable lands to the east all point to the need for a coordinated approach to the development of the site and the wider area. It is regrettable that a masterplan was not prepared for

the wider area so that incremental and / or piecemeal development of individual sites does not hinder the development of the area as a whole.

- 7.4.3. I note that the Planning Authority accepted the flood zone status of the site as an explanation for the low density of 26 no. units per hectare. This was not revised when the compensatory flood storage need was found to be unnecessary. On a site within the settlement boundary of Tullamore, in a neighbourhood designated as an opportunity site, one would expect a density of no less than 30 units per hectare. I note the restriction on site caused by the adjoining river, however, this requires the site to be more used more innovatively rather than less intensely. The proximity of the site to the town centre and the unlocking of further lands suitable for residential development requires a high quality, high density development. I note section 7.2 of the development plan which notes that higher densities will be encouraged within town centre areas, whilst having due regard to the protection of adjoining residential areas and in particular the prevailing density, scale, height and residential amenities. Given the stand-alone nature of the subject site, the opportunity exists to set the benchmark for high density, high quality design development within the town centre. The issue of density may be considered by the Board to be a 'new issue' as it was not raised by any party to the appeal. It was however noted by the Planning Authority during the assessment of the proposed development.
- 7.4.4. On the same note, the proximity of the site to the town centre is a justifiable reason for the provision of fewer car parking spaces. The development plan requires one car parking space per unit, however 27 no. spaces have been proposed. Should the Board decide to grant permission, no more than 22 no. spaces should be permitted.
- 7.4.5. Notwithstanding the design constraints placed on the site by the adjoining river and the need to create a new roadway to provide access, I am concerned by the dominance of the roadway in the proposed layout. A wide two-way carriageway runs down the existing laneway and into the site, running along northern boundary. It reads as if the road was designed first and the remaining lands divided into open space and the proposed apartment block. There is no step-down from the lane to the site, in width or treatment, to dictate that speeds should reduce, that a shared surface exists and that pedestrian priority begins. Further, the roadway within the site separates the block from the river, the bike shed, the plant room and most importantly the open space. It is considered that the dominance of the road within

the site will hinder pedestrian and cycle movements and will restrict the use of the proposed open space at the eastern end of the site. The need to provide for vehicular transport within a development must not be at the expense of creating a sense of place within the proposed development. I note section 7.2 of the development plan which clearly outlines the requirements for movement and access for opportunity sites. The proposed development, having no urban design statement showing compliance with section 7.2, fails to adequately consider these requirements.

7.4.6. Finally, I consider the design of the proposed block to be unremarkable. The proposed finishes are uninspiring and lack a sense of place. The only relief provided to the front (south elevation) is in the form of finishes, with the result that the development appears blocky, flat and utilitarian. I accept that the visibility of the site will always be limited, however, it is considered that an opportunity for good urban design has been lost. I consider the proposed development fails to comply with policy TTEP 04-22 which states that it is the Councils' policy to require that a high standard of design and layout of residential development is achieved, including the provision of adequate suitably designed open space.

## 7.5. **Flooding**

7.5.1. The northern boundary of the subject site is a riverbank of the Tullamore River that runs through the town. The applicant submitted an FRA with the application, the main findings of which were that the site is within the 1in100 and 1in1000 year flood zones, that 40% of the site is within flood zone A and 80% of the site is within flood zone B. The FRA states that while the source of flood on the site originates from the overland flow following overtopping of the river upstream, there is no record of the site flooding. Mitigation measures are proposed. The report notes that as flooding occurs upstream of the site, the site may provide a flood storage function, of approx. 775sq.m. Therefore compensatory storage is proposed at the eastern end of the site. This area will be reduced by 0.3m to 57.4mOD over an area of 940sq.m., thereby providing a storage area of 280sq.m. As this is only 1/3 of the compensatory area required, the net impact is stated to be some increase in flood depths downstream of the site and to the south. These lands are stated to be low risk (notwithstanding that some warehouses are in flood zone A).



7.5.2. The Environment and Water Services department requested further information, asking that the applicant provide compensatory storage equal to the volume of flood storage area to be removed. The applicant submitted a revised FRA. A cover letter submitted with the FI response stated that a site-specific hydraulic model of the Tullamore River was undertaken in December 2018. It noted that the River had undergone changes since the CFRAM maps were drawn up. The results from the hydraulic model show that the site is actually in flood zone C, therefore compensatory storage is not required and the proposed residential development poses no increased flooding risk up or downstream of the site. The main residual risks to the site are from a blockage of the bridge structures downstream of the site, failure of the stormwater system and climate change. The recommended FFL is therefore 57.91, approx. 150mm above the maximum flood level. The Environment Water Services department of the Council found this position to be acceptable and recommended certain conditions should permission be granted.

7.5.3. With regard to the objections raised by the Appellants, I am satisfied that the matter of flooding has been comprehensively addressed and found to be satisfactory.

## 7.6. **Traffic**

7.6.1. I am satisfied that the scale of the proposed development is not such that would require the carrying out of a traffic and transport assessment. The appellants note that the proposed contra-flow system on the bridge leading to the subject site would cause traffic congestion. Responding to the appeal, the applicants note that the proposed contra-flow system is merely a formalisation of the current situation. This is true of course, in that the bridge is too narrow to accommodate two lanes of traffic and therefore one vehicle will always be required to wait until the route is clear. What the applicant's response does not address however, is that traffic on the lane will be increased. No traffic currently accesses the site, whereas if permission is granted, a minimum of 22 no. cars would be introduced. The back-up of traffic on the western side would certainly affect both the college entrance and the dwellings on Riverside. Notwithstanding this, I am satisfied that the scale of the traffic generated by the proposed development will not be significant.

7.6.2. I note that the applicant was requested to address that the proposed road, cycle lane and footpath did not comply with DMURS. Following the submission of FI, the report of the Roads Design office was that the proposed cycle lane should be removed and

that the applicant should contact the department prior to any further developments. Such a condition would not be acceptable or reasonable. DMURS is not open for consideration, it presents a series of principles, approaches and standards that are necessary to achieve balanced, best practice design outcomes with regard to street networks and individual streets. DMURS must form a central part of the proposed development from the outset – not retro-fitted at a later date to accommodate the surrounding land uses.

- 7.6.3. I am not satisfied that the proposed road provides the optimum access to the subject and adjoining sites. Pedestrian and cycle permeability from the site to the town centre and connectivity between and within adjoining residential areas is a key principle in the creation of sustainable neighbourhoods.

#### **7.7. Development Management Standards**

- 7.7.1. As noted above, the proposed development exceeds the development plan standards for car parking provision. The proximity of the subject site to the town centre is such that a maximum of one space per unit is sufficient.
- 7.7.2. The applicant was requested to demonstrate compliance with the floor area requirements of the Sustainable Urban Housing Guidelines. The most obvious breach was that no storage was provided for many of the ground floor units. Revised drawings submitted at FI stage show storage provided in the bedrooms of some of the units. The storage approximates to the provision of a wardrobe however, and does not provide any additionally meaningful or useful space to the residents. Other units have been provided with external storage / bike storage spaces. Section 6.3 of the Guidelines requires that unit schedule should provide details of internal (and any external) storage space associated with each apartment. It is recommended that some storage be provide internally – outside of the normal wardrobe provision, in addition to the storage provided externally.
- 7.7.3. The proposed open space reads as leftover space – rather than a landscape which would provide active recreation space for the residents of the proposed scheme. There is no active or passive surveillance, nor are there any measures to facilitate meaningful use of the space. The subject space cannot be considered to be a usable integrated element of the overall design.

## 7.8. Summary

- 7.8.1. The subject site, with its proximity to the town centre, exposure to the riverside and lack of flood risk is the perfect opportunity to provide a high density, high quality development. The proposed development falls short on a number of measures – the quantum of units proposed, the dominance of the road layout to the detriment of the rest of the site, the lack of attention to the proposed open space and the design of the proposed block.
- 7.8.2. The Board may wish to seek a revised design by way of further information, however, it is considered that the level of re-design required is such that a fresh application to the Planning Authority is required.

## 7.9. Appropriate Assessment

- 7.9.1. The Tullamore River which forms the northern boundary of the subject site discharges to the Charleville Woods SAC (000571) which is 2.1km from subject site is 2.1km. I note the applicant did not provide an AA screening report with the application.
- 7.9.2. Charleville Wood is a large Oak woodland surrounded by estate parkland and agricultural grassland located about 3 km south-west of Tullamore in Co. Offaly. The site, which is underlain by deep glacial deposits, includes a small lake with a wooded island, and a stream runs along the western perimeter. The woodland is considered to be one of very few ancient woodlands remaining in Ireland, with some parts undisturbed for at least 200 years. The site is a Special Area of Conservation (SAC) selected for Old Oak Woodlands and Desmoulin's Whorl Snail (*Vertigo moulinsiana*). The objective for the SAC is to maintain and or restore the favourable conservation condition of the qualifying interests.
- 7.9.3. There is a direct source-pathway-receptor hydrological link between the subject site and the Charleville SAC. Risks to the adjoining waterbody include contaminated run-off entering the Tullamore River and ending up in the SAC. I note the residual risks outlined by the FRA which included a blockage of the bridge structures downstream of the site or failure of the stormwater system. Hydraulic modelling undertaken of the Tullamore River for the FRA concluded that the site would be inundated if the downstream bridge structures were blocked. Such a risk could occur during construction or operational stage of the development. NO information has ben

presented to the Board regarding the likelihood and the significance of such effects on the conservation objective for the Charleville SAC. Given this lack of information, in the absence of a Natura Impact Statement the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on European site No. 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.

## **8.0 Recommendation**

8.1.1. It is recommended permission be refused for the following reasons:

- 1 The "Urban Design Manual – a Best Practice Guide" issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 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, 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 (2009), issued 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 no. 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.

- 3 On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on European site No. 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.

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Gillian Kane  
Senior Planning Inspector

16 September 2019