



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307903-20

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<b>Development</b>	Demolition of existing building and erection of a single building containing 9 No. apartments.
<b>Location</b>	Abbey Street, Cahir, Co. Tipperary.
<b>Planning Authority</b>	Tipperary County Council
<b>Planning Authority Reg. Ref.</b>	20232
<b>Applicant(s)</b>	Don Casey Builder Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Don Casey Builder Ltd.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	24/02/2021.
<b>Inspector</b>	Caryn Coogan

## 1.0 Site Location and Description

- 1.1. The subject site is located in the heart of Cahir, Co. Tipperary. It is positioned along Abbey Street, which is a commercial street hosting the local Supervalu and Aldi stores, and a number of other convenience shops and residential uses. Cahir Castle is visible from the site, and the River Suir is 50metres to the east of the site.
- 1.2. The site area is 0.0357sq.m. and includes 2No. two storey units (220sq.m.). The buildings back onto Abbey Street Lower which forms the western site boundary and rear elevation.
- 1.3. There is a footpath and parking fronting the site along Abbey Street (front and eastern elevation). To the rear there are single storey buildings and onsite parking.
- 1.4. Immediately to the south is a three storey residential development that includes a courtyard area for parking/ open space.

## 2.0 Proposed Development

- 2.1. The proposed development consists of :-
  - (i) Demolition of existing buildings on site;
  - (ii) Erection of a single building containing 9No. apartments;
  - (iii) Walled bin storage and bicycle parking
  - (iv) Connection to public services.

The existing buildings on site are 220sq.m. and the new building will be 551sq.m over three stories. The three ground floor apartments have individual access from Abbey Street. The 6No. apartments on the first and second floors are accessed from the rear of the building along Lower Abbey Street.

There are two passageways proposed on both sides of the building.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority refused the proposed development for one reason:

Due to the absence of mix of uses, the provision of one bedroom apartments only, the inadequacies in qualitative elements in terms of the bland visual appearance, the open space arrangements,

Privacy relating to the ground floor units, security, poor refuse storage areas, the development would conflict with Policy TC1, DM1 and Section 9.9 of the Cahir LAP 2011, and would not satisfy the qualitative standards for new apartments.

### 3.2. **Planning Authority Reports**

#### 3.2.1. ***Planning Reports***

- There is a mixed-use development required at this location in accordance with development plan policies. Abbey Street has a strong commercial profile, and it is desirable that this is maintained at ground floor level.
- Redevelopment of the site is welcomed. The height and profile is similar to adjoining buildings. The ground floor apartments are accessed from Abbey Street and the two upper floors are accessed from Abbey Street Lower.
- The proposed density (243sq.m.) is considered to be excessive, with no public open space
- No privacy for ground floor apartments
- Communal area to the rear is confined area with access by way of a door from lower Abbey Street, which is principle access to apartments 4-9, it includes a bicycle store and refuse storage area.
- Floor to ceiling heights are 2.7metres and should be 3metres for commercial use.
- No parking proposed.
- Visual appearance is bland, in particular the front elevation.

There was extensive further information requested on 15th of June 2020 and a response was received on the 30<sup>th</sup> of June 2020.

#### ***Other Technical Reports***

Roads – No objections

### 3.3. Prescribed Bodies

*Department of Culture, Heritage and the Gaeltacht –*

Archaeological monitoring is required as a condition of any permission.

*An Taisce –*

The design is inadequate, for a historic town centre.

### 3.4. Third Party Observations

- No provision for carparking, the street has no parking spaces on Abbey Street.

## 4.0 Planning History

There is no relevant planning history.

## 5.0 Policy Context

### 5.1. Development Plan

#### ***Cahir Local Area Plan 2011***

*To preserve, enhance and or/ provide for town centre facilities. Proposals for development on lands zoned Town Centre are to comprise of mixed use developments consisting of retail, office, service, community and and/ or residential uses.*

#### **TC 1: Enhancing the quality of the Town Centre of Cahir**

It is the policy of the Council to strengthen the retail/ commercial, residential and creational functions of the town centre, retaining retail uses at ground floor level, to seek improvements to the visual quality of the town as part of the new development and to facilitate the appropriate development of the town centre subject to compliance with the relevant development standards where applicable.

### **6.3 Layout, Density and Design of New Residential Developments.**

### **9.9 Apartment Buildings**

The development of apartment buildings will only be considered at appropriate locations such as mixed use schemes on lands zoned for Town Centre. The standards set out in 'Sustainable Urban Housing: Design Standards for New Apartments 2007' will apply.

## 5.2 National Policy

### ***National Planning Framework***

#### **National Policy Objective 11**

In meeting urban development requirements there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns villages, subject to development meeting appropriate planning standards and achieving targeted growth.

#### **National Policy Objective 13**

In urban areas, planning and related standards including particular building height and car parking will be based on performance criteria that seeks to achieve a well-designed high-quality outcome in order to achieve targets growth.

#### **National Policy Objective 33**

Target the delivery of 550,000 additional households up to 2040 in accordance with the policy objectives of Ireland 2040

#### **National Policy Objective 37**

Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

### ***Sustainable Urban Housing: Design Standards for New Apartments for Planning Authorities 2007'***

## 5.2. Natural Heritage Designations

**002137** – Lower River Suir SAC is within 50metres east of the site. The River Suir flows through Cahir town.

### 5.3. EIA Screening

Having regard to the nature of the proposed development comprising of a development on a brownfield site in an established zoned urban area and where infrastructural services are available, 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

The development was refused on qualitative reasons as opposed to substantive reasons. The site is a small and the existing building is in a poor state of repair.

- The applicant was the developer of the adjoining Mill Race development to the immediate south which included 5No. ground floor shops and apartments overhead. The development was completed 16 years ago and the uptake of the commercial units has been very slow, carrying from 0% occupancy to just over 50% occupancy.
- The design of the units as one bedroom units is to cater for single professionals, or single people relocating from the rural areas to the town. The applicant did not want to introduce children onto the site because it is positioned between two busy streets.
- The ground floor units are accessible for potential disabled or elderly occupants.
- The 9No. units are not considered to be excessive and from a financial perspective is a viable option. The 'Sustainable Urban Design Standards for New Apartments' permits single bed apartments in blocks less than 10. The absence of mix of uses is not a valid reason for refusal.
- Each apartment has its own designated balcony space and private open space.

- The bicycle storage area is located within the site and is deliberately enclosed by the adjoining walks for security reasons.
- The bin storage area is adequately sized, and there will be adequate washdown facilities. There is ample space to store three combi bins, it is accessible from all apartments.
- The proposal is a simple vernacular design in keeping with the existing built form with a limited use of materials to reflect the maintenance free operation of the property as much as possible.

## 6.2. Planning Authority Response

The planning authority has nothing further to add to the appeal.

## 7.0 Assessment

I consider the issues arising in this case can be assessed under the following headings:

- Development Plan Provisions
- Design and Compliance with Standards
- Other Issues
- Appropriate Assessment

### 7.2 Development Plan Provisions

7.2.1 The subject site, is an existing brownfield site located in the town centre of Cahir located mid- terrace along a busy commercial street. It is located beside the local Aldi and Supervalu shops, and another residential complex to the south of the site, which was constructed by the applicant.

7.2.2 The zoning objective on the site under the provisions of the Cahir Local Area Plan 2011 is **Town Centre** zoning '*to preserve, enhance and or/ provide for town centre facilities. Proposals for development on lands zoned Town Centre are to comprise of mixed use developments consisting of retail, office, service, community and and/ or residential uses*'. The buildings on the subject site would appear to be vacant including a retail outlet on the ground floor. Residential use is '*Permitted In Principle*'

under this zoning. There is no commercial element to the proposed development, it is entirely one-bedroom apartments over the three floors of the proposed development.

- 7.2.3 The site is adjacent to several community facilities and convenience stores. I noted a number of vacant commercial developments along the street. I consider the development of solely apartments to be in keeping with the zoning of the area. I do not agree with the planning authority's requirement to provide a commercial element within the proposed development. There is an adequate mix of commercial developments within close proximity to the site along Abbey Street and within walking distance of the site at The Square, Cahir..
- 7.2.4 The delivery of residential development on this underutilised, serviced site, in a compact form comprising higher density units, would be consistent with the provisions of the current local area plan and with the policies and intended outcomes of current Government policy, specifically the National Planning Framework, which looks to secure more compact and sustainable urban development with at least half of new homes within Ireland's cities to be provided within the existing urban envelope (Objective 3b) and to enable intensified housing throughout the town centre and inner suburban areas, in line with **National Policy Objective 13** whereby building height and car parking will be based on performance criteria that seeks to achieve a well-designed high quality outcome in order to achieve targets growth. Furthermore **Objective 11**, seeks to develop urban lands to their full potential in favour of development that can encourage more people and generate more jobs and activities within existing towns and cities.
- 7.2.4 Having regard to **National Policy Objective 33** which has a target the delivery of 550,000 additional households up to 2040 in accordance with the policy objectives of Ireland 2040 and **National Policy Objective 37** to increase residential density in settlements, through a range of measures including re-use of existing buildings, infill development schemes or site-based regeneration and increased building heights, I consider the high density proposed for the site and the three storey building to be in line with national policy.



In conclusion, I consider that the site, in principle, is suitable for high density residential purposes, and the overall principle of the development proposal (one bedroom units only) is in line with local and national planning policy.

### **7.3 Design and Compliance with Standards**

7.3.1 The planning authority considered the overall design of the scheme to be bland, it formed a significant issue in the single reason for refusal. The front elevation onto Abbey Street consists of a plain nap plaster finish with a variety of window types, sizes and alignments. There are two balconies midway on the front elevation at first and second floor level. Of significant concern are the two passageways either side of the buildings, one of which leads to a yard area, and the other is a side lane to nowhere. I agree with the planning authority the front elevation and the side passageways are substandard in design. The development will result in an ad hoc architectural statement along the streetscape. Although the existing buildings provide very little in terms of aesthetics to the streetscape, I consider the proposed new elevation will not blend into the streetscape because of the gaps created by the passageways and inconsistent fenestration pattern.

The Board could try to condition design improvements to the main elevation of the scheme onto Abbey Street, however the omission of the side passageways is a significant material consideration and I believe a new planning application is required to deal with this issue. The passageways are enclosed and not overlooked, and I consider they do not provide a safe living environment for the future occupants of the scheme. The subject site is located in an historic part of Cahir. On approach to Abbey Street one passes over the river and a dramatic castle. The new Adli store on the opposite side of the road to the subject site, makes a contemporary and a refreshing architectural statement. In contrast, the proposed front elevation, although similar in height to the contiguous buildings, will appear inappropriate on the streetscape and will detract from the visual qualities of the area due to its bland and inferior design.

7.3.2 Each apartment at ground floor level along Abbey Street, has a separate entrance at street level. There is no access to the apartments on the first and second floors from Abbey Street (front elevation). The upper floor apartments are accessed from the rear of the building on Abbey Street Lower. I am not convinced about the access to

the upper floors to the rear of the building via a yard area, where the bike parking is proposed and the communal refuse storage area. This element of the design is flawed as it does not provide for a safe and functional living environment or access to the apartments on the upper floors. The Abbey Street Lower elevation would appear to be more adaptable to the streetscape and will enhance Abbey Street Lower. The window design is consistent, the elevation has a horizontal emphasis, and the balconies are setback from the building line. However, the elevation drawing does not include the walls of the yard areas, and this is a serious omission from the drawings because there is no complete elevation design to consider.

7.3.3 The general pattern of development in the area is mixed. There is a three storey building and a courtyard development immediately to the south of the subject site along Abbey Street, which includes a mix of house types and sizes. I consider the introduction of nine one-bedroom units will provide a diversity of residential types to cater for one person or couples, which is currently not available along Abbey Street. I consider the lack of dwelling mix and a new commercial element to be acceptable given the existing neighbourhood setting and receiving environment. Therefore the element of the reason for refusal should be dismissed by the Board.

7.3.6 The proposal accords with the *2018 Sustainable Urban Housing: Design Standards for New Apartments*. The floor areas and floor heights exceed minimum standards set out in the criteria (SPPR1 and SPPR5). The floor areas are in line with the requirements for studio, one bedroom apartments (SPPR 3). The private open space provision is acceptable. There are no carparking spaces proposed and parking would be the subject of development contributions. There is very limited on street parking in the immediate vicinity, and a minimum of 9No. spaces would be required to cater for the development.

#### 7.4 **Other Matters**

There is existing water service infrastructure and Irish water has recommended a condition be attached.

Part V Social and Affordable Housing Condition is not applicable.

The site is not within the Architectural Conservation Area of the Cahir LAP 2011.

## 7.5 **Appropriate Assessment**

The proposed development is located within an urban area on zoned lands that are serviced. It is reasonable to conclude, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on any Natura 2000 designated sites.

## 8.0 **Recommendation**

I recommend the Board uphold the planning authority's decision to refuse planning permission for the proposed development. The residential development of the site is acceptable in principle, but the overall design and layout of the proposal is substandard.

### **REASON AND CONSIDERATIONS**

The proposed development is located in an area zoned to enhance the physical and social character of the existing town centre and to provide for new and improved Town Centre facilities and uses in the Cahir Local Area Plan 2011 and in particular residential uses. Having regard to the design and layout of the proposed development, its poor front façade articulation, the inappropriate use of passageways on both sides of the building and access to the upper floors from the rear of the building through a communal yard area, it is considered that the proposed development would compromise the streetscape and the safety and security of the future occupants of the development, and would seriously injure the residential amenity of future residents of the proposed development and would therefore be contrary to the proper planning and sustainable development of the area.

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Caryn Coogan  
Planning Inspector

10<sup>th</sup> of March 2021