



An
Bord
Pleanála

Inspector's Report

ABP-318339-23

Development	148 residential units and creche
Location	Tyrrell's Road, Ardan/Puttaghan, Tullamore, Co. Offaly, R35 YF24.
Planning Authority	Offaly County Council
Planning Authority Reg. Ref.	23/216
Applicant	John Flanagan Developments Ltd
Type of Application	Permission for Large-Scale Residential Development
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	1. The Davitt Street Residents Association 2. Oliver Hughes
Observers	None
Date of Site Inspection	14 th December 2023
Inspector	Margaret Commane

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1.0 Site Location and Description

- 1.1. The appeal site is a 4.2Ha irregular shaped site located to the north-east of the town of Tullamore, in Co. Offaly. It lies on the western side of the Tyrrells Road (L1024), close to the Ardan roundabout on the N52 bypass which connects to the M6 national motorway network.
- 1.2. The majority of the appeal site comprises undeveloped land (previously comprising agricultural grassland and playing fields) with a single storey vacant warehouse/other minor structures (associated with the playing fields previously featuring on site) featuring in the eastern part of the site. The eastern part of the subject site is relatively flat and there is a level difference (of c. 4 metres) across the western part of the subject site, with the surveyed levels in the south-western corner being 63.5m above datum and those adjacent to the fence running centrally being 59.5m above datum. Two overhead power lines traverse the western part of the subject site. The site also contains a wayleave area for existing sewerage and drainage pipes which connect to an existing pumping station featuring to the north of the site (adjoining Arden Vale residential estate). Upgrade works are proposed to this pumping station as part of the subject application.
- 1.3. The site lies immediately east of the Midland Regional Hospital Tullamore; immediately north of the Harbour Drive, Harbour Walk and Thornsberry Estate residential estates and immediately south of the Arden Vale residential estate and a site on which an acute hospital is currently under construction, pursuant to Reg. Ref. 226/21 (I note this development site encapsulates a small part of the subject site, more specifically the northernmost tip). To the south, on the opposite side of Tyrrells Road, is an agricultural field. Housing stock in the immediately surrounding area comprises a mix of single and double storey detached and semi-detached dwellings in a variety of architectural styles and finishes.
- 1.4. The site is well located, being c. 0.6km from Tullamore Town Centre and in close proximity to a bus stop featuring in the Thornsberry Estate which is served by the No. 835 Bus Route.

2.0 Proposed Development

- 2.1. Planning permission was sought for (in summary): - demolition of existing buildings on site; construction of a large scale residential development comprising 148 no. dwellings, consisting of: - 90 no. houses (8 no. 2-bedroom houses, 58 no. 3-bedroom houses and 24 no. 4-bedroom houses), 20 no. apartments (Block A, at 4-storeys, comprising 4 no. 1-bed apartments and 16 no. 2 bed apartments) and 38 no. age friendly assisted living units (Block B, at 4-storeys, comprising of 28 no. 1 bed units and 10 no. 2 bed units); and a Creche; ancillary site development works, including access, roads and footpaths, landscaping and boundary treatments, public and private open space areas, car parking, bicycle parking, ESB substations, bin and bicycle stores, replacement waste water pumping station and drainage connections; and ancillary site development works.
- 2.2. 255 no. car parking spaces and 70 no. bicycle parking spaces were proposed to serve the development, with vehicular access to the proposed development provided via Tyrrell's Road and pedestrian/cycle access provided from Tyrrell's Road, Harbour Drive, Harbour Walk and the Thornsberry Estate. In terms of materials and finishes, the proposed dwellings/apartment blocks/creche feature brick and render facades and slate or concrete roof tiles where pitched roofs are proposed.
- 2.3. The proposal was revised in response to a further information request. The revisions made resulted in the following amendments to the proposed development:
- Replacement of 2 no. double storey 3-bed houses (Units 14 & 15) with 1 no. single storey 3-bed house, resulting in a total of 89 no. houses (8 no. 2-bed houses; 56 no. 3-bed houses and 25 no. 4-bed houses);
 - An increase in the number of bicycle parking spaces from 70 no. to 116 no.; and
 - An increase in the number of car parking spaces was increased from 255 no. to 262 no.
- 2.4. A summary of the key site statistics/details of the proposed development (as amended by a further information response) are provided in the table overleaf:

Site Area	4.2ha (net area is 4ha, excluding the part of the site occupied by the pumping station/associated infrastructure)
Demolition Works	2,256sqm
No. of Residential Units	89 no. houses (8 no. 2-bed houses; 56 no. 3-bed houses and 25 no. 4-bed houses) & 58 no. apartments (32 no. 1-bed units; and 26 no. 2-bed units)
Non-residential Uses	169sqm childcare facility
Part V Provision	22 no. Part V apartments on Block B (15 no. 1-bed unit and 7 no. 2-bed units).
Total Gross Floor Area	16,711sqm
Open Space	6,022sqm of public open space (comprising of 4,403sqm centrally to the west; 979sqm proximate to the development's vehicular entrance; and 640sqm proximate to the pedestrian access off Harbour Walk) and 1,015sqm of communal open space
Car Parking	262 no. in total (72 no. serving Blocks A and B, 178 no. serving the houses and 12 no. serving the creche)
Bicycle Parking	116 no. in total (86 no. serving residents of Blocks A & B and 30 no. serving visitors)
Density	<u>36.75 units per hectare</u> (based on a net area of 4Ha)
Height	1-4 storeys
Plot Ratio	0.42
Dual Aspect Apartments	30 no. units (<u>51.7%</u>)

2.5. In addition to the standard plans and particulars, the application is accompanied by the following documents/reports:

- Architects Design Statement

- Access Statement
- Schedule of Accommodation
- Housing Quality Assessment
- Planning Supporting Statement
- LRD Compliance Statement
- Ecological Assessment
- Landscape Design Statement
- Biodiversity Management Plan (part of Landscape Design Strategy)
- Noise Impact Assessment
- Transportation Assessment Report, incl. Preliminary Mobility Management Plan and Stage 1 Independent Road Safety/Quality Audit
- Residential Energy Efficiency and Climate Change Adaptation Design Statement
- Building Life Cycle Report
- Architectural visualisations
- Report on Surface Water Drainage
- Report on Irish Water Infrastructure
- Site Specific Flood Risk Assessment
- PCE Application and Response
- Part V Statement
- Construction and Demolition and Waste Management Plan
- Feasibility Certificate and Design Acceptance Certificate
- Daylighting Sunlighting and Overshadowing Assessment
- Public Lighting Report

3.0 Planning Authority Opinion

- 3.1. The Planning Authority and the Applicant convened a meeting under Section 32C of the Planning and Development Act, 2000 (as amended), for the proposed Large-scale Residential Development on 2nd November 2022. The record of that meeting is attached to the current file.
- 3.2. Further to that meeting, the Planning Authority issued an opinion on 25th November 2022, under Section 32D of the Act, stating that the documents that had been submitted did not constitute a reasonable basis on which to make an application for permission for the proposed LRD.
- 3.3. The following is a summary of the areas/issues which the opinion stated needed to be addressed/documents needing to be submitted to form a reasonable basis for an application for permission:
- Coloured photomontages of the entire development taken from a variety of aerial angles are required.
 - Clarity regarding the proposed pedestrian link into Harbour Walk.
 - Provision of a pedestrian link into Harbour Drive/retention of trees along boundary treatments with Nos. 24-28 Harbour Drive/upgrades to the entrance area leading into the Thornsberry Estate are required.
 - An Access Statement is required.
 - Revisions to the Architectural Design Statement so as to address the 12 no. criteria/questions outlined in Policy DMS-07 Design Statement.
 - Details regarding green infrastructure integration are required.
 - A separate schedule for each apartment is required.
 - The space provided around buildings needs further consideration in the context of DMS-14 Space around Buildings.
 - Details regarding bin storage are required.
 - Details regarding existing/proposed site boundary and individual house boundary treatments are required.

- Details of heavy landscaping treatments between the proposed site and Nos. 24-28 Harbour Drive, No. 47-50 harbour Walk and the end of the cul de sac adjoining Nos. 12 and 13 Harbour Drive are required.
- A legend on the site layout map indicating the no. of bedrooms in each house is required.
- A Green Infrastructure Masterplan is required.
- Details regarding Sustainable Urban Drainage Systems/management are required.
- A Residential Energy Efficiency and Climate Change Adaptation Design Statement is required.
- Details regarding the proposed creche are required.
- Vehicular parking provision needs to be reconsidered and car parking allocation outlined.
- A Construction and Demolition Waste Management Plan is required.
- A Building lifecycle Report is required.
- The site boundary needs to include the wayleave area between the pumping station and the proposed housing development.
- Indicative photographic samples of dwellings and street finishes are required.
- An Urban Design Statement and Masterplan for Opportunity Site No. 9 having regard to the development principles set out in Section 7.2.4 of the Development Plan is required.
- In light of the site being within an area effected by high road noise, measures to cater for the amenity of future residents of housing in the interior of the proposed dwellings is required.
- In response to comments from Offaly County Council's Environment and Water Services Section, the following are required:- detailed watermain supply drawings/documents, a confirmation of feasibility letter/certificate of design acceptance from Irish Water, a site specific flood risk assessment, surface water

sewer connection arrangements, longitudinal sections of all mains surface water sewers, design calculation of required storage for 1, 30 and 100-year storm events, details of any proposed storm drainage discharge points, additional information on the proposed pumping station including details drawings & design calculations, foul sewer longitudinal sections, a Noise Assessment Report and a Biodiversity Management Plan.

- In response to comments from Tullamore Municipal District, the following are required: - a Stage 1 & 2 Road Safety Audit, a DMURS Quality Audit, detailed design drawings & cross section of the proposed pedestrian junction, details in relation to the proposed pedestrian crossings within the site, provision of a dedicated set down area for parent drop off/pick up, turning area and parking assigned to the childcare facility and a drawing indicating the locations of the parking allocation for houses, apartments and the childcare facility proposed.

4.0 Planning Authority Decision

4.1. Decision

Offaly County Council issued a Notification of Decision to Grant Permission on 3rd October 2023 subject to 26 no. conditions, none of which significantly altered the proposed development.

4.2. Planning Authority Reports

4.2.1. *Initial Planning Report (6th July 2023)*

- The subject application is not contrary to the Eastern and Midlands RSES and so it was not referred to the Eastern and Midland Regional Assembly.
- With regards to EIA, it is considered that there are no sensitivities relating to the characteristics and location of the proposed development, nor are there potential impacts that would result in a likely significant impact on the environment.
- Upon review of the observations received on the application, the following is noted (in summary): - visual/privacy impacts on residents in Arden Vale are

deemed minimal; the proposed apartments will have limited overshadowing effects on Arden Vale Housing having regard to the distance between the respective developments; in the event that planning permission is granted a condition specifying that access to the pumping station through Arden Vale shall be temporary in nature shall be imposed; more information is required from the developer regarding access proposals through Arden Vale; the current proposal does not provide a road between the proposed hospital/nursing home and the Regional Hospital but an area of land remains outside the site boundary remains undeveloped and could provide a potential link; and the current proposal is at the lower end of allowing housing densities specified in Section 5.11 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009.

- In the context of DMS-02 Density, the residential density proposed is 37 units per hectare which is deemed acceptable. The differing house types and house heights in accordance with the recommendations of the Urban Development and Building Height Guidelines are proposed.
- In the context of DMS-03 Layout, the photomontages accompanying the application show a high quality of design. A permeable layout has been provided. It is noted that some existing adjoining cul de sacs will not be provided with access to the proposal, however, given the challenging site configuration this is considered acceptable. Additional planting is required at the site boundary between proposed houses No. 27 and 28 to screen the rear view of No. 47 Harbour Walk. The proposed render block wall adjoining public open space two requires creeper planting on both sides. Additional planting, surface detail and boundary treatments are required for the area joining the proposed estate and Park Avenue.
- In the context of DMS-04 Design of Streets, the Roads Section have requested details on turning circles.
- In the context of DMS-05 Housing Mix, a satisfactory mix of house types are proposed.

- An access statement has been provided in accordance with the requirements of DMS-06 Life Long Adaptability.
- An Architectural Design Statement has been submitted pursuant to the requirements of DMS-07 Design Statement.
- Insufficient information has been provided to demonstrate compliance with DMS-08 Apartments. The proposed development is considered to provide sufficient communal open space for the proposed apartments.
- DMS-11 Corner Site Development is considered to be satisfied due to the provision of dual frontage units.
- The 22 metre minimum separation distance between directly opposing rear first floor windows, required pursuant to DMS-13 Separation Distances/Overlooking, has been provided.
- The minimum distances between the side walls of adjacent dwellings or dwelling blocks (2.5m for single storeys/3m for two-storey buildings), required pursuant to DMS-14 Space Around Buildings, has been provided.
- In the context of DMS-16 Refuse Storage and Bins, elevation treatments of bins and front gardens are shown on Drawing No. PL113. The applicant will be required to demonstrate that bins can be opened when cars are parked.
- A Landscaping Plan, Landscape Design Statement and Landscape Design Site Layout Map accompany the application. Site boundary treatments are deemed acceptable. The 1200mm bow top powder coated steel railings should be omitted where they adjoin the public road, the L1024 and adjoining public open space 3 and be replaced with appropriate hedging. Additional landscaping is also required to the east of the rear garden of house No. 52. The area around the pumping station appears to be open plan, however, this needs to be confirmed. Boundary treatments of individual housing units do not appear to comply with DMS-17 Landscaping and Boundary Treatment.
- In the context of DMS-18 Private Open Space Minimum Standards for Houses, evidence of provision of adequate gardens has been provided in the submitted Housing Quality Assessment.

- Evidence of compliance with DMS-19 Private Open Space Minimum Standards for Apartments has been provided in the submitted Housing Quality Assessment.
- Schedule of accommodation ref no. 18037 indicates that 15% of the site is given towards open space. Having regard to the proposed site layout, it is considered to generally comply with DMS-21 public Open Space.
- In the context of DMS-22 Green Infrastructure Masterplan, a Landscape Design Statement and a Biodiversity Management Plan accompany the application. The site has low potential to support mammal species and is of low value for birds. Mitigation measures are proposed to be supervised by an Ecologist during construction. A phasing plan has been submitted.
- In the context of DMS-23 Sustainable Urban Drainage and DMS-24 Surface Water Management, the Tullamore MD have raised issues regarding surface water disposal and surface water, respectively.
- In the context of DMS-31 Residential Energy Efficiency and Climate Change Adaptation Design Statement, the application is accompanied by a Residential Energy Efficiency and Climate Change Adaptation Design Statement.
- In the context of DMS-32 Childcare, the application material indicates that the nature of the facility can not be specified until an occupier is determined but the creche will have a capacity for 30 children. The capacity complies with appendix 2 of the Childcare Facilities Guidelines for Planning Authorities.
- 70 no. bicycle parking spaces are proposed for the 32 no. one-bed and 26 no. two-bed apartments which doesn't meet the requirements of DMS-99 Cycle Parking Standards.
- In the context of DMS-102 Car Parking Requirements, 70 no. spaces are required for apartments but only 63 no. are provided for. It is considered that additional spaces, adjoining public open space one, should be provided for.
- In the context of DMS-114 Construction and Demolition Waste Management Plan, a Waste Management Plan accompanies the application.

- Offaly County Council's Road Design Section, Offaly County Council's Housing Dept., Tullamore MD and Transport Infrastructure Ireland have requested further information.
- A screening exercise for an appropriate assessment has been carried out and it has been deemed that the development is unlikely to have significant effects on any European sites.

The report recommends a request for further information in respect of the following:

- Item 1: The applicant is requested to: - (a) provide additional planting at the site boundary between proposed Houses No. 27 and 28 to screen rear view of No. 47 Harbour Walk; (b) provide creeper planting along the entire northern and southern side of the site boundary wall located to the north of apartment Block A and B; (c) provide creeper planting on both sides of the render block wall adjoining public open space 2; (d) submit detailed drawings of plantings, surface detail and boundary treatments for the interface area adjoining the proposed estate and Park Avenue; (e) address concerns regarding the lack of passive surveillance of Thornberry/Park Avenue interface area (in this regard, the applicant requested to submit a revised design omitting Units 14 & 15/providing dwellings facing Thornberry/Park Avenue interface area); (f) omit the 1200mm bow top powder coated steel railings where they adjoin the L1024 public road and adjoining public open space 3 and replace them with appropriate hedging; (g) provide additional landscaping to the east of the rear garden of House No. 52; (h) confirm the boundary treatment proposed around the proposed pumping station; (i) submit elevation treatment of the proposed Arden Vale gates; (j) address the discrepancies occurring in relation to bicycle parking provision/achieve compliance with the requirements of DMS-99; (k) provide additional car parking spaces, adjoining public open space one, to comply with the requirements of DMS-102; (l) submit an Urban Design Statement that addresses the development principles in Section 7.2.4 of the Development Plan to support the indicative masterplan submitted/amend the masterplan if necessary; (m) submit a separate table for each individual apartment unit detailing the various requirements of the Apartment Guidelines, 2022; (n)

clarification regarding the proposed access from Arden Vale/indicate the route of traversal of construction traffic required to replace the pumping station and whether construction access for these works would be via the Arden Vale Estate; (o) demonstrate that the bins, included on Drawing No. PL113, can be opened when cars are parked; (p) demonstrate the safe exit and entry vehicular movements are possible for car parking spaces for proposed House No. 60 and 90; (q) clarify the labelling of proposed Block A as a shared living facility in the proposed site layout plan in the submitted Architects Design Statement; and (r) submit a revised proposal for the rear inter-boundary garden treatments to the proposed dwellings, in compliance with the requirements of DMS-17.

- Item 2: In response to comments provided by Tullamore MD, the applicant is requested to submit the following: - (a) proposals for a dedicated set down area for parent drop off/pick-up, turning area and parking assigned to the childcare facilities, which will not conflict with residential parking; (b) a site layout plan showing the proposed locations of Electric Vehicle charging points in accordance with DMS-104; (c) autotrack swept path analysis for waste collection vehicles throughout the development; (d) surface water layout drawings indicating the location for road gullies throughout the development in accordance with the Dept. of Transport Guidelines for Road Drainage. Adequate gullies are required to serve the development as well as adequate drainage at proposed raised tables; (e) in response to concerns raised by the Tullamore MD regarding the accommodation of surface water from Units 1 to 34, 22 to 27 and 14, full design details and calculations are required in relation to this aspect of the proposal; (f) install a class 1 petrol/oil interceptor to service the development; (g) details in relation to the proposed outfall levels and flood levels and the capacity of the receiving waters; (h) revised proposals to address concerns raised regarding the homezone from Units 01 to 39 becoming a looped road due to the grasscrete area provided for refuse vehicles at the north-west corner of the site; and (i) long sections of the proposed surface water pipe network and details in relation to the proposed discharge location/outfall for the surface water from the proposed development.

- Item 3: In response to comments provided by Offaly County Council's Road Design Section, the applicant is requested to submit: - (a) swept path analysis, including turning circles, of all vehicle movements within the proposed development, including HGV's/Refuse Trucks; (b) the following information for public lighting street design: - (i) LED lighting design for a colour temperature of 3300K or below; (ii) details regarding lighting levels and arrangements; (iii) measures to avoid glare and light spill to adjoining residential properties and the road network in the vicinity; (iv) a lighting design using lighting reality design or similar approved, designed by a competent lighting designer; (v) confirmation that the landscaping layout will have minimum 3m radius around the public lighting columns clear of tree planting; and (vi) confirmation that the scheme will be cabled in >6sq mm cable and meet with I.S. 10101:2020 standard; and (c) an indication of measures to extend the existing footpath and new public lighting along L1024 to extend extents of new development.
- Item 4: The Part V proposal put forward is not acceptable to Offaly County Council's Housing Dept. and further discussions are needed on alternatives.
- Item 5: In light of matters raised by Transport Infrastructure Ireland, regarding the proposed development's potential impact on the capacity, safety or operational efficiency of the national road network in the vicinity of the site in the absence of sufficient data being submitted, the applicant is requested to submit a revised Traffic Assessment which includes an assessment of the proposed development's impact on the N52 Ardan Roundabout and a response to Offaly County Council/Transport Infrastructure Ireland concerns.
- Item 6: The applicant is asked to note the third party submissions on file and invited to address the issues raised. Photomontages of the proposed apartments as seen from the rear gardens of dwellings in Arden Vale are requested.

4.2.2. **Planning Report (3rd October 2023)**

The Planners report, dated 3rd October 2023, recommends a grant of permission subject to conditions. The following provides a summary of the points raised:

- In the context of FI Item 1: - the Landscape Masterplan RFI submitted by the applicant has addressed items (a), (b), (c), (f) and (g); Drawing No. FLA-WEL/DET/001 has been provided in the context of item (d), however, it is devoid of details regarding the boundary with No. 90 Thornberry. A condition is required requiring creeper plants on rendered block walls; in the context of item (e), a dual frontage dwelling has been introduced to address the Thornberry/Park Avenue interface area; a Boundary Treatment Plan has been submitted by the applicant to address items (h) and (r); details of the elevational treatment of the proposed Arden Vale gates has been submitted in response to item (i); the no. of bicycle parking spaces proposed has been increased to 84 no. in response to item (j); the no. of car parking spaces proposed has been increased to 72 no. in response to item (k); in response to item (l) an indicative masterplan has been submitted; a revised Housing Quality Assessment Table has been submitted in response to item (m); in response to item (n), the site layout plan submitted indicates a pump station construction route which does not impinge on Arden Vale and clarification is provided that access to the pumping station from Arden Vale is for maintenance only in the longer term; in response to item (o), revised bin proposals for terraced houses have been submitted; a vehicle tracking layout has been submitted in response to in response to item (p); and in response to item (q), the applicant has clarified that Block A is proposed as non-restricted one and two bedroom apartments. Having regard to the layout it does not appear to be shared accommodation/co-living apartments.
- In the context of FI Item 2: - a response to the issues raised by the Tullamore MD was submitted by the applicant. Upon review of the same, the Tullamore MD have indicated they have no objection subject to conditions.
- In the context of FI Item 3: - a response to the issues raised by Offaly County Council's Road Design Section was submitted by the applicant. Upon review of the same, Offaly County Council's Road Design Section have indicated they have no objection subject to the inclusion of conditions.
- In the context of FI Item 4: - a response to the issues raised by Offaly County Council's Housing Dept. was submitted by the applicant. Upon review of the

same, Offaly County Council's Housing Dept. have indicated they have no objection subject to conditions.

- In the context of FI Item 5: - a response to the issues raised by Transport Infrastructure Ireland was submitted by the applicant. Transport Infrastructure Ireland did not provide any further comments on the same and it is taken to mean that they have no objections to the proposal.
- In the context of FI Item 6: - The applicant has submitted a response to the issues raised in third party submissions and photomontages outside the rear gardens of dwellings in Arden Vale.
- Having regard to the nature, scale and the use of the proposed development, the issues raised in the planning statements, third party submissions, referral reports, site inspection, existing pattern of development in the vicinity and the current Development Plan, it is considered that, subject to conditions, the development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would otherwise accord with proper planning and sustainable development of the area.

4.2.3. **Other Technical Reports**

Tullamore Municipal District (04/07/23): Recommended that further information be requested regarding the following: - a dedicated set down area for parent drop-off/pick-up, turning area and parking assigned to the childcare facility; sufficient parking to satisfy the Development Plan requirements; electric car charging points/electric ducting for future fit-out; parking allocation for the proposed houses, apartments and creche; visitor parking provision; autotrack swept analysis for waste collection; lighting proposals; surface water layout; provision of a class 1 petrol/oil inceptor; outfall levels/flood levels/capacity of receiving waters; refuse vehicle routing; boundary treatments; tree planting locations; servicing arrangements for the proposed apartments; and extension to footpaths/lighting along the L1024.

Road Design (30/06/23): Recommended that further information be requested regarding the following: - swept path analysis for all vehicle movements, including HGVs/refuse trucks; public lighting; compliance with parking standards; and measures to extend existing footpaths and new public lighting along the L1024.

Chief Fire Officer (06/07/23): No objection, subject to conditions.

Housing Section (29/06/23): Revised Part V proposal required.

Environmental Health Officer (14/06/23): No objection, subject to conditions

Environment and Water Services Section (03/10/23): No objection, subject to conditions.

Tullamore Municipal District (02/10/23): No objection, subject to conditions.

Road Design (02/10/23): Upon review of the material submitted with the further information response request, no objection subject to conditions.

Housing Section (29/09/23): Upon review of the revised Part V proposal prepared as part of the further information request response, no objection subject to conditions.

4.3. **Prescribed Bodies**

Transport Infrastructure Ireland (13/06/2023): Considers the application to be at variance with official policy in relation to control of development on/affecting national road, as the proposed development by itself, or by the precedent which a grant of permission for it would set, would adversely affect the operation and safety of the national road network for the following reasons:

- The Authority is of the opinion that insufficient data has been submitted with the planning application to demonstrate that the proposed development will not have a detrimental impact on the capacity, safety or operational efficiency of the national road network in the vicinity of the site.
- The Traffic Assessment does not include an assessment of the impact on the N52 Ardan Roundabout. The report should be revised to include an assessment of this junction.

Dept. of Housing, Local Government and Heritage (25/09/23): No objection, subject to conditions.

Uisce Eireann (19/06/23): No objection, subject to conditions.

4.4. Third Party Observations

7 no. third party observations were submitted to the Planning Authority. The main issues raised therein are as follows:

- 4-storey apartment block inconsistent with the character of the area, which comprises single and double storey dwellings, and will be overbearing/visually dominant.
- Negative impacts on residential amenity/privacy of adjoining residents.
- Loss of light and views of adjacent properties.
- The conclusions of the Shade and Light Report are refuted.
- Servicing of the proposed pumping station/possible impacts on Arden Vale's sewerage system. It should be relocated further away from this estate.
- The pumping station gate should be a temporary measure and only for construction traffic. It is feared it will become a permanent access to the development.
- Construction access being provided through Arden Vale is inappropriate.
- Proposal contrary to original objectives for the land relating to hospital access.
- High density proposal is unsuitable as not a town centre site.
- Existing trees should be retained along the boundaries.
- Unsuitable increase in traffic in the area/road network unsuitable for additional vehicular traffic.
- There are inaccuracies in the Transportation Assessment Report and Stage 1 Road Safety Audit/Quality Audit accompanying the application.
- Resultant noise and air quality impacts.

5.0 Planning History

5.1. Subject Site

5.1.1. The following previous application pertaining to part of the subject site, more specifically the northern part of the subject site (as part of a larger development further north of the subject site), are of relevance:

PA Reg. Ref. 20/503 (ABP Ref. ABP-311101-21) – Parent Permission

This application relates to an application for (in summary): - development of a 4 storey nursing home, step down facility and rehabilitation and convalescence unit, accommodating a total of 244 bedrooms, communal spaces, dining areas, administration, ancillary service spaces and meeting and consulting rooms; and served by 197 no. car parking spaces.

Offaly County Council issued a Notification of Decision to Grant Permission on 15th July 2021. The Planning Authorities decision (more specifically the development contributions payable) was appealed to An Bord Pleanála by the applicant (ABP Ref. ABP-311101-21). The Board issued a decision on the same on 9th December 2021.

PA Reg. Ref. 226/21

Permission was granted by Offaly County Council in on 3rd February 2023 for: - change of use of the previously approved development under Reg. Ref. 20/503 to a 99 in-patient bed space acute hospital to include operating theatres, diagnostic rooms, endoscopy services, consultant rooms and all associated ancillary spaces and services related to an acute hospital and all associated site works and services.

5.2. Adjacent Sites

5.2.1. There have been no recent applications on the sites adjacent to the subject site that are pertinent to the current proposal.

6.0 Policy Context

6.1. National Policy

6.1.1. Project Ireland 2040 - National Planning Framework

The National Planning Framework (NPF) is a high-level strategic plan shaping the future growth and development of Ireland to 2040. The NPF includes 75 no. National Policy Objectives. The following objectives are of note in this instance:

NPO 3(a) - Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

NPO11 - In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

NPO 33 - Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

NPO 35 - To increase densities 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.

6.1.2. Housing for All – A New Housing Plan for Ireland to 2030 (2021)

A multi-annual, multi-billion euro plan which will improve Ireland's housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes:

- to purchase or rent at an affordable price.
- built to a high standard and in the right place.
- offering a high quality of life.

6.1.3. Climate Action Plan 2023

The Climate Action Plan 2023 implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030

and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

6.1.4. **Section 28 - Ministerial Guidelines**

The following Section 28 - Ministerial Guidelines are considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Urban Development and Building Heights - Guidelines for Planning Authorities (2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2022).
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) (2009).
- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.
- The Planning System and Flood Risk Management, including the associated Technical Appendices (2009).
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Childcare Facilities, Guidelines for Planning Authorities (2001).
- Cycle Design Manual (2023).

6.2. **Regional Policy**

6.2.1. **The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands Area, 2019 – 2031**

The RSES provides a framework for development at regional level. It encourages the regeneration of our cities, towns and villages by making better use of under-used land and buildings within the existing built-up urban footprint. The site is located in Tullamore which is identified as a 'Key Town' within the region. A 'Key Town' is defined as: - *'large economically active service and/or county towns that provide employment*

for their surrounding areas and with high-quality transport links and the capacity to act as growth drivers to complement the Regional Growth Centres'. Tullamore is also identified as a town providing important connections with adjoining regions and having the capacity and future growth potential to accommodate above average growth in tandem with the requisite investment in employment creation, services, amenities and sustainable transport. The provision of housing at the right locations is identified as planning a fundamental role in the overall economic, social and environmental success of the settlement of Tullamore.

The following Regional Policy Objectives are noted in particular:

- RPO 3.2: Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.
- RPO 4.26: Core strategies in local authority development plans shall support objectives to achieve a minimum of 30% of housing in Key Towns by way of compact growth through the identification of key sites for regeneration.
- RPO 4.69: Support the role of Tullamore as a major employment centre with key assets being its existing positive jobs to resident employee ratio, excellent quality of life and future strategic development sites, with support for the provision of enabling and facilitative infrastructural development to complement this role.

6.3. Local Policy

6.3.1. Offaly County Development Plan 2021-2027

Land Use Zoning

The majority of the site is zoned 'New Residential' in the Offaly County Development Plan 2021-2027 with a stated objective to *'provide for new residential development and other services incidental to residential development'*. A small part of the subject site (a triangular shaped piece in the north-western corner proximate to the adjacent Hospital Site and the northern extension associated with the pumping station and its related infrastructure) is zoned 'Community Services/Facilities' with a stated objective *'to protect, provide and allow expansion of a wide range of different community*

facilities, civic facilities and social services, from educational, childcare and health facilities to places of worship and community centres’.

Other Relevant Sections/Policies

The following policies/sections are also considered relevant to the consideration of the subject proposal:

Section 2.1.7 Core Strategy Table

Table 2.5 Core Strategy Table allocates a housing supply target of 1,379 units to Tullamore for the plan period requiring 37ha of land to the zoned new residential in the town. 43.8ha of land has been so zoned.

Section 2.2 – Policy CSP-02

It is Council policy to support the compact growth of towns and villages to ensure that development proceeds sustainably and at an appropriate scale, density and sequence and in line with the Core Strategy Table.

Section 2.4.8 Settlement Typology and Function

Table 2.5 Settlement Hierarchy identifies Tullamore as a ‘Key Town’ and states the following in regard to its development:

‘It requires sustainable, compact, sequential growth and urban regeneration in the town centre by consolidating the built-up footprint through a focus on regeneration and development of identified key town centre infill / brownfield sites, and encouraging regeneration of underutilised, vacant and derelict town centre lands for mixed use including residential development to facilitate population growth.’

Section 2.5 - Settlement Strategy Policies

Section 2.5 includes the following Settlement Strategy Policies:

- **SSP-01** - *It is Council policy to develop the county in accordance with the Settlement Hierarchy and to require future residential development to locate at and be of a scale appropriate to the settlement tiers and levels identified in the Core Strategy Table.*

- **SSP-02** - *It is Council policy to require at least 30% of all new homes that are targeted in settlements to be located within the existing built-up footprint of the settlements in an effort to make settlements more compact and reduce unsustainable urban sprawl and ribbon development.*
- **SSP-03** - *It is Council policy to strengthen the core of settlements and encourage the compact growth of settlements by way of the development of infill sites, brownfield lands, under-utilised land / buildings, vacant sites, and derelict sites within the existing built-up footprint of the settlements, and develop outwards from the centre in a sequential manner.*
- **SSP-05** - *It is Council policy that residential development proposals shall be prepared, designed and laid out in accordance with the standards as set out in Chapter 13 Development Management Standards and Section 28 Ministerial Guidelines. This includes promoting densities, high quality design, layout and public realm for new residential development appropriate to its location and surrounding context, while recognising the need to protect existing residential communities and the established character of the area.*
- **SSP-06** - *It is Council policy to strategically prioritise the development of Tullamore to underpin its role as a designated Key Town and driver of economic development for the county.*
- **SSP-07** - *It is Council policy to require sustainable, compact, sequential growth and urban regeneration in Tullamore by consolidating the built-up footprint through a focus on regeneration and development of town centre infill and brownfield sites, and encouraging regeneration of underutilised, vacant and derelict lands for residential development and mixed use to facilitate population growth.*

Section 7.2.4 - Opportunity Sites

The subject site forms part of Opportunity Site No. 9 as identified in Figure 7.4. Sites have been identified as ‘Opportunity Sites’ due to their prominence and underutilisation. In addition to promoting local economic growth, it is considered that their redevelopment would contribute greatly to the renewal, enhancement and

regeneration of the towns and villages in which they are located. These sites also provide the greatest potential for development and consolidation.

Section 7.5 - Opportunity Sites / Taller Buildings: Policy RP-11

It is Council policy to facilitate, promote and encourage the re-development of Opportunity Sites identified in Volume 1 and Volume 2 of the County Development Plan and Local Area Plans for appropriate development that contributes positively to the character of the settlement. Any proposal brought forward on Opportunity Sites shall be in accordance with the Development Principles for Opportunity Sites as set out in section 7.2.4 of the County Development Plan, with the inclusion of an urban design statement and masterplan and shall demonstrate the rationale for the proposal and how it will interact within its context and the wider urban area.

Section 13.9 - Development Management Standards

Section 13.9 includes the following Development Management Standards:

- **DMS-02 Density** - *the appropriate residential density of a site shall be determined with reference to: - Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual (2009); Sustainable Urban Housing: Design Standards for New Apartments 2020; the Urban Development and Building Heights Guidelines 2018; and the prevailing scale and pattern of development in the area.*
- **DMS-03 Layout** - *The layout of a new residential development shall be designed to achieve the following: - A strong sense of identity and a sense of place; Permeable layouts, with multiple connections to adjoining sites/estates for pedestrians and cyclists; A good sense of enclosure; Active frontage and supervised spaces; All new developments should be designed to comply with Design Manual for Urban Roads and Streets, (2013 as updated in 2019) and the complementary publication The Treatment of Transition Zones to Towns and Villages on National Roads by Transport Infrastructure Ireland) in relation to the design and use of urban roads and streets; and High quality green infrastructure provision and linkages.*
- **DMS-04 Design of Streets** - *Applications for residential development shall ensure adherence to the design criteria set out in the: - Design Manual for Urban*

Roads and Streets (2013 as updated in 2019) and the complementary publication The Treatment of Transition Zones to Towns and Villages on National Roads by Transport Infrastructure Ireland; and Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government's Permeability Best Practice Guide (2015).

- **DMS-05 Housing Mix** - requires all applications for residential development of 10 houses or more to contain a mix of house types, heights and sizes unless it can be demonstrated that there is a need for a particular type of unit and the proposed development meets the need. Apartments, duplexes, terraces, semi-detached, detached, people with disabilities and learning disabilities and older persons housing shall all be considered as possible elements of a housing mix.
- **DMS-06 Life Long Adaptability** - Applications for all housing developments of 5 houses or more shall be accompanied by an Access Statement carried out in accordance with Appendix 6 of Buildings for Everyone: A Universal Design Approach (National Disability Authority, 2012).
- **DMS-07 Design Statement** - A detailed design statement shall be prepared by professionals with expertise in areas such as architecture, urban design, landscape architecture and sustainable travel for residential developments in excess of 10 residential units in urban areas.
- **DMS-08 Apartments** - Applications for apartment developments will be assessed having regard to the qualitative and quantitative standards contained within the Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities (2020), Quality Housing for Sustainable Communities (2007) and Sustainable Residential Development in Urban Areas (2009) or any subsequent revisions thereafter in these Guidelines. The design of new apartments should encourage a wider demographic profile which actively includes families with and without children, professionals and older people in both independent and assisted living settings.
- **DMS-10 Urban Infill and Brownfield Development** - New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area.

- **DMS-13 Separation Distances/Overlooking** - A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall be observed but may be relaxed in village and town centre locations where high quality design is achieved and where alternative provision has been designed to ensure privacy.
- **DMS-14 Space Around Buildings** – A minimum distance of 2.5m for single storey, and 3m for two-storey buildings will be required to be maintained between the side walls of adjacent dwellings or dwelling blocks with each building having a minimum of 1 metre to the boundary. This standard may be relaxed where the dwelling incorporates a single storey structure to the side.
- **DMS-15 Side Windows** - Generally, windows in the gable/side walls of dwellings will not be permitted where the windows would closely overlook the curtilage of an adjoining dwelling. Ground floor gable/side windows which are more than 6 metres from a properly screened common boundary may be permitted.
- **DMS-16 Refuse Storage and Bins** - All new residential schemes where a communal refuse storage area is proposed shall ensure that the bin storage areas: - Are located in convenient locations easily accessible by all residences; Are located within 50 metres of all residences within the development but not located immediately adjacent to the front door or ground floor windows of residences; Are well screened from public view and ventilated; and Make provision for waste segregation and recycling for residences
- **DMS-17 Landscaping and Boundary Treatment** - Landscaping and boundary treatment plans shall be submitted for residential development.
- **DMS-18 Private Open Space Minimum Standards for Houses** – the following minimum private open space standards are outlined in relation to houses:

Unit Type	Minimum Requirement
One Bedroom	48sqm
Two Bedroom	55sqm
Three Bedroom	60sqm
Four Bedrooms or More	75sqm

- **DMS-19 Private Open Space Minimum Standards for Apartments** - The minimum private open space standards contained in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020) (or any subsequent revisions to these Guidelines thereafter) shall apply.
- **DMS-21 Public Open Space** - Public open space shall be provided in a residential development as follows: - In greenfield sites, the minimum area of public open space that shall be provided is 15% of the total site area; In greenfield sites, public open space shall be provided within 150 metres walking distance of every house in a new residential development; and For housing developments greater than 20 houses, a hierarchy of public open space incorporating different recreational and amenity uses such as sitting out areas, areas for small children to play and areas suitable for ball games, shall be provided.
- **DMS-22 Green Infrastructure Masterplan** - A Green Infrastructure Masterplan shall be prepared for applications of 20 houses or more.
- **DMS-23 Sustainable Urban Drainage** - Applications for new developments shall include details of how SuDS have been satisfactorily incorporated into the design of the scheme.
- **DMS-24 Surface Water Management** - Surface water shall not be permitted to flow on to the public road. Accesses and road frontage should be designed in such a manner as to deal with surface water and ensure that it does not impact on the public road. Existing roadside drainage shall be maintained by the incorporation of a suitably sized drainage pipe. Each application shall be accompanied by design calculations or appropriate evidence to support the size of the pipe selected. Applications for substantial hard-surfaced areas must demonstrate methods of controlling and limiting surface water run-off.
- **DMS-31 Residential Energy Efficiency and Climate Change Adaptation Design Statement** - Development proposals for medium to large scale residential in excess of 10 residential units should be accompanied by an Energy Efficiency and Climate Change Adaptation Design Statement. The statement should detail how any on-site demolition, construction and long-term management of the development will be catered for and how energy and climate

change adaptation considerations have been inherently addressed in the design and planning of the scheme.

- **DMS-32 Childcare** - All childcare facilities shall be provided in accordance with the *Childcare Facilities: Guidelines for Planning Authorities (DEHLG)*. In particular, one childcare facility is generally required to cater for 20 places in developments of 75 houses, including local authority and social housing schemes, in accordance with DEHLG Guidelines. This standard may be varied depending on local circumstances. In new housing estates, purpose built facilities are normally required; these are best located at or near the front of the estate. Safe access and sufficient convenient off-street car parking and/or suitable drop-off and collection points for customers and staff will be required. Developers shall generally be required to provide childcare facilities as part of Phase 1 of development.
- **DMS-99 Cycle Parking Standards** - the following cycle parking standards are outlined in relation to apartments: - 1 space per bedroom, one for a studio. 1 visitor space per 2 apartments.
- **DMS-102 Car Parking Requirements** - the following car parking standards are outlined in relation to houses, apartments and crèche/childcare:

Land Use	Maximum Car Parking Provision
House (outside town centre)	2 spaces per unit
Apartment	1 space per unit + 1 visitor space per 4 apartments in suburban locations, towns and villages.
Crèche/Childcare	1 space per 4 children plus 1 space per employee

7.0 The Appeal

7.1. Grounds of Appeal

Third party appeals have been submitted by the Davitt Street Residents Association and Oliver Hughes, on behalf of the Arden Vale Residents Group. The main points raised by the Davitt Street Residents Association can be summarised as follows:

- The proposed development has the potential to add 243 no. or more cars to the Callery Street/Davitt Street area which will create an unfavourable scenario of increased vehicular traffic for existing residents along a route that is already narrow and unsuited to additional traffic loading.
- The vehicular entrance at L1024 Tyrrells Road will create traffic flow onto Davitt Street for vehicles wishing to access the Ardan Road area and the entrance to the Midlands Regional Hospital, as well as those looking to access the Town Centre.
- Davitt Street is heavily constrained by on-street parking, high levels of non-resident on-street parking given its close proximity to the adjacent GAA pitch and hospital, dwellings being developed flush with the footpath/devoid of front gardens and inadequate drainage/periodic flooding. This combination of factors coupled with an increased traffic volume will lead to a hazardous situation.
- Noise volumes, air quality and general liveability will be impacted by an increase in traffic due to the proposed development.
- The developments impact on Davitt Street has not been addressed in any meaningful manner in the Architects Design Statement or the Transportation Assessment Report accompanying the application. The Architects Design Statement considers possible impacts should a vehicular access be provided in the south-west of the site but fails to consider the impact the proposed vehicular access will have on Davitt Street.
- There are a no. of inaccuracies in the Transportation Assessment Report accompanying the application, including its description of Davitt Street and information regarding collisions on this street, and the traffic estimation methodology & assumptions employed in Sections 3.3 & 3.5 are questioned.
- The Preliminary Travel Plan accompanying the application does not consider how the resultant pedestrian/cycle traffic generated will impact upon Davitt Street.
- The Stage 1 Road Safety Audit/Quality Audit is considered deficient. In the absence of collision data from the Road Safety Authority, it is queried if the

collisions known to have occurred were considered would its conclusion remain the same.

The main points raised by Oliver Hughes, on behalf of the Arden Vale Residents Group, can be summarised as follows:

- Nos. 92 and 115 to 119 (inclusive) Arden Vale are directly affected by the proposed development.
- The redevelopment of the subject site is welcomed but concerns exist in relation to certain aspects of the proposal, in particular the 2 no. apartment blocks proposed. The provision of such high density accommodation is queried in the context of the bungalows and two storeys dwellings featuring in adjacent Arden Vale.
- The proposed apartments will overlook and reduce privacy of/light to adjacent dwellings in Arden Vale. Noise levels and night time lighting are also of concern in relation to this higher density element.
- The overall apartment development will impinge on the residential amenity of residents in Arden Vale.
- A reduction in the height of these apartments or their repositioning on the western edge adjacent to the hospital would address concerns/greatly reduce the impact on adjacent housing estates.
- The replacement of over 100 mature trees removed by the developer in 2019 should be incorporated in the planning approval. These trees would have aesthetic value as well as providing a natural sound barrier to traffic on the nearby by-pass.
- The Developer has addressed other areas of concern including questions surrounding a temporary entrance to a proposed new water pump and construction traffic to and from the proposed building site.

7.2. Applicant Response

The applicant's response to the third party appeals can be summarised as follows:

- It is noted that apart from specific issues raised, regarding visual amenity in the context of the apartments and impacts on the road network, all other matters are not contentious to any other party or Offaly County Council.
- The applicant contends that issues raised by the appellants have primarily been addressed in the original application documentation. The applicant asks that the Board review and consider this when determining the appeal.
- As outlined in the Planning Supporting Statement accompanying the application, the applicant has sought to engage with the appellants at appropriate times during the course of the application and prior to the appeal being lodged and is pleased to have had the opportunity to meet and discuss the issues with the appellants. Since the decision, further consultation has occurred.
- It is considered that it is not possible nor necessarily desirable to resolve all negative perceptions relating to proposed developments, particularly when those perceptions are not evidence-based and are limited in number compared to those residents which may have been affected, and those which require the development to proceed.
- The application was competently made, based on a considerable number of detailed assessments which provide robust evidence to demonstrate the acceptability of the development. All technical aspects of the development have been professionally assessed and found to be acceptable and there are no consultee objections to the development.
- The appellants have not demonstrated such adverse impact, relying only on perceived impact of change on their amenities. The Planning Authority has considered the proposal to address the national housing crisis and the benefit to the Tullamore community. The applicant agrees with the Planning Authority that the development is in accordance with the Development Plan and other policy considerations and would be in accordance with the proper planning and sustainable development of the area.

- The concerns raised by Oliver Hughes relate to the two apartment blocks, the inclusion of the statement that the residents' group '*welcomes development in the area*' is noted as well as the reference to the other issues being resolved.
- With regard to matters raised regarding the high density of the proposed apartment blocks, the applicant contends that high density development is appropriate having regard to the zoning applying, the development layout proposed, the policy context and the separation distance that exists between the proposed apartment blocks and the Arden Vale housing estate. It is asked that the Board review the report, prepared by MCORM Architects, accompanying the appeal in this regard.
- With regards to claims made regarding overlooking/privacy/light, a separation distance of 60 metres from neighbouring buildings and 22 meters from the site boundary is proposed proximate to Arden Vale which exceeds normal planning requirements. Notwithstanding this considerable separation distance, the plans have been amended at further information stage to change the orientation of balconies to the west elevation, facing away from Arden Vale, further reducing impact. With regards to daylight, a daylight/sunlight assessment has been carried out which demonstrates no adverse impacts. The amenity of the Arden Vale housing estate will not be adversely affected by the proposed development.
- With regards to concerns raised regarding noise, a noise assessment has been carried out and there is no evidence to demonstrate that the proposed apartment blocks will cause any noise issue.
- With regard to the concerns raised regarding nighttime lighting, the 60 metre separation distance from the Arden Vale housing estate will significantly reduce any potential impact from the same. No high-intensity lights are proposed to face Arden Vale.
- Claims made regarding landscaping are not substantiated. It is assumed the tree removal referred to relates to a row of leylandii trees removed, which were planted for ball control relating to the former use on site. These trees were removed due to their interference with overhead lines on site. These trees were non-indigenous and unattractive in views. Trees being removed will be replaced

at a greater density and improve the amenity of the area. The applicant is willing to consider an early planting timetable which would allow boundary trees time to become established prior to works being carried out to construct the apartments. The additional images submitted were prepared to illustrate this point.

- In the context of the suggestion made by the appellants that a reduction in height would address their concerns, the applicant argues that this would not be in the interest of the proper planning and sustainable development of the area. Firstly, as this is the only land in this area zoned for residential development. If relocated elsewhere, they would need to occupy land zoned for other community uses. Secondly, policy requires that sustainable and mixed residential environments are created and that land is used wisely. Density should be increased in urban areas, on residential land such as this, to reduce overspill in to the countryside. The proposed development, at a density of 36.75upha, makes appropriate use of this residentially zoned land.
- The appeal submission from the Davitt Street Residents Association refers to the original Design Statement and transport statement/assessment submitted with the application originally. These were updated to clarify matters relating to transport management at FI stage to address submissions/comments from Offaly County Council's Roads Dept. and Transport Infrastructure Ireland. Neither Offaly County Council's Roads Dept. nor Transport Infrastructure Ireland objected to the proposal post FI response submission. This third party appeal submission has not addressed this revised material and has provided no evidence to support its contentions regarding road safety. This submission is accompanied by a letter from NRB Consulting Engineers which addresses comments made regarding the roads network. It clarifies that the development is located in a growing urban residential area, and traffic including vehicular, cyclist and pedestrian is a consequence of development, that there are no matters raised in terms of safe traffic progression or safety matters on the affected local streets and that the proposed urban greenway works will provide for significantly enhanced connectivity and accessibility to the site.

- Notwithstanding any existing traffic management problems which may be experienced by the residents of Davitt Street due to the context of their street and the lack of parking for their own cars, it is considered that it is neither the responsibility of a housing developer of land zoned for residential development to address those existing concerns nor is it appropriate to restrict the delivery of much needed housing which will have no demonstratable impact on road safety of this one residential road.
- The Board's attention is drawn to its recent decision, under ABP Ref. ABP-317318-23 (a copy of which is attached to the appeal response submission), which granted permission for an LRD proposal in Tullamore. That site and proposal has comparable considerations to this site and proposal and the decision made it clear that: - a density of 28upha or higher is appropriate; extending the built up area of Tullamore by replacing a field on the periphery of the town with housing is *'in keeping with the planner growth of the town set out in the development plan'*; and increased road use is acceptable.
- The proposed development of mixed scale and housing type is wholly appropriate and will have a negligible impact on the amenity of dwellings close-by or within the wider area.

7.3. Planning Authority Response

- None.

7.4. Observations

- None.

7.5. Further Responses

- None.

8.0 Assessment

From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- Principle of Development
- Density, Scale and Mix of Development
- Impact on the Character of the Area
- Residential Amenity of Adjoining Properties
- Residential Amenity of Proposed Development
- Access, Traffic and Parking
- Open Space Provision
- Infrastructure and Flood Risk
- Other Matters

8.1. Principle of Development

- 8.1.1. The majority of the appeal site is zoned 'New Residential', in the Offaly County Development Plan 2021-2027, with a stated objective to '*provide for new residential development and other services incidental to residential development*'. The proposed apartments and creche and the majority of the houses, would be located on these lands, save for part of proposed Dwellings No. 1 and 2 and part of the rear gardens associated with Dwellings No. 1-6 which are located in the triangular shaped piece in the north-western corner proximate to the adjacent Hospital Site which is zoned 'Community Services/Facilities'. Under the 'New Residential' land use zoning objective, residential development and childcare facilities are generally acceptable in principle subject to the proposed development being acceptable in terms of its impact on the visual amenities of the area and the established residential amenities of properties in its vicinity. These matters are considered in turn below.
- 8.1.2. Under the 'Community Services/Facilities' land use zoning objective, residential development is 'Not Normally Permitted'. Pursuant to Section 12.3 of the Development

Plan, such a use is generally incompatible with the written zoning objective and will not be favourably considered by the Local Authority, except in exceptional circumstances and in such instances, the development may represent a material contravention to the plan. Accordingly, I consider the residential developed proposed in the north-western corner proximate to the adjacent Hospital Site to be a material contravention of the 'Community Services/Facilities' zoning objective. I note that the Planning Authority decision/report does not refer to this issue, nor did the appeals lodged comment on the same. I calculate that the applicable area to comprise c. 450sqm, which comprises a very small component of the wider 'Community Services/Facilities' zoned land featuring in this immediate area (which encompasses the Midland Regional Hospital Tullamore immediately west; a 2.6Ha site to the north/east being development pursuant to Reg. Ref. 20/503; a narrow tranche of land featuring between the appeal site and the southern boundary of the Arden Vale residential estate; and a site located immediately east of the warehouse building featuring on the subject site). Upon review of aerial imagery, it would appear that the zoning boundary followed the line of a boundary wall previously featuring between the subject site and the Midland Regional Hospital Tullamore site. This boundary wall has subsequently been removed and the boundary between the subject site and the Midland Regional Hospital Tullamore site altered.

8.1.3. The applicable area of 'Community Services/Facilities' zoned land is minimal, and I consider that the future development of the 'Community Services/Facilities' zoned lands for purposes for which they are zoned would not be prejudiced by the provision of this component of the proposed development. Irrespective of this, in this instance I do not consider there to be sufficient justification for such a material contravention of the zoning objective, having regard to the nature/scale of the proposed development. It is not considered that this issue necessitates refusal of the proposed development in its entirety but rather inclusion of a condition requiring proposed Dwellings No. 1, 2, 3 and 4 be omitted and Dwellings No. 5 and 6 be repositioned/reconfigured so that their gardens fall outside the 'Community Services/Facilities' zoned land forming part of the development site.

8.1.4. As previously discussed, the subject site forms part of Opportunity Site No. 9 as identified in Section 7.2.4 of the Development Plan. The proposed development is

consistent with the redevelopment, development and consolidation sought for such sites. With regards to the requirement set out in Section 7.5 of the Development Plan that an urban design statement/masterplan be provided in the context of identified Opportunity Sites, I note that the application is accompanied by an Indicative Masterplan, prepared by MCORM Architects, which demonstrates how the proposed development will integrate with the wider Opportunity Site No. 9 and interact within the wider urban area. I consider this to have satisfied the applicable requirement.

8.2. Density, Scale and Mix of Development

- 8.2.1. The total area of the appeal site is indicated as 4.2ha with a net developable area of c. 4ha, excluding the part of the site occupied by the pumping station/associated infrastructure. The proposed development equates to a residential density of 36.75 units per hectare (based on a net area of 4Ha).
- 8.2.2. National Policy Objective 35 contained in the National Planning Framework seeks an increase in 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. This sentiment is echoed in the Offaly County Development Plan, 2021-2027, with Policy CSP-02 promoting compact growth and appropriate scales/densities in towns and Section 2.4.8 encouraging regeneration of underutilised, vacant and derelict lands in the context of Tullamore specifically. The appeal site comprises a greenfield site on the edge of Tullamore Town. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009, states in Section 5.11 that densities of 35-50 dph should be encouraged on greenfield sites on the periphery of large towns and that densities of less than 30dph should be discouraged. Specific Planning Policy Requirement (SPPR) 4 of the Urban Development and Building Heights Guidelines 2018 require the achievement of the minimum densities on greenfield sites set out in the 2009 Guidelines. At 36.75 units per hectare, the proposed density is consistent with these numerical requirements.
- 8.2.3. In determining the appropriate residential density for a site, the Offaly County Development Plan 2021-2027, at DMS-02 Density, requires that regard also be had to the prevailing scale and pattern of development in the area. In terms of residential

abutments, the subject site is located immediately north of the Harbour Drive, Harbour Walk and Thornsberry residential estates, which features double storey semi-detached dwellings, and immediately south of the Arden Vale residential estate, which features detached bungalows proximate to the subject site. The majority (89 no.) of residential units proposed comprise individual single and double storey houses which is similar to the predominant form of residential development in the immediate area. The remaining 58 no. residential units provided are in the form of apartments in 4-storey buildings, located centrally on the subject site. The inclusion of higher density apartment blocks is considered appropriate in this instance, given the subject site is located to the east of the Midland Regional Hospital Tullamore, which is 1-4 storeys in height, and to the south of a 4 storey nursing home building currently being constructed, pursuant to Reg. Ref. 20/503 (ABP Ref. ABP-311101-21). Further to this, given the site's location on the edge of a County Town, their inclusion is also appropriate having regard to SPPR 4 of the 2018 Building Height Guidelines, which encourages a greater mix of building height/types, and Section 2.4 of the Guidelines for Planning Authorities – Sustainable Urban Housing: Design Standards for New Apartments 2023, which states that, in less accessible urban areas, developments at densities of less than 45dph may include some apartments.

- 8.2.4. I consider that the density/scale of the proposed development is appropriate having regard to the policy context and prevailing scale/pattern of development in the area. In addition, and as will be documented in the subsequent sections, I am of the view that the proposed density could be achieved on this site without compromising the character and residential amenity of the area it is to be located within. It is worth noting that the deletion of Dwellings No. 1-4 (inclusive), previously discussed in Section 8.1, will result in a reduced residential density of 35.75 units per hectare, which maintains consistency with the numerical requirements outlined in this regard.
- 8.2.5. With regards to housing mix, the Offaly County Development Plan 2021-2027, at DMS-05 Housing Mix, requires all applications for residential development of 10 houses or more to contain a mix of house types, heights and sizes. It goes on to state that apartments, duplexes, terraces, semi-detached, detached, people with disabilities and learning disabilities and older persons housing shall all be considered as possible elements of a housing mix. The proposed development introduces 8 no. 2-bed houses

(across 3 no. House Types (E, E1 and E2)); 56 no. 3-bed houses (across 6 no. House Types (B, B1, B2, B3, C and F)); 25 no. 4-bed houses (across 3 no. House Types (A, A1 and D)); 32 no. 1-bed apartments; and 26 no. 2-bed apartments to the site. Of the 58 no. apartments proposed, 38 no. comprise age friendly assisted living units. Having regard to the scale of the development proposed and the existing housing stock in the immediately surrounding area, this housing mix is considered appropriate in this instance.

- 8.2.6. In terms of mix more broadly, the proposed development includes a creche (169sqm floor area / 30 no. childcare spaces) in the eastern part of the site proximate to POS 2 and the development's entrance. This is consistent with the Planning Guidelines for Childcare Facilities (2001) which requires the provision of one child-care facility (equivalent to a minimum of 20 child places) for every 75 dwelling units.

8.3. Impact on the Character of the Area

- 8.3.1. At present, the subject site comprises of an area of undeveloped land and a single storey vacant warehouse/other minor structures. The question that arises is whether the proposed development is appropriate in the context of the development currently featuring on adjoining sites/the character of the surrounding area. The area surrounding the subject site currently features a mix of residential and healthcare land uses. More specifically, the Harbour Drive, Harbour Walk and Thornsberry Estate residential estates, which feature double storey semi-detached dwellings, are located to the south of the subject site and the Arden Vale residential estate, which features detached bungalows proximate to the subject site, is located to the north. In terms of healthcare abuttals, the subject site is located to the east of the Midland Regional Hospital Tullamore and to the south of a nursing home development currently being constructed, pursuant to Reg. Ref. 20/503 (ABP Ref. ABP-311101-21). Both of these buildings extend to 4 storeys. I consider the proposed development will sit comfortably in the context of these residential and healthcare abuttals, particularly having regard to the palette of materials proposed. I think this is best illustrated by the Verified Photomontages and Computer Generated Imagery, prepared by Digital Dimensions and submitted as part of the FI request response.

8.3.2. Turning my attention to the proposed development's presentation to Tyrrells Road. Due to the unusual shape of the subject site (the majority of the subject site sitting behind the Harbour Drive, Harbour Walk and Thornsberry Estate residential estates, shielded from view), the subject site's street frontage to Tyrrells Road is limited (c. 50 metres). The part of site flanking Tyrrells Road is currently occupied by a single storey vacant warehouse. As part of the subject proposal, this warehouse will be demolished and replaced by a row of semi-detached dwellings and the primary entrance/access road serving the proposed development. Given the dilapidated state of the existing warehouse structure on site, I consider the proposed development will have a positive effect on the subject site's presentation to Tyrrells Road. As illustrated by the Verified Photomontages and Computer Generated Imagery (more specifically verified photomontages prepared in the context of Viewpoint 7), prepared by Digital Dimensions, Proposed House No. 51 has been orientated to front the Tyrrells Road streetscape and will provide for a modern insertion which is of a scale and design appropriate to the site/neighbouring properties and will not significantly detract from the visual amenity of the Tyrrells Road streetscape.

8.3.3. In addition to the vehicular access provided off Tyrrells Road, pedestrian/cycle access to the proposed development will be provided from Harbour Drive, Harbour Walk and the Thornsberry Estate. The proposed development will feature Public Open Space Area 2 and the proposed single storey creche building proximate to the pedestrian/cycle access provided to/from Harbour Drive, with the proposed public open space area reading as an extension to the open space area featuring on the eastern side and the creche reading as a continuation of the built form (more specifically Nos. 25-28 Harbour Drive) featuring on the western side of Harbour Drive to people traversing the access path. In the context of the pedestrian/cycle access provided to/from Harbour Walk, Public Open Space Area 3 is provided at the end of Harbour Walk. Proposed Dwellings No. 33/34 and 35/36 front on to this public open space area and read as a continuation of the houses/row of houses featuring on the western (Nos. 28 and 55 Harbour Walk) and eastern sides of the road (Nos. 16-27 Harbour Walk), respectively, to people traversing the access path. Landscaped areas and single storey dwellings with an outlook across the pedestrian/cycle path are provided proximate to the Thornsberry Estate access point. This will comprise a

marked improvement from the entrance gate/area featuring at this interface currently as illustrated in the Verified Photomontages and Computer Generated Imagery prepared in the context of Viewpoint 5. Having regard to the aforementioned design/layout features, the proposed development is considered to appropriately respond to its interfaces with the adjacent housing estates to the south. Further to this, the internal layout of the proposed residential estate properly defines streets and spaces, including the public open spaces provided, while the detailed design of the proposed buildings achieves an acceptable architectural standard.

8.3.4. More broadly, the proposed development would extend Tullamore's built-up area further north-eastwards, replacing a vacant warehouse and fields on the periphery of the town with a suburban residential estate. This is in keeping with planned growth for the town, the subject site forming part of Opportunity Site No. 9 as identified in Section 7.2.4 of the Offaly County Development Plan 2021-2027. In broader visual terms, views of the site from the wider area would not be significant/would be obscured by existing structures and the N52 by-pass road featuring proximate. Further to this, it would not impinge on the town's rural environs, the site being severed from the same by the N52 by-pass road which features to the east/north-east of the subject site.

8.4. Residential Amenity of Adjoining Properties

Properties to the North

8.4.1. The site is bounded to the north, in part, by the Arden Vale Housing Estate, which features detached bungalows proximate to the subject site. More specifically, Nos. 92, 113, 114, 115, 116, 117, 118 and 119 Arden Vale are located immediately proximate to the appeal site. In the context of the proposed development, the proposed 1-4 storey apartment blocks and House No. 01, which is double storey, are located immediately adjacent to the northern boundary proximate to Arden Vale. The primary issue raised in the third party appeal, lodged by Oliver Hughes on behalf of the Arden Vale Residents Group, is that the proposed development will have a negative impact on the residential amenities of the adjacent properties to the north, particularly the proposed apartment blocks. They contend that the proposed apartments will overlook, reduce light received by, increase noise levels at and cause light spill at nighttime to properties in Arden Vale. It is suggested that a reduction in the height of the proposed apartments

or their repositioning on the western edge adjacent to the hospital would address concerns/greatly reduce the impact on adjacent housing estates. In response to this aspect of the concerns raised, the applicant has submitted a series of images with their third party appeal response which show northerly views of the proposed apartment blocks when landscaping is initially carried out and as the trees mature over the years.

8.4.2. Turning my attention firstly to potential overlooking of properties to the north. Nos. 113, 114, 115, 116, 117, 118 and 119 Arden Vale are bungalows so there are no opportunities for overlooking between opposing upper floor windows, resulting from the proposed apartment blocks (House No. 01 being devoid of north-facing habitable room windows at first floor level). With regards to potential overlooking of private amenity spaces featuring to the rear (south) of Nos. 113, 114, 115, 116, 117, 118 and 119 Arden Vale, the proposed apartment blocks adopt a minimum separation distance of c. 61 metres from the nearest south-facing façade (associated with No. 119 Arden Vale) and c. 50 metres from the southern boundaries of these properties. The separation distances proposed are sufficient to obviate potential unreasonable overlooking of the private amenity space areas associated with Nos. 113, 114, 115, 116, 117, 118 and 119 Arden Vale.

8.4.3. Although the proposed development is to be introduced on a site generally devoid of development, I do not consider the proposed development would result in an unreasonable overbearing impact on properties to the north. The proposed apartment blocks are 1-4 storeys in height; extend to a maximum height of 13.4 metres; flank the northern boundary for a length of 64.7 metres, adopt a flat roof form; are setback c. 22 metres from the subject site's northern boundary; and c. 50 metres from Arden Vale's southern boundary. Proposed House No. 01 is 2 storeys in height; extends to a maximum height of 10 metres; is setback a minimum of 10.2 metres from the subject site's northern boundary; and c. 38 metres from Arden Vale's southern boundary. Given the design/layout of the proposed apartment blocks (which steps down to one storey centrally along its northern interface), the separation distance that exists between the proposed dwelling/apartment blocks and the subject site's northern boundary/Arden Vale's southern boundary and planting proposed along the subject site's northern boundary, I do not consider the proposed development would result in unreasonable impacts on the residential amenity of adjacent properties to the north by

way of overbearing. I am of the view that it will sit comfortably in this context, particularly having regard to the scale/height of adjacent health care buildings.

- 8.4.4. Given the generous separation distances that exist between the proposed development and these properties to the north, I do not consider the proposed development would result in any negative impacts on the residential amenity of adjacent properties to the north by way of overshadowing. The application was accompanied by a Daylight, Sunlight and Overshadowing Study, prepared by IES. This report found that the proposed development meets with the targets set out in BRE Guidelines in this regard, with minimal additional shading observed from the proposed development on these residential properties on December at 10.00 and no additional overshadowing observed throughout the rest of the year. I am satisfied with the findings of this report.
- 8.4.5. With regards to potential impacts on daylight/sunlight received by dwellings to the north, I am satisfied that the proposed development is sufficiently distanced from dwellings featuring to the north to negate any potential impacts on daylight/sunlight they currently receive. The application was accompanied by a Daylight, Sunlight and Overshadowing Study, prepared by IES, which noted that the proposed developments impact on daylight and sunlight in the context of dwellings to the north will be unnoticeable. I am satisfied with the assessments regarding vertical sky component and annual probable sunlight hours contained therein. I am also satisfied that the proposed apartments are sufficiently distanced from dwellings featuring to the north to negate any potential impacts from noise arising from and lighting featuring on the proposed apartments. The application was accompanied by a Noise Impact Assessment, prepared by I Acoustics. It considered noise arising from the proposed residential units and concluded that *'the development is not expected to impact surrounding noise-sensitive locations adversely'*. I would agree with the conclusion reached in this regard.

Properties to the South

- 8.4.6. The site is bounded to the south, by the Harbour Drive, Harbour Walk and Thornsberry residential estates, which feature double storey semi-detached dwellings. More specifically, Nos. 85-90 (inclusive) Thornsberry Estate, Nos. 27 and 42-55 (inclusive) Harbour Walk and Nos. 12, 13 and 28 Harbour Drive are located immediately south of the appeal site.
- 8.4.7. Turning my attention firstly to potential overlooking of properties to the south. Proposed Houses No. 15, 34 and 36, located immediately adjacent to the southern boundary, are single storey so there are no opportunities for overlooking between opposing upper floor windows or adjacent private amenity areas associated with Nos. 27 and 55 Harbour Walk and No. 90 Thornsberry Estate. In the context of Nos. 85-89 Thornsberry Estate, proposed Dwellings No. 20-26 are setback between 10 and 25 metres from the common boundary with these properties and a minimum of c. 45 metres from opposing first floor windows which is a sufficient separation distance to obviate potential unreasonable overlooking of these properties. In the context of Nos. 42-46 Harbour Walk, proposed Dwelling No. 26 is devoid of south-facing habitable room windows at first floor level so there are no opportunities for overlooking of opposing first floor windows associated with Nos, 45 and 46 Harbour Walk. Given the orientation of proposed Dwelling No. 26 relative to Nos. 42-45 Harbour Walk and the 2 metre high concrete post & panel fence featuring along the common boundary, I am satisfied that private amenity spaces associated with these properties will not be unreasonably overlooked by the proposed dwellings. In the context of Nos. 49-54 Harbour Walk, proposed Dwellings No. 27-32 are setback a minimum of 11 metres from the common boundary with these properties and c. 23 metres from opposing first floor windows which is a sufficient separation distance to obviate potential unreasonable overlooking of these properties. Similarly, in the context of Nos. 12 and 13 Harbour Drive, proposed Dwellings No. 39-49 are setback a minimum of 12.7 metres from the common boundary with these properties and a minimum of c. 17 metres from opposing first floor windows which is a sufficient separation distance to obviate potential unreasonable overlooking of these properties.

- 8.4.8. Although the proposed development is to be introduced on a site generally devoid of development, I do not consider the proposed development would result in an unreasonable overbearing impact on properties to the south. The proposed creche and dwellings being developed proximate to the site's southern boundary are one and two storeys in height which respects the prevailing heights of dwellings featuring immediately south. In general, the proposed development has been designed in such a way that rear gardens serving the proposed dwellings flank the site's southern boundary. This provides a degree of separation between the proposed dwellings and the southerly abuttals, which reduces the potential overbearing impact of the proposed development.
- 8.4.9. Given the orientation of the proposed development, to the north/north-west of Nos. 85-90 (inclusive) Thornsberry Estate, Nos. 27 and 42-55 (inclusive) Harbour Walk and Nos. 12, 13 and 28 Harbour Drive and the separation distances that exist between the proposed development and these properties, the proposed development will also not cause unreasonable overshadowing of adjacent private amenity spaces to the south.
- 8.4.10. With regards to potential impacts on daylight/sunlight received by dwellings to the south, I am satisfied that the proposed development is sufficiently distanced from dwellings featuring to the south to negate any potential impacts on daylight/sunlight they currently receive. The application was accompanied by a Daylight, Sunlight and Overshadowing Study, prepared by IES, which noted that the proposed developments impact on daylight and sunlight in the context of dwellings to the south will be unnoticeable. I am satisfied with the assessments regarding vertical sky component and annual probable sunlight hours contained therein.

8.5. Residential Amenity of Proposed Development

Proposed Houses

- 8.5.1. The proposed 2-bed double storey dwellings have a total floor area of between 85sqm and 87sqm, the proposed 3-bed single storey dwellings have a total floor area of 109sqm, the proposed 3-bed double storey dwellings have a total floor area of between 112sqm and 122.6sqm and the proposed 4-bed double storey dwellings have a total floor area of have a total floor area of between 131.4sqm and 134sqm, all of

which comply with the requirements set out in the Quality Housing for Sustainable Communities, 2007. The proposed dwellings were also found to be compliant with the same in the context of the main living room area, aggregate living area, aggregate bedroom area and storage.

- 8.5.2. Having reviewed the proposed floor plans, I am satisfied that the houses are suitably designed and adequately sized internally to provide an adequate level of residential amenity to future residents, including in regard to daylight/sunlight access. The application is accompanied by a Daylight, Sunlight and Overshadowing Study, prepared by IES, which among other things includes an assessment of the proposed houses in terms of daylight to habitable rooms. All rooms assessed were found to comply with the relevant BRE Guidelines and the following commentary was provided in relation to daylight provision: - *'overall, the quality of daylight provision to the tested Houses is very high'*. I would agree with the conclusion reached in this regard.
- 8.5.3. Upon review of the plans, one inconsistency was identified. The floor plans associated with House Type B1, included on Drawing No. PL104 submitted with the planning application, do not include the windows detailed on the side elevation (associated with the WC and bathroom). In the interest of consistency across the drawing set, it is recommended that the Board, if so minded to grant permission, include a condition requiring that the floor plans be updated to include these windows.
- 8.5.4. The Offaly County Development Plan 2021-2027, at DMS-18 Private Open Space Minimum Standards for Houses, requires that 2-bed houses are provided with a minimum of 55sqm of private open space, 3-bed houses with 60sqm and 4-bed or more houses with 75sqm. Upon review of the plans/Housing Quality Assessment submitted with the application/accompanying the further information request response, the proposed 2-bed dwellings will be served by 56-121sqm of private open space, proposed 3-bed dwellings will be served by 63-319sqm of private open space, and proposed 4-bed dwellings will be served by 75-349sqm of private open space, which complies with the requirements.
- 8.5.5. The application was accompanied by a Noise Impact Assessment, prepared by I Acoustics. It considers the proposed residential units (houses and apartments) in the context of the N52, which is located to the east and north of the subject site. It identifies

a need for mitigation of inward noise from the adjacent road. It specifies performance ratings that should be achieved throughout the development in the context of windows (including the window frame) and air inlets. Subject to the implementation of the specified measures, the assessment concludes that the proposed development will comply with the noise standards set out in BS8233:2014. I am satisfied that the submitted Noise Impact Assessment was carried out in accordance with an acceptable technical methodology and that its conclusions are reliable and robust. It is therefore concluded that, subject to the incorporation of these specified measures, the occupants of the proposed development would not be exposed to an unacceptable level of noise.

Proposed Apartments

The appropriateness of residential amenity afforded the future residents of the proposed apartments is considered below/overleaf. In doing so, regard is had to the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2022) and the requirements of the Offaly County Development Plan 2021-2027.

Unit Mix

8.5.6. The proposal would entail the provision of 58 no. apartments (32 no. 1-bed apartments; and 26 no. 2-bed (4P) apartments). The proposed 1-bed apartments equate to 55% of the overall apartments proposed. This exceeds the 50% one bed/studio units specified in relation to unit mix in Specific Planning Policy Requirement 1. The slight exceedance is considered appropriate in this instance having regard to the mix of residential units provided across the subject site more broadly and the 38 no. of the proposed apartments comprising age-friendly units.

Floor Areas and Apartment Layout

8.5.7. As detailed in the floor plans/Housing Quality Assessment accompanying the further information request response, the 1-bed apartments proposed would have a floor area of 50.2sqm or 55.3sqm and the 2-bed (4P) apartments proposed would have a floor area of between 86.1sqm and 97.9sqm. With respect to minimum floor areas, the proposed apartments exceed the minimum overall apartment floor areas specified in Specific Planning Policy Requirement 3 as well as generally complying with the

associated minimums set in relation to aggregate floor areas for living/dining/kitchen rooms; widths for the main living/dining rooms; bedroom floor areas/widths; and aggregate bedroom floor areas. In addition, there is a requirement under Section 3.8 for *'the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total, but are not calculable as units that exceed the minimum by at least 10%)'*. In this case, this requirement is also met. Further to this, having reviewed the proposed floor plans, I am satisfied that the additional/new apartments proposed are suitably laid out internally to provide an adequate level of residential amenity to future residents.

Dual Aspect/Floor to Ceiling Heights/ Apartments per Core

8.5.8. Specific Planning Policy Requirement 4 requires that a minimum of 50% of apartments proposed are dual aspect units in suburban or intermediate locations, Specific Planning Policy Requirement 5 requires that ground level apartment floor to ceiling heights shall be a minimum of 2.7 metres and Specific Planning Policy Requirement 6 specifies a maximum of 12 apartments per core. With regards to dual aspect, upon review of the plans submitted with the further information request response, 30 of the 58 apartments resulting from the subject proposal constitute dual or triple aspect units (with no single aspect north-facing apartments proposed). At 51.7%, the proposed development complies with the requirements of SPPR 4. The minimum floor ceiling height at ground floor level would be 2.75 metres and a maximum of 6 apartments per core is proposed, thus complying with the requirements of these two standards.

Storage

8.5.9. As detailed in the floor plans/Housing Quality Assessment accompanying the further information request response, the 1-bed apartments would be provided with between 3.4sqm and 6.3sqm of storage and the 2-bed (4P) units by between 6sqm and 7sqm of storage which complies with the numerical storage requirements specified in Appendix 1 of the Apartment Guidelines, 2022. Upon review of the plans, it would appear that a no. of storage spaces serving the proposed apartments is provided in the form of an individual room >3.5sqm within the apartment which is contrary to the

following stipulation set out in Paragraph 3.31 of the guidelines: - *'as a rule, no individual storage room within an apartment should exceed 3.5 square metres.'* However, I am satisfied that compliance with this aspect of the requirements could be addressed by way of condition should the Board be inclined to grant planning permission.

Private Amenity Space

8.5.10. Turning to private amenity space. As detailed in the floor plans/Housing Quality Assessment accompanying the further information request response, the 1-bed apartments would be served by balconies between 5sqm and 5.6sqm in size and the 2-bed (4P) apartments by balconies between 7.0sqm and 7.7sqm, which have a minimum depth of 1.5 metres, thus complying with the quantitative requirements set out in relation to private amenity space. With regards to the quality of the private amenity space provided, upon review of the plans, I am satisfied that the proposed private amenity areas also satisfy the qualitative requirements of the Apartment Guidelines given their orientation, the separation distance provided between the blocks, screening provided and their positioning relative to each other/proposed windows.

Communal Amenity Space/Facilities

8.5.11. In accordance with Appendix 1/paragraph 4.13 of the Apartment Guidelines, a minimum of 342sqm of communal amenity space would be needed to serve the entire apartment development and in light of the no. of 2+ bedroom apartments proposed, this is required to contain a small play space (about 85–100 sq. metres) to serve the specific needs of toddlers and children up to the age of six, with suitable play equipment, seating for parents/guardians, and within sight of the apartment building. The proposed development complies with the broad numerical communal amenity space requirements, providing 1015sqm, but does not feature a dedicated play space. However, this is considered appropriate in this instance as a playground features in Public Open Space Area 1 featuring centrally on site which is immediately adjacent and 38 no. of the proposed apartments comprise of age friendly assisted living units.

8.5.12. From a qualitative perspective, I am satisfied that the proposed communal amenity space is appropriately overlooked and conveniently located relative to the

apartment blocks proposed as well as being of an appropriate size/design so as to be usable. The Apartment Guidelines require that designers '*ensure that the heights and orientation of adjoining blocks permit adequate levels of sunlight to reach communal amenity space throughout the year*'. The application is accompanied by a Daylight, Sunlight and Overshadowing Study, prepared by IES, which includes an assessment of the proposed communal open space areas against the BRE guidelines. It concludes that the proposed development meets the relevant criteria, with amenity spaces within the development receiving in excess of 2 hours over 50% of the amenity space. I am satisfied with their assessment in the context of amenity spaces serving the proposed development. In light of the foregoing, the proposed communal amenity space is also considered appropriate from a qualitative perspective.

8.5.13. Further to the communal amenity space provided, Block B features a 60sqm kitchen/store, a 102sqm communal room and a 30sqm laundry room, as well as a reception area, offices and meeting room. Provision of these communal facilities is welcomed; particularly given Block B features 38 no. age friendly assisted living units.

Daylight/Sunlight

8.5.14. The Apartment Guidelines state that levels of natural light in apartments is an important planning consideration and regard should be had to the BRE standards. In this regard, the application is accompanied by a Daylight, Sunlight and Overshadowing Study, prepared by IES, which among other things includes an assessment of the proposed apartments in terms of sunlight/daylight to habitable rooms. In the context of sunlight, all windows tested (68 no.) meet the BRE Guidelines set out in relation to sunlight exposure. In the context of daylight, 100% of the tested rooms achieve the daylight provision targets set out in the BRE Guidelines. I am satisfied that daylight and sunlight considerations have informed the proposed apartment layouts and design in terms of separation distances, scale, window sizing and the aspect of units.

Conclusion

8.5.15. In conclusion, subject to the aforementioned conditions, I am satisfied that the proposed development would provide quality apartments which provide a suitable level of amenity for future residents.

8.6. Access, Traffic and Parking

Access

- 8.6.1. The proposed development looks to provide a vehicular/pedestrian access off Tyrrells Road in the south-eastern corner of the site. In the context of the proposed vehicular entrance, the applicable section of Tyrrells Road is relatively straight and level and there are no particular constraints on the visibility to/from the proposed junction, as illustrated in Proposed Site Access Sight Lines Drawing included in the Transportation Assessment Report, prepared by NRB Consulting Engineers, which accompanied the application. The site is within the 50kph speed limit for the town. In terms of internal road network, a central 5.5m wide road runs from the vehicular access through the site, with 2 no. 4.8 metre streets extending from this. I am satisfied that the proposed development has been designed having appropriate regard to street hierarchy approach outlined in DMURS. In addition to adopting a hierarchy of widths in relation to the proposed road layout, the street arrangement for the proposed development also incorporates home zones which is encouraged by Section 4.3.4. These home zones are visually distinctive due to the colour of their bituminous surfacing and the presence of junction tables where they meet the central road. DMURS also ask that cul-de-sacs do not dominate layouts, and I am satisfied that the proposed layout is not dominated by the same. Further to this, I am satisfied that the approach to on street parking in the proposed development reflects the guidance in DMURS. Having regard to the foregoing, it is my view that the proposed development will not endanger public safety by reason of traffic hazard and that a good quality and safe street environment will be provided for residents of the proposed development.
- 8.6.2. Further to the vehicular/pedestrian access provided off Tyrrells Road, pedestrian/cycle accesses will also be provided from Harbour Drive, Harbour Walk and the Thornsberry Estate to the south of the subject site. These are appropriately surveilled by the adjacent dwellings/creche and will provide residents of the scheme with safe walking/cycle routes to the town centre.

Traffic

- 8.6.3. The primary concern raised in the third party appeal received from the Davitt Street Residents Association relates to the impact of increased vehicular traffic arising from the proposed development on the Callery Street/Davitt Street area (locational context wise, Davitt and Callery Streets are situated c. 470 metres south-west of the subject site, leading off Park Avenue in an westerly and easterly direction, respectively). They contend that vehicular entrance at L1024 Tyrrells Road will create additional traffic flow onto Davitt Street/Callery Street, which in light of their existing constraints, will create a hazardous situation. Further to this, they argue that there is a no. of inaccuracies in the Transportation Assessment Report accompanying the application and that the Stage 1 Road Safety Audit/Quality Audit contained therein is deficient. In response to concerns raised in this regard, a letter from NRB Consulting Engineers addressing comments made regarding the roads network accompanies the applicant's response to the third party appellants' grounds of appeal. In the context of claims made regarding the Transportation Assessment Report, this letter argues that the assessment accompanying the planning application was robust, having been informed by the industry-standard Trip Rate Information Computer System (TRICS) Database. In the context of statements made regarding the safety of this adjacent street, NRB Consulting Engineers contend that regulation of parking/addressing matters of public road safety fall to Offaly County Council/An Garda Siochana and notes that matters were not raised by the independent Road Safety Audit Team in terms of safe traffic progression or safety matters on the applicable local streets. With regards to claims made regarding the Stage 1 Road Safety Audit/Quality Audit, they note that this was undertaken by a specialist trained/qualified audit team and in accordance with the requisite design guidance. In this case, the Auditors were completely satisfied with the design, save for a pole at the access which will need to be moved at construction stage.
- 8.6.4. A Transportation Assessment Report, prepared by NRB Consulting Engineers, which outlines the predicted impact resulting from vehicular traffic associated with the proposed development, was submitted with the application and the further information request response subsequently lodged. The Transportation Assessment Report submitted assigned the traffic arising from the subject development to the road

network based on the industry standard assumption that the trip patterns will mirror the existing established weekday AM and PM peak hour traffic count data in terms of traffic turning proportions and distribution at junctions. I am satisfied with the approach taken in this regard. It then proceeded to carry out an assessment of junction capacity, which included an assessment of the junction of L1024/Callary Street. This assessment concluded that *'the existing local junctions, and the locally affected road links and junctions, are adequate to accommodate the worst-case traffic associated with the development scheme'* and that *'there are no significant Operational Traffic Safety or Road Capacity issues affecting the established road network'*.

- 8.6.5. In my view, the data in the Transportation Assessment Report relies upon traffic generation estimates using a legitimate approach, i.e. TRICS software. The results of the Transportation Assessment Report demonstrate that roads tested surrounding the appeal site will operate well within capacity with the proposed development in place into the future year 2041. The Transportation Assessment Report also assesses the access junction of L1024/Callary Street, demonstrating that this has sufficient capacity to accommodate the proposed development. In my view, there is sufficient capacity to accommodate the proposed development and I am satisfied that significant traffic congestion or risks to road safety in the wider area would not be likely to arise from the proposed development. While I appreciate the concerns raised by the Davitt Street Residents Association that access from the proposed development onto Tyrrells Road will create traffic flow onto Davitt Street for vehicles wishing to access the Ardan Road area, the entrance to the Midlands Regional Hospital and the Town Centre, these concerns have not been substantiated by evidence (such as an alternative technical assessment) demonstrating such an outcome is likely. In the absence of such evidence and having regard to the Transportation Assessment Report accompanying the application, I do not agree that this is a likely consequence of the proposed design. In terms of connectivity, access to the town centre from the subject site is not limited to Davitt Street/Callary Street, with routes also available via Convent View. Further to this, drivers exiting the subject site can also travel northwards along Tyrrells Road to gain access to further local roads and the N52/R43 roads. As discussed previously, the site is zoned for residential development at the scale proposed. There are no

grounds on which to conclude that traffic congestion in the area indicates that the site should be not developed in the manner provided for in the development plan.

- 8.6.6. In the context of the comments made by the appellant regarding the Stage 1 Road Safety Audit/Quality Audit being deficient, I concur with the points made by the applicant regarding the applicable document being prepared by a specialist trained/qualified audit team and being in accordance with the requisite design guidance.
- 8.6.7. There is one further matter pertaining to access that requires consideration in the context of the proposed development. That is the access provided to the proposed pumping station from Arden Vale. According to the plans/material accompanying the further information request response, this access will be for maintenance purposes only and is temporary in nature, with access being provided in the longer term via the adjacent hospital site. I note that the Planning Authority saw fit to include a condition (Condition No. 2) requiring that no construction traffic shall traverse Arden Vale and limiting access to the pump station through Arden Vale for maintenance of the same. In the interest of ensuring residential amenity is maintained for residents of this residential estate, I am recommending that a similar condition be adopted by the Board should the Board be inclined to grant planning permission.

Parking

- 8.6.8. The material submitted at further information stage indicates that the proposed development will be served by 262 no. car parking spaces in total assigned in the following manner: - 20 no. serving residents of apartment in Block A, 47 no. serving residents of apartment in Block B, 5 no. serving visitors to the proposed apartments, 178 no. serving the houses and 12 no. serving the creche.
- 8.6.9. In terms of residential car parking provision, the proposed development is consistent with the car parking requirements outlined in the Offaly County Development Plan 2021-2027, at DMS-102 Car Parking Requirements. Upon review of the plans accompanying the further information request response, I am satisfied that the proposed car parking spaces are appropriately sized and conveniently located proximate to the proposed apartments/dwellings.

8.6.10. In terms of non-residential car parking provision, the 12 no. spaces serving the creche are provided in the following manner: - 5 no. spaces to serve creche staff provided to the front (north) of the facility and 7 no. drop-off spaces provided along the northern and eastern edge of the adjacent Public Open Space Area 2. Based on the no. of children attending (30 no.) and staff working in (5 no.) the facility outlined in the plans/schedule of accommodation accompanying the further information request response, this aspect of the proposed development is consistent with the numerical car parking requirements outlined in the Offaly County Development Plan 2021-2027, at DMS-102 Car Parking Requirements. In terms of layout, I am satisfied with the proposed parking spaces are conveniently located proximate to the proposed childcare facility.

8.6.11. With regards to bicycle parking provision, the apartments are served by 116 no. bicycle parking spaces in total; 86 no. serving residents of Blocks A & B and 30 no. serving visitors of the same. The quantum of bicycle parking provided is in excess of the 2022 Apartment Guideline standards/DMS-99 Cycle Parking Standards, which require 1 no. resident cycle space per bedroom and 1 no. visitor cycle space for every 2 no. units. From a qualitative perspective, the resident spaces are provided within dedicated gated bicycle storage areas featuring at ground floor level of Apartment Blocks A and B. This is considered to be an appropriate location in terms of shelter, accessibility and passive surveillance. With regards to the proposed visitor spaces, 10 no. are located adjacent to the entrance to Block A and 20 no. are located to the north-west of the car parking area serving the proposed apartments. The spaces provided adjacent to Block A's entrance are appropriately located in terms of accessibility and passive surveillance. However, I consider the spaces proposed to the north-west of the car parking area to be too far removed from the proposed apartment blocks. Therefore, it is recommended that a condition be attached requiring that they be moved to a more suitable location proximate to the entry to proposed Block B.

8.6.12. In terms of non-residential bicycle parking provision, a dedicated bike storage area features to the rear of the proposed childcare facility. While this is considered appropriate in the context of staff of the facility, I consider that the proposed childcare facility could benefit from additional on street bicycle parking spaces being provided to serve parents/children attending the same. Therefore, it is recommended that a

condition be attached requiring that on street bicycle parking spaces be provided to serve parents/children attending the facility.

8.7. Open Space Provision

- 8.7.1. DMS-21 Public Open Space included in Section 13.9 of the Development Plan requires that, in the context of greenfield sites, 15% of the site area shall be reserved for public open space provision. As previously discussed, DMS-21 Public Open Space goes on to require that in greenfield sites, public open space shall be provided within 150 metres walking distance of every house in a new residential development.
- 8.7.2. The proposed development provides 6,022sqm of public open space which equates to 15% of the net site area of 4ha. It comprises of a 4,403sqm area (POS1) located centrally in the western part of the site, a 979sqm area located proximate to the development entrance/the proposed childcare facility (POS2) and a 640sqm area located proximate to the pedestrian access off Harbour Walk (POS3). This is compliant with the development plan requirements pertaining to quantum. Upon review of the plans accompanying the further information request response, I am satisfied that the proposed public open space areas provided also satisfies requirements pertaining to proximity to the proposed residential units.
- 8.7.3. The proposed public opens space areas are also considered appropriate from a qualitative perspective. All three public open space areas provided are appropriately sized/designed, have good solar access, feature a variety of recreational and amenity uses and are appropriately overlooked, with all three public open space area positioned in front of a no. of houses/apartments. The largest of the spaces provided features a children's play space which would be passively surveilled by south-facing apartments featuring in Block A, west-facing apartments featuring in Block B and Houses No. 5-13.
- 8.7.4. Having regard to the foregoing/the Development Plan requirements, public open space provision is considered appropriate in this instance. The appropriateness of communal amenity space provided as part of the proposed development has been considered previously in Section 8.5 of this report.

8.8. Infrastructure and Flood Risk

8.8.1. The Offaly County Council Water Services Section reported no objection to the proposed development, subject to conditions. Uisce Éireann reported that the proposed development can be serviced by public water supply without the need for upgrades to the public system and that there were no issues in relation to capacity. With regards to wastewater, Uisce Éireann advised that upgrades are needed to the public system to facilitate the proposed development, more specifically upgrades to the existing Arden Vale Pumping Station. The subject application includes the provision of a new pumping station proximate to the existing Arden Vale Pumping Station addressing the requirement for upgrade works. It is therefore concluded that the proposed development would have adequate water supply, and drainage services and be appropriately serviced from an infrastructure perspective.

8.8.2. In relation to flooding, the subject site falls outside Flood Zones A and B as identified in the Strategic Flood Risk Assessment prepared as part of the Offaly County Development Plan 2021-2027. In relation to flooding, a Site-Specific Flood Risk Assessment, prepared by Kilgallen and Partners Consulting Engineers, accompanied the planning application. This assessment has regard to the Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009 and the Strategic Flood Risk Assessment of the Offaly County Development Plan 2021-2027. This report included the following assessment (in summary) of the various forms of potential flooding:

- Fluvial: The subject site was not identified as being at risk of fluvial flooding in the maps contained within the Strategic Flood Risk Assessment of the Offaly County Development Plan 2021-202 and the Catchment Flood Risk Assessment Management (CFRAM) mapping for the Mid-Range Future Scenario. The OPW National Flood Hazard Mapping website does not register any previous fluvial flood events at the site. No watercourses or evidence of fluvial flood risk was observed during a site walkover. The surface water drainage system for the development incorporates SUDS measures. Discharge of surface water run-off is restricted in accordance with the GDSDS to ensure the development will not give rise to an increase in flood risk elsewhere. Having regard to the foregoing, it

concluded that *'the initial assessment indicates the site is not at risk from fluvial flooding during extreme rainfall events'*.

- Groundwater: Records from the OPW National Flood Hazard Mapping website do not contain any evidence of flood events at the site associated with fluctuations in groundwater level. The Geological Survey of Ireland's web portal shows groundwater vulnerability to be moderate and does not show any groundwater flooding at the site or wells/springs in the vicinity of the site. Historical OS maps do not contain any indicators of flood risk from ground water. No indicators of groundwater flood risk were observed during a site walkover. Having regard to the foregoing, it concluded that *'the indicators described above do not provide any indication of flood risk from groundwater and so further detailed assessment of flood risk from this mechanism is not required'*.
- Pluvial: The Strategic Flood Risk Assessment for the County Development Plan 2021 – 2027 does not show pluvial flood risk at the site nor does the CFRAM Study. Records from the OPW National Flood Hazard Mapping website does not register any previous flood events associated with pluvial flooding. The surface water drainage system for the proposed development has been appropriately designed, ensuring the surface water drainage system for the development will not lead to pluvial flood risk within the development or an increase in pluvial flood risk elsewhere. No evidence of open drains or surface water pipes entering the Site was observed during a site walkover. Having regard to the foregoing, it concluded that *'there are no indicators of pluvial flood risk at the Site and detailed assessment of this mechanism is not required'*.

8.8.3. From the submitted/available information, I am satisfied that the risk of flooding on site is low and that that the proposed development will not adversely affect adjoining lands.

8.9. Other Matters

8.9.1. *Archaeology* - I note the submission from the Dept. of Housing, Local Government and Heritage which recommended conditions in the event that permission is granted. Due to the scale, extent and location of the proposed development they deemed it possible that subsurface archaeological remains could be encountered during the construction phases. They therefore recommended that an archaeological assessment of the

development site/archaeological test excavations be undertaken by a suitably qualified archaeologist prior to the commencement of development and the results of this will inform the archaeological strategy during the construction phase of the development. I recommend that similar condition(s) be included in the event that permission is to be granted for this development.

8.9.2. *Ecology/Biodiversity* - The applicant engaged BioSphere Environmental Services to prepare an Ecological Assessment, and this was included in support of the application. In preparing this report, a desk review and a site visit (on 20th December 2022) were conducted. Observations were made in relation to fauna species present or likely to occur on site, and while a bat survey was not carried out, the suitability of habitats to support roosting and/or foraging bats was considered. 8 no. existing habitats were identified on site, comprising primarily grass typologies. The following conclusion was reached in relation to the conservation value of the site: - *'overall, the study site has low ecological interests which reflects past and current land use practices. As an unmanaged site, it attracts some species which are protected or of conservation value. However, none of these species would be dependent on the site for their continued presence in the local area. Overall, the ecological value of the site is rated as Local Importance (lower value).'* In terms of potential impacts during construction, the report noted the following (in summary): - the development will result in the loss of practically all of the existing habitats on site. It is rated as an adverse impact at a local level and this impact will be mitigated through Landscape Plan implementation. In terms of impacts during operation, adverse impacts on local ecology as a result of the proposed development are not anticipated post-construction and landscaped areas/private gardens featuring therein will benefit small mammals, birds and insects in terms of feeding and/or breeding. Section 5.0 of the report outlined mitigation measures pertaining to bats, breeding birds and the common frog and in the context of water quality to be adopted during construction. Specific mitigation measures for ecology were not considered necessary during the operation of the development. The report concluded that *'taking into account the baseline ecological interests at the site, and with mitigation implemented as outlined in this report, it is expected that the proposed development would not have any significant residual impacts on ecology or local biodiversity'*. Having visited the site, it is evident that it has undergone significant

disturbance over time and is limited in terms of being a habitat for flora and fauna. I consider that the Ecological Assessment demonstrates that the proposed development would not have a significant impact on natural heritage or ecology/biodiversity, subject to the adoption of the mitigation measures contained therein. The appropriate landscaping of this site may have benefits for biodiversity into the future. As will be discussed at Section 9.0 of this report, the proposed development would not be likely to have a significant impact on habitats featuring in Natura 2000 sites proximate to the subject site.

9.0 Appropriate Assessment Screening

- 9.1. The application included an Ecological Assessment (dated January 2023), prepared by BioSphere Environmental Services, which among other things considered the proposed development's potential impact on European sites. This report did not constitute an AA Screening Report. I have had regard to the contents of said report in carrying out this screening exercise.
- 9.2. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under Part XAB, Sections 177U and 177V of the Planning and Development Act, 2000 (as amended) are considered fully in this section. The areas addressed are as follows:
- Compliance with Article 6(3) of the EU Habitats Directive.
 - Screening the need for appropriate assessment.
 - Appropriate assessment of implications of the proposed development on the integrity of each European site.
- 9.3. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent

authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

- 9.4. The subject site is described in Section 1.0 of this report. The proposed development comprises the development of 148 residential units (89 no. single and double storey houses & 58 no. apartments in 2 no. 1-4 storey blocks) and a childcare facility. The subject development also includes demolition of the vacant warehouse/other minor structures featuring in the eastern part of the site. Please refer to Section 2.0 of this report for further details regarding the proposed development.
- 9.5. The Department of Housing, Local Government and Heritage made a submission to Offaly County Council on the application. It provided recommendations in relation to archaeology but did not comment on ecology or appropriate assessment. The Planner's Report includes an AA Screening which concludes as follows: - a screening exercise for appropriate assessment has been carried out and it deemed that the development is unlikely to have significant effects on any European Sites.
- 9.6. The proposed development is not directly connected to or necessary to the management of any European site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA), and therefore is subject to the provisions of Article 6(3) of the Habitats Directive. A total of 3 no. European Sites have been identified as located within a zone of influence of 15km (as per the recommendation of the Appropriate Assessment Guidance (2009)). They are as follows:

European Site (Site Code)	Conservation Objectives/Qualifying Interests	Distance
Charleville Wood SAC (000571)	<p>Conservation Objectives</p> <ul style="list-style-type: none"> • To restore the favourable conservation condition of Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>)* in Charleville Wood SAC • To maintain the favourable conservation condition of Desmoulin's Whorl Snail (<i>Vertigo moulinsiana</i>) in Charleville Wood SAC <p>Qualifying Interests</p>	2.5km to the south-west

	Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i> , <i>Salicion albae</i>) [91E0] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]	
Clara Bog SAC (000572)	<p>Conservation Objectives</p> <ul style="list-style-type: none"> To restore the favourable conservation condition of Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) in Clara Bog SAC To restore the favourable conservation condition of Active raised bogs in Clara Bog SAC The long-term aim for Degraded raised bogs still capable of natural regeneration is that its peat-forming capability is re-established; therefore, the conservation objective for this habitat is inherently linked to that of Active raised bogs (7110) and a separate conservation objective has not been set in Clara Bog SAC Depressions on peat substrates of the Rhynchosporion is an integral part of good quality Active raised bogs (7110) and thus a separate conservation objective has not been set for the habitat in Clara Bog SAC To maintain the favourable conservation condition of Bog woodland in Clara Bog SAC <p>Qualifying Interests</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150] Bog woodland [91D0]</p>	8km to the north-west
Raheenmore Bog SAC (000582)	<p>Conservation Objectives</p> <ul style="list-style-type: none"> To restore the favourable conservation condition of Active raised bogs in Raheenmore Bog SAC The long-term aim for Degraded raised bogs still capable of natural regeneration is that its peat-forming capability is re-established; therefore, the conservation objective for this habitat is inherently linked to that of Active raised 	10km to the north-east

	<p>bogs (7110) and a separate conservation objective has not been set in Raheenmore Bog SAC</p> <ul style="list-style-type: none"> • Depressions on peat substrates of the Rhynchosporion is an integral part of good quality Active raised bogs (7110) and thus a separate conservation objective has not been set for the habitat in Raheenmore Bog SAC <p>Qualifying Interests</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p> <p>Depressions on peat substrates of the Rhynchosporion [7150]</p>	
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9.7. There are no direct connections between the site and European sites with only indirect connections identified in the form of wastewater from the development. The potential impacts on European Sites from the proposed development are considered below, including an appraisal of potential pathways for impacts for each of the identified European Sites, including a conclusion on whether significant effects are likely.

European Site	Connection	Assessment of likely significant effects
Charleville Wood SAC	No – Screened out	The Ecological Assessment, prepared by BioSphere Environmental Services, noted that while there are no watercourses or substantial drainage channels within or around the site, the local site area drains towards the Tullamore River, which passes through the Charleville Wood SAC. Given the absence of a specific hydrological connection (the subject site being devoid of watercourses and substantial drainage channels and being located c. 850 metres from the closest point on the Tullamore River) and the distance to this SAC, there is no likelihood of significant hydrological impacts on this site, and it is screened out accordingly. Due to the distance between this SAC and the site, there is likely to be no potential impact caused by land or air pathways.
Clara Bog SAC	No - Screened out	Due to the distance between this SAC and the site, there is likely to be no potential impact caused by land or air pathways. There is no direct link to the site via ground water

		or surface water, therefore hydrological impacts are not viable.
Raheenmore Bog SAC	No - Screened out	Due to the distance between this SAC and the site, there is likely to be no potential impact caused by land or air pathways. There is no direct link to the site via ground water or surface water, therefore hydrological impacts are not viable.

9.8. Taking into consideration the Qualifying Interests of the applicable SACs, the subject sites' distance from the same and the absence of a hydrological pathway or any other pathway or link to these conservation sites, I conclude that all identified sites can be screened out. Measures intended to avoid or reduce potentially harmful effects of the project on any European Site have not been considered in the screening process. It is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on any European site. In consideration of the above conclusion, there is no requirement therefore for a Stage 2 Appropriate Assessment and for the submission of a Natura Impact Statement.

10.0 Environmental Impact Assessment Screening

10.1. This application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.

10.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations, 2001 (as amended), provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units; and
- Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other parts of a built-up area and 20ha elsewhere ('business district' means a district within a city or town in which the predominant land use is retail or commercial use).

- 10.3. The site to which this appeal pertains is a greenfield site currently comprising primarily fields and a series of single storey vacant warehouse/other minor structures and associated areas of hardstanding. It is proposed to construct 148 no. residential units and a creche, on this 4.2Ha site located the edge of Tullamore Town. Therefore, it is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations, 2001 (as amended), in that it is less than 500 units and is below the 10 hectares (that would be the applicable threshold for this site, being outside a business district but within an urban area).
- 10.4. Item (15)(b) of Schedule 5 Part 2 of the Planning and Development Regulations, 2001 (as amended) provides that an EIA is required for: *“any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.”* For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.
- 10.5. The Planning Authority completed an environmental impact assessment screening of the proposed development and concluded as follows: - *“As specified by Article 103 and Schedule 7 of the Planning and Development Regulations, 2001 as amended, and also the DoEHLG publication; ‘Environmental Impact Assessment (EIA) – Guidance for Consent Authorities regarding Sub-threshold Development 2003, it is considered that the proposed development would be unlikely to have significant effects on the environment and will therefore not require an EIA. It is considered that there are no sensitivities relating to the characteristics and location of the proposed development, nor are there potential impacts that would result in a likely significant impact on the environment.”*
- 10.6. The application addresses the issue of EIA within an EIA screening document included as an appendix to the Planning Supporting Statement, prepared by Scott Hobbs Planning, submitted with the application. This EIA screening document contains information to be provided in line with Schedule 7A of the Planning and Development

Regulations, 2001 (as amended). The information provided in the EIA screening document identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. I have had regard to same in this screening assessment. I have also had regard to the reports submitted with the application, as listed in Section 2.0 above, which address a variety of environmental issues and the environmental impacts of the proposed development.

10.7. I have completed an EIA screening assessment as set out in Appendix A of this report. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended);
- The location of the site within the existing built-up urban area, which is served by public infrastructure, the site's limited ecological value and the existing pattern of development in the vicinity;
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended);
- The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003); and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended);

10.8. I have concluded that, by reason of the nature, scale and location of the subject site proposed in conjunction with the environmental sensitivity of the geographical area, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an Environmental Impact Assessment Report for the proposed development is not necessary in this case. This conclusion is consistent with the screening determination made by the Planning Authority. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

11.0 Recommended Order

Appeal by Oliver Hughes c/o Arden Vale Residents Group 92 Arden Vale Tullamore Co. Offaly, and the Davitt Street Residents Association c/o Kevin Boyce 19 Davitt Street Tullamore Co. Offaly, against the decision made on 3rd October 2023 by Offaly County Council to grant subject to conditions a permission to John Flanagan Developments Ltd. in accordance with plans and particulars lodged with the said Council.

Proposed Development

Large Scale Residential Development on a c. 4.2Ha site at Tyrrell's Road, Ardan/Puttaghan, Tullamore, Co. Offaly, R35 YF24, consisting of: - demolition of existing buildings and construction of large scale residential development comprising 148 dwellings which will consist of: 90 no. houses (comprising 89 no 2-storey and 1 no single storey; 08 no. 2 bedroom houses, 58 no. 3 bedroom houses and 24 no. 4 bedroom houses); 20 dwelling apartments (Block A, comprising 4 no. 1 bed units and 16 no. 2 bed units) and 38 no. age friendly assisted living units (Block B, comprising of 28 no. 1 bed units and 10 no. 2 bed units) with associated communal and administrative facilities, both at 4 storeys; a Creche; and all ancillary site development works including access, roads and footpaths, landscaping and boundary treatments, public and private open space areas, car parking, bicycle parking, ESB substations, bin and bicycle stores, replacement waste water pumping station and drainage connections; and all ancillary site development works on land at Wellwood Housing site.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

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

In coming to its decision, the Board had regard to the following:

- a) The site's location adjoining the established urban area of Tullamore with a land-use zoning objective for 'New Residential', under the Offaly County Development Plan 2021-2027;
- b) The policies and objectives in the Offaly County Development Plan 2021-2027;
- c) The nature, scale and design of the proposed development and the availability in the area of infrastructure;
- d) The pattern of existing and emerging development in the area;
- e) The provisions of Housing for All – A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage in September 2021;
- f) The provisions of Project Ireland 2040 - National Planning Framework, which identifies the importance of compact growth;
- g) Sustainable Urban Housing: Design Standards for New Apartments, 2022;
- h) The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- i) The provisions of Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) issued by the Department of Environment, Heritage and Local Government in May 2009;
- j) The provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government in 2019;

- k) The provisions of the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices) issued by the Department of Environment, Heritage and Local Government in 2009;
- l) Section 37(2)(a) of the Planning and Development Act, 2000 (as amended), in respect of the material contravention process provided for;
- m) Submissions and observations received; and
- n) The Inspectors Report.

It is considered that, subject to compliance with the conditions set out below, the proposed development constitute an acceptable quantum, scale and density of residential development in this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not cause serious injury to biodiversity and the natural environment, and would be acceptable in terms pedestrian, cyclist and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites, and the hydrological pathway considerations, submissions on file, the information submitted as part of the application and the Inspector's Report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

The Board completed preliminary examination for environmental impact assessment of the proposed development and concluded that it would not have the potential to have significant effects on the environment, having regard to:

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended);
- The location of the site within the existing built-up urban area, which is served by public infrastructure, the site's limited ecological value and the existing pattern of development in the vicinity;
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended);
- The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003); and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended); and;

It is considered that the proposed development would not have the potential to have likely significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to the conditions outlined, the proposed development is compliant with the provisions of the Offaly County Development Plan 2021–2027 and would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information plans and particulars submitted to the planning authority on the 6th day of September 2023, and by the further plans and particulars received by An Bord Pleanála on the 27th day of October 2023, 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. The total number of residential units permitted in this development is 143 no.</p> <p>Reason: In the interest of clarity</p>
2.	<p>The proposed development shall be amended as follows:</p> <ul style="list-style-type: none">(a) Proposed Dwellings No. 1, 2, 3 and 4 shall be omitted and Dwellings No. 5 and 6 shall be repositioned/reconfigured so that their gardens fall outside the 'Community Services/Facilities' zoned land forming part of the development site.(b) The floor plans associated with House Type B1 shall be amended to include the windows detailed on the side elevation (associated with the WC and bathroom).(c) The 20 no. visitor bicycle parking spaces located to the north-west of the car parking area serving the proposed apartments shall be relocated proximate to the entry to proposed Block B.(d) 5 no. additional on-street bicycle parking spaces shall be provided to serve parents/children attending the proposed childcare facility.(e) The internal layouts of the proposed apartments shall be amended so that no individual storage room within an apartment exceed 3.5 square metres. <p>Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of residential amenity and traffic safety.</p>

3.	<p>The development shall be carried out in accordance with the phasing set out in Drawing No. PL005, unless otherwise agreed in writing with, the Planning Authority. No dwelling shall be erected on the second or subsequent phase until the written agreement of the planning authority has been given. No dwelling shall be occupied anywhere in the permitted scheme until all necessary services have been provided for it to the satisfaction of the planning authority.</p> <p>Reason: To ensure the timely provision of amenities and infrastructure for future residents and to protect residential amenity.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>Prior to the occupation of the proposed childcare facility, finalised service details, as well as details of any proposed signage to be applied to the elevations of the respective buildings, including details of the glazing, materials, colour, lettering and depth of the signage, shall first be submitted to and agreed in writing with the Planning Authority.</p> <p>Reason: In the interest of clarity and the visual amenity of the area.</p>
6.	<p>The permitted development shall be landscaped and boundary treatments provided in accordance with the detailed comprehensive scheme of landscaping and boundary treatments, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
7.	<p>The areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the</p>

	<p>landscape scheme agreed with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.</p> <p>Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.</p>
8.	<p>(a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.</p> <p>(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p> <p>Reason: To provide for the satisfactory future maintenance of this in the interest of residential amenity.</p>
9.	<p>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:</p> <p>(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</p> <p>(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.</p> <p>The assessment shall address the following issues:</p> <p>(i) the nature and location of archaeological material on the site, and</p> <p>(ii) the impact of the proposed development on such archaeological material.</p> <p>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</p>

	<p>commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>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.</p>
10.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting for the public open spaces, communal spaces and parking / servicing areas, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The design of the lighting scheme shall take into account the existing and permitted public lighting in the surrounding area. Such lighting shall be provided prior to the making available for occupation of any unit.</p> <p>Reason: In the interests of amenity and public safety.</p>
11.	<p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
12.	<p>Prior to the occupation of the residential units, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.</p> <p>Reason: In the interest of encouraging the use of sustainable modes of transport.</p>
13.	<p>A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the</p>

	<p>waste, and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment and non-residential unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
14.	<p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of sustainable waste management.</p>
15.	<p>Arden Vale shall not be used for construction traffic access. Access to the pumping station through Arden Vale shall only be for maintenance of the pumping station after upgrades are constructed.</p> <p>Reason: In the interest of residential amenity.</p>
16.	<p>The construction of the development shall be managed in accordance with a final project Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of the construction practice for the development, including:</p> <ul style="list-style-type: none"> a) Location of the site and materials compound(s), including areas identified for the storage of construction refuse; b) Location and details of areas for construction site offices, staff facilities, site security fencing and hoardings;

- c) Details of on-site car parking facilities for site workers during the course of construction;
- d) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
- e) Measures to obviate queuing of construction traffic on the adjoining road network;
- f) Details of construction phase mobility strategy, incorporating onsite mobility provisions;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate measures to mitigate vibration from construction activity in accordance with BS6472: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz) and BS7385: Part 2 1990: Evaluation and Measurement for Vibration in Buildings - Guide to Damage Levels from Ground-Borne Vibration, and for the monitoring of such levels.
- j) Details of appropriate mitigation measures for noise and dust, and monitoring of such levels;
- k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or watercourses;
- n) A record of daily checks that the works are being undertaken in accordance with the final project Construction and Environmental Management Plan shall be kept for inspection by the planning authority;
- o) Invasive species management plan.

	Reason: In the interest of amenities, public health and safety.
17.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
18.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
19.	<p>All mitigation measures set out in the submitted Ecological Assessment and Noise Impact Assessment shall be implemented in full in the carrying out and occupation of the permitted development.</p> <p>Reason: To protect residential amenity and natural heritage.</p>
20.	<p>A minimum of 10% of all car parking spaces should be provided with functioning electric-vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric-vehicle charging points or stations at a later date. Where proposals relating to the installation of electric-vehicle ducting and charging stations or points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.</p> <p>Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles.</p>
21.	<p>All service cables associated with the proposed development, such as electrical, telecommunications and communal television, shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>

22.	<p>In the context of proposed Blocks A and B, no additional development shall take place above roof parapet level, including lift motor enclosures, air-handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment.</p> <p>Reason: To protect the visual amenities of the area.</p>
23.	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p>
24.	<p>Prior to commencement of development, the developer shall enter into water and wastewater connection agreement(s) with Uisce Éireann.</p> <p>Reason: In the interest of public health.</p>
25.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of Section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act, 2000 (as amended), unless an exemption certificate shall have been applied for and been granted under Section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act, 2000 (as amended), and of the housing strategy in the development plan of the area.</p>
26.	<p>Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a</p>

	<p>corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
27.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
28.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting 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 Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to 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 developer 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.</p> <p>Reason: It is a requirement of the Planning and Development Act, 2000 (as amended), that a condition requiring a contribution in accordance with the</p>

Development Contribution Scheme made under Section 48 of the Act be applied to the permission.
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Margaret Commane
Planning Inspector

4th January 2023

Appendix 1 - EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference	ABP-318339-23	
Development Summary	Construction of 148 residential units and a childcare facility	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	The PA was satisfied that the proposed development is not likely to have significant effects on the environment and it considered that EIA and the preparation of an EIAR was not required for this project.
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?	No	An Ecological Assessment was submitted with the application which includes information regarding proximate European sites.
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	The following were submitted with the application: <ul style="list-style-type: none"> • An Ecological Assessment which considers the Habitats Directive (92/43/EEC) and the Birds Directive 2009/147/EC). • Report on Irish Water Infrastructure which has had regard to Development Plan policies, the Water Framework Directive (2000/60/EC) and the Floods Directive (2007/60/EC). • A Site Specific Flood Risk Assessment which has had regard to Development

		<p>Plan policies, the Water Framework Directive (2000/60/EC) and the Floods Directive (2007/60/EC).</p> <ul style="list-style-type: none"> • A Waste Management Plan which considers the Waste Framework Directive (2008/98/EC). <p>SEA and AA was undertaken by the planning authority in respect of the Offaly County Development Plan 2021-2027.</p>
B. EXAMINATION	<p>Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)		
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	The development comprises the construction a residential development on zoned/serviced lands. From an environmental perspective the nature and scale of the proposed development is not regarded as being significantly at odds with the surrounding pattern of development. While the proposed building heights associated with the apartment blocks is taller than surrounding heights in the context of residential development, the proposed development is not regarded as being of a scale or character significantly at odds with the surrounding pattern of development.	No
1.2 Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?	The proposed development will change some land currently in commercial/industrial use to a predominantly residential development with some commercial development (a childcare facility). There are no	No

	substantive waterbodies on site or proximate to the site. There are no excavation works proposed.	
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Construction materials will be typical of such urban development. The loss of natural resources as a result of the redevelopment of the site are not regarded as significant in nature.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard measures outlined in a CEMP and a CDWMP would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances, and will give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and with the implementation of standard measures outlined in a CEMP and a CDWMP would satisfactorily mitigate the potential impacts. Operational waste would be managed through a waste management plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.	No
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters,	No significant risks are identified. Operation of standard measures outlined in a CEMP and a CDWMP will satisfactorily mitigate emissions from spillages during construction. The	No

groundwater, coastal waters or the sea?	operational development will connect to mains services.	
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	There is potential for the construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts would be suitably mitigated by the operation of standard measures listed in a CEMP and a CDWMP.	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within a CEMP and a CDWMP would satisfactorily address potential risks on human health. No significant operational impacts are anticipated, with water supplies in the area provided via piped services.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No significant risk is predicted having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding.	No
1.10 Will the project affect the social environment (population, employment)	Population of this urban area would increase. Housing would be provided to meet existing demand in the area.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	This is a greenfield development located in an established urban area. The proposed development is in accordance with the Offaly County Development Plan 2021-2027, which was subject to Strategic Environmental Assessment (SEA).	No
2. Location of proposed development		
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:	Sensitive ecological sites are not located on site. The nearest European sites are listed in Section 9.0 of this report. The proposed development would not result in significant impacts on these sites. Annex II habitats or habitat suitable for protected	No

<p>a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>	<p>species, including plants, were not found on site during ecological surveys.</p>	
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, overwintering, or migration, be significantly affected by the project?</p>	<p>Existing habitats have been surveyed in the submitted Ecological Assessment. The submitted Ecological Assessment did not raise any issues of concern. Mitigation measures are outlined therein with respect to bats, breeding birds and the common frog and in the context of water quality to be adopted during construction.</p> <p>Biodiversity measures in the form of additional tree planting is anticipated to be of benefit to nesting and foraging birds.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>The site and surrounding area does not have a specific conservation status or landscape of particular importance and there are no Protected Structures on site or in its immediate vicinity.</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No such features arise in this urban location.</p>	<p>No</p>
<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwater which could be affected by the project,</p>	<p>The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. Potential impacts arising from the discharge of surface waters to receiving waters are</p>	<p>No</p>

particularly in terms of their volume and flood risk?	considered, however, no likely significant effects are anticipated.	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No risks are identified in this regard.	No
2.7 Are there any key transport routes (eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	The site is served by an existing urban road network. There are sustainable transport options available to future residents. No significant contribution to traffic congestion is anticipated.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	The Midland Regional Hospital Tullamore is situated to the west of the site, however, arising from the project, including standard measures of a CEMP and a CDWMP, no significant construction or operational impacts would be anticipated for this facility.	No

3. Any other factors that should be considered which could lead to environmental impacts

3.1 Cumulative Effects Could this project together with existing and/or approved development result in cumulative effects during the construction/operation phase?	No approved development within the immediate vicinity developments have been identified that would give rise to significant cumulative environmental effects with the subject project. The nursing home/hospital site to the immediate north-east is 2.6ha, cumulatively both falling well below the EIA threshold. Any cumulative traffic impacts that may arise during construction would be subject to a project construction traffic management plan.	No
3.2 Transboundary Effects Is the project likely to lead to transboundary effects?	No transboundary considerations arise	No
3.3 Are there any other relevant considerations?	No	No

C. CONCLUSION

No real likelihood of significant effects on the environment.	✓	EIAR Not Required
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended);
- The location of the site within the existing built-up urban area, which is served by public infrastructure, the site's limited ecological value and the existing pattern of development in the vicinity;
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended);
- The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003); and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended);

It is considered that the proposed development would not have the potential to have likely significant effects on the environment and that an environmental impact assessment report would not, therefore, be required.

Inspector: Margaret Commane

Date: 4th January 2023