



An
Bord
Pleanála

Inspector's Report ABP-310128-21

Development	Change of use of storage building from commercial use to residential use and renovation of same as private dwelling house.
Location	Main Street, Roscrea, Co. Tipperary.
Planning Authority	Tipperary County Council.
Planning Authority Reg. Ref.	20/478.
Applicant	Ms Remigija Stuopeline.
Type of Application	Permission.
Planning Authority Decision	Refuse permission.
Type of Appeal	First Party.
Appellant	Ms Remigija Stuopeline.
Observer(s)	None.
Date of Site Inspection	28 th July 2021.
Inspector	Fergal O'Bric.

1.0 Site Location and Description

- 1.1 The appeal site comprises a three bay, three-storey commercial premises, with west facing frontage onto Main Street, Roscrea, with a long narrow rear garden space in which is a vacant storage building that backs onto a public car park and a Tecso supermarket development to the rear of the Main Street. The commercial premises is used as a beauty salon at ground floor, it is unclear what the upper levels of the building are used for. The storage building in the rear garden area has a barrel style galvanised roof with block rising walls. To the north of the storage shed is a surface car park area serving the neighbouring pharmacy business. To the south is a flat roofed two-storey extension to the rear of a commercial premises further south along Main Street. To the east is the public car park area. There is a rear gated access to the appeal site from the east. The existing structure, the subject of this appeal is a vacant and underutilised building.
- 1.2 The appeal site is located on the eastern side of the Main Street. Site levels fall gradually from west to east. Further north and south of the appeal site, there are pedestrian linkages, connecting the Main Street with the rear of the Main Street properties, a public car park and a supermarket development.

2.0 Proposed Development

- 2.1 The proposed development is for:
- Change of use of vacant commercial storage building from commercial use to residential use and renovation of same as a private dwelling house and all ancillary site works.

3.0 Planning Authority Decision

3.1 Decision

The Planning Authority refused planning permission for two reasons as follows:

Reason 1: Having regard to the irregular and restrictive nature of the site, and the scale of the development proposed. It is considered the proposed development would be an overdevelopment of a restricted urban site, would seriously injure the amenities of the proposed development itself and the property in the vicinity and would be contrary to the proper planning and sustainable development of the area. The proposed development would set an undesirable precedent for other similar developments, would result in disorderly development of the site and would, therefore, be contrary to the proper planning and sustainable development of the area.

Reason 2: The Planning Authority considers that the development proposed would constitute substandard development in light of National Planning Guidance. The proposed development is deficient in design terms, inclusive of open space and natural light, storage and car parking provisions, proposed landscaping, and boundary treatments, and would injure the residential amenity of the dwelling and adjoining dwellings. The proposed development would set an undesirable precedent for other similar developments and would be contrary to the proper planning and sustainable development of the area.

3.2 Planning Authority Reports

3.2.1 Planning Reports

The basis for the Planning Authority decision include:

- The District Planner considered: that the proposal constituted an over-development of a restricted site, would seriously injure the amenities of the development itself and property in the vicinity, that the development is deficient in terms of design, open space, natural light, storage, and car parking provision and would establish an undesirable future precedent. The development was also considered to be injurious to the residential amenity of future occupants and neighbouring properties. A refusal of planning permission was recommended as set out within Section 3.1 above.
- An Appropriate Assessment (AA) screening exercise concluded that there is no potential for significant impacts upon a Natura 2000 site and that a Natura Impact Statement was not required in this instance.

- An Environmental Impact Assessment (EIA) screening concluded that the submission of an EIAR was not required in this instance.

3.2.2 Other Technical Reports

No reports received.

3.3 Prescribed Bodies

No reports received.

3.4 Third Party Observations

None received,

4.0 Planning History

None relevant.

5.0 Policy Context

5.1 Roscrea Local Area Plan 2012-2018 (as extended in 2017)

The appeal site is zoned Town Centre within the Local Area Plan (LAP) where residential uses are acceptable as per the zoning matrix set out within Section 10 of the LAP.

The appeal site is located within the town centre zone of archaeological potential.

5.2 North Tipperary County Development Plan 2010 (as varied)

The site is located within Roscrea, which is designated as a District town within the Plan.

Section 4.3 of the Plan pertains to Residential Development in towns and villages and sets out the following:

“Towns and villages are at the core of our communities. The continued vitality and vibrancy of these settlements is dependent on people continuing to live and work within them. It is a key aim of the Council to ensure that new residential development

contributes to the settlement form, community and quality of life of residents in all settlements”

Table 10.2 Minimum car parking standards

Dwellings (up to 2 bedrooms)-1 space per dwelling unit

Table 10.3 Private Open Space

Dwellings	Square Metres
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3-4 bed	65 sq m
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1-2 bed	48 sq. m
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5.3 Draft Tipperary County Development Plan 2022-28

The Draft Plan is presently on public display until the 15th day of October 2021.

The site is located within Roscrea, which is designated as a District town within the Plan.

Section 5.3 of the Plan pertains to Residential Development in towns and villages and sets out the following:

New residential development will be required to take cognisance of the prevailing scale and pattern of development in the area, and be of a design, layout and scale presenting a high-quality living environment. In line with the core ambition of this Plan, and the development management standards set out in Volume 3, new development will be expected to support accessibility, connectivity, active travel and the ‘10-Minute Town concept’ and be of an appropriate density to achieve this. Innovative approaches to development of infill sites, and of living accommodation on upper floors of town centre commercial units is supported.

5.4 Natural Heritage Designations

None relevant.

6.0 The Appeal

6/1 Grounds of Appeal

A first-party appeal has been received and raises the following issues:

Principle of Development.

- The appeal site is a town centre one located at Main Street, Roscrea.
- The appellant purchased the site in 2015 when the property was vacant and in a poor state of repair.
- The appellant renovated the building, installed new windows, and re-plastered the building sensitively, using lime plaster.
- Prior to 2015 a butcher shop and abattoir operated from the site.
- The former butcher's store/abattoir is the subject of the current appeal.
- The appellant plans to use the residential property for her own use, adjacent to her business premises.
- The proposal will provide for regeneration and re-purposing of a vacant building to provide for residential accommodation within an urban environment.
- Living within the town supports the strategy of national and local government.
- The proposal is a variation on the concept of living over the shop as supported within the Tipperary Development Plan.
- The proposals would eliminate the appellants unsustainable daily commute to work.
- The proposal would not represent an over-development of the site but the repurposing of a former commercial building for residential use.
- A precedent already exists for the development to the rear of the Main Street, such as the development to the rear of the pharmacy premises to the north of the appal site.
- Section 5 of the Draft Tipperary Development Plan encourages town centre living and to support town and village regeneration, as envisaged within the current proposals.

- Tipperary County Council would be contravening national planning policy by not permitting this development.
- The development of the appeal site would be sustainable, otherwise the former abattoir building would deteriorate further due to dereliction.

Design and Layout:

- The development does not require any works outside of the footprint of the existing building.
- The proposal will involve the replacement of the barrel roof with a slated A-roof and re-use of the abattoir building for residential purposes.
- The design is based on a New York loft type conversion and meets with current Building Regulation standards in terms of window sizes, light, storage, and energy efficiency

Amenity:

- The proposals would enhance the amenity of the building and would not injure the amenities of the property itself nor the neighbouring properties.
- Given the present structure represents an eyesore within the local built environment, the proposal would contribute to the proper planning and sustainable development of the area.
- The applicant is proposing to develop a courtyard type garden space between the rear of the beauty salon and the proposed dwelling and a permeable paving surface with bin storage and some border flower beds in the area east (rear) of the proposed dwelling.
- A detailed landscaping plan for the site could be submitted prior to the commencement of development.

Other Issues:

- Car parking could be accommodated on site with some vegetation clearance; however, it should be noted the site adjoins a public car park.
- A development contribution in lieu of car parking spaces could also be conditioned, if deemed necessary.

The Planning Authority made no response to the planning appeal.

7.0 Assessment

7.1 The re-use of the vacant commercial structure within the town centre of Roscrea to the rear of the Main Street is supported by local and national planning policy. Therefore, I consider that this appeal can be addressed under the following headings:

- Principle of development
- Design and Layout
- Parking and Access
- Other issues.
- Appropriate Assessment.

7.2 Principle of Development

7.2.1 The site has the benefit of a town centre zoning objective. The site is centrally located within the District town of Roscrea as set out within the Roscrea LAP, with frontage onto the Main Street where there is a mix of commercial (retail and non-retail), residential and community uses.

7.2.2 The dwelling would be developed within the footprint of an existing vacant and under-utilised commercial structure within the rear garden space. Section 5.3 of the Draft Tipperary Development Plan 2022-2028 supports the 10-minute town concept and innovative approaches to development of infill sites. I consider the re-use of the building for residential use to be consistent with national and local policy for re-development of structures subject to issues in relation to design and layout, impact upon neighbouring amenities, car parking and access on site being satisfactorily addressed. In conclusion, I, consider that the use of the vacant commercial structure for residential use as being acceptable in principle.

7.3 Design and Layout

7.3.1 The statement that the proposal represents an overdevelopment of the site must be considered in terms of development management measures, including density, quantity and quality of amenity space, traffic and parking impacts, and impact on residential amenity.

- 7.3.2 The proposed dwelling unit follows the general layout of the pre-existing outbuilding. A two-storey (within the existing double height structure), two-bedroom dwelling with a floor area of 93 square metres is proposed. The dwelling would have a pitched roof with blue/black slates and a render external finish. A maximum ridge height of 6.7 metres is proposed. The overall design and layout is simple, albeit constrained somewhat by the historic fabric. To the north of the appeal site is the surface car park area to the rear of a pharmacy. To the south are a number of returns to the rear of a commercial premises that immediately adjoin the party boundary wall with the appeal site. There are no first-floor windows on either of the side elevations of the proposed dwelling. There are a number of rooflights, however, by virtue of their height will provide for illumination of the first-floor area only within the proposed residential property and would not provide opportunities for overlooking of neighbouring properties. I am satisfied that an acceptable level of amenity would be afforded to future occupants and that neighbouring residential properties would not be adversely impacted upon by reason of overlooking.
- 7.3.3 In terms of any overshadowing, by virtue of the site orientation, a shadow would be cast within the appeal site itself in the early morning in Spring and Summer time, onto the adjoining pharmacy surface car park to the north by early afternoon and by late evening onto the adjoining two storey flat roofed building to the south which is currently shadowed by the vacant commercial building on the appeal site. Any shadows cast would not be of any more significance than those cast by the existing vacant commercial building on site.
- 7.3.4 Given that the residential unit meet the residential qualitative and quantitative standards as set out within national and local policy standards and would allow for the re-development of this brownfield site, centrally located within the settlement of Roscrea, the proposals are considered acceptable.
- 7.3.5 The appeal site has an ae of 0.03 hectares. A residential density of 33 units per hectare would be developed on site. The Sustainable Residential in Urban Areas (SRDUA) 2009 , Guidelines for Planning Authorities, Appendix A sets out that residential densities of between 30 and 40 residential per hectare are appropriate within inner urban areas and within Section 6, the re-development of backland sites within inner urban areas for residential development is encouraged, Given the

appeal site is centrally located within the town, the density is considered appropriate and in accordance with national policy guidance.

- 7.3.6 In terms of private open space provision, I note that there is an area of open space to the east of the proposed dwelling, between the rear of the dwelling and the rear access gate which comprises an area of approximately 60 sq. m. It is a long narrow piece of ground. I note the development management guidance set out within the Development Plan, Section 10.3, where the minimum public open space requirement for a 1–2-bedroom dwelling is 48 sq. m. Therefore, I am satisfied that the area to the rear of the proposed dwelling is sufficiently sized to in accordance with the Development Plan standards for the provision of private open space. The space is east facing and would benefit from early morning, early afternoon and late evening sun and is surrounded by a 2-metre wall to the north and a 3.5 metre wall to the south. There is a ground floor window serving a kitchen/dining area which would overlook the rear private amenity space area.

7.4 Parking and Access

- 7.4.1 The appeal site is located within the town centre 50 kilometre per hour speed control zone. The issue of on-site car parking provision was raised within the District Planners report. The proposals provide for no on-site parking to serve the proposed development. I consider that the provision of on-site car parking would compromise the quality and quantity of private amenity space that would be afforded to future residents of the dwelling.
- 7.4.2 There is on-street parking available along Main Street and within the public car park located 20 metres north-east of the appeal site. I acknowledge that the provision of some level of on-site car parking would be preferable. However, I also note that there is a pedestrian laneway access to the Main Street located 10 metres north of the appeal site. I consider that the opening of the rear of the property for the purpose of car parking would create a greater traffic hazard than if the on-street car parking option is utilised.
- 7.4.3 I note the site-specific circumstances that apply in this instance. The application is for a change of use of an existing vacant structure (from commercial to residential use). It is not clear to me that the change of use is significant having regard to the

size and extent of the property. I further note that this proposal would facilitate the re-development of an under-utilised site/structure.

7,4,4 In conclusion, I consider that there are site-specific circumstances that arise in this instance, and that granting permission for the residential unit would not significantly impact on traffic safety or parking space occupation and would not represent an undesirable precedent for other such developments. Given the location of the appeal site within a town centre, with many amenities and services within reach on foot or by bicycle, the lack of dedicated car parking proposals is considered to be acceptable. It would be open to the board to attach a condition levying for the shortfall in on-site car parking provision.

7.5 Other Issues

7.5.1 The appeal site is located within a zone of archaeological potential. However, this is a brownfield site, and it is noted that the footprint of the dwelling would not extend beyond the footprint of the former abattoir building on site. However, the re-development of a courtyard area to the west of the proposed dwelling and landscaping of the amenity space area to the east of the proposed dwelling would involve some excavation and groundworks. I, therefore, consider that a condition regarding the archaeological monitoring of ground works should be included as part of any grant of planning permission.

7.6 Appropriate Assessment

7.6.1 The development is located within a town centre and involves the re-use of an existing building, with a very modest increase in the overall floor area of 46.5 square metres. It would be served by connections to the piped water services.

Having regard to these matters, and the modest scale of the development, no Appropriate Assessment issues arise, and I do not consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site. Therefore, the submission of a Natura Impact Statement is not required in this instance.

8.0 Recommendation

I recommend that planning permission be granted for the development subject to the conditions set out below.

9.0 Reasons and Considerations

It is considered that subject to the conditions set out below, that the development of a residential unit on a brownfield site, comprising the reuse of an under-utilised and vacant commercial structure to the rear of the Main Street, Roscrea within the town centre is acceptable. Notwithstanding the absence of dedicated on-site parking, the proposals are acceptable in terms of design and layout and traffic safety, would not adversely impact upon neighbouring amenities or the amenities of future residents, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out in accordance with the plans and particulars lodged with the application on the 10th day of December 2020, 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 Details of the materials, colours, and textures of all the external finishes to the proposed extension shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

- 3 The dwelling shall be occupied as a single dwelling unit and shall not be subdivided or used for any commercial purposes.

Reason: In the interest of residential amenity.

- 4 The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of development.

Reason: In the interest of public health.

- 5 Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health.

- 6 All service cables associated with the proposed development (such as electrical telecommunications and communal television) shall be located underground.

Reason: In the interests of visual dm residential amenity.

- 7 The construction of the development shall, be managed in accordance with a Construction Management Plan, which shall be submitted, and agreed in writing with the Planning Authority prior to the commencement of development. This plan shall provide details on intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste, as well as protective measures to be employed with respect to the boundary hedgerows.

Reason: In the interest of public safety and residential amenity.

- 8 The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefitting 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 Contributions

Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the 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 developers 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 Contributions Scheme made under Section 48 of the Act be applied to the permission.

- 9 Prior to commencement of development details of a hard and soft landscaping plan for the site incorporating native/indigenous species shall be submitted to and agreed in writing with the Planning Authority. A timeframe for the implementation of the landscaping proposals shall also be submitted.

Reason: In the interest of visual amenity.

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

Reason: In order to safeguard the amenities of property in the vicinity.

- 11 The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

Fergal Ó Bric
Planning Inspectorate

31st August 2021