



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319583-24

<b>Development</b>	PROTECTED STRUCTURE: Large Scale Residential Development to include 204 apartments, retail, office and childcare facilities in 6 blocks ranging in height from 2-13 storeys, all associated development and site works. Development includes refurbishment of a protected structure (D.E. Williams House).
<b>Location</b>	South Texas Lands, Tullamore, County Offaly
<b>Planning Authority</b>	Offaly County Council
<b>Planning Authority Reg. Ref.</b>	2460038
<b>Applicant(s)</b>	Cayenne Holdings Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Cayenne Holdings Limited
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	20 <sup>th</sup> June 2024
<b>Inspector</b>	Mary Crowley

# Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 LRD Planning Authority Pre-Application Opinion .....	9
4.0 Planning Authority Decision .....	10
4.1. Decision .....	10
4.2. Planning Authority Reports .....	11
4.3. Prescribed Bodies .....	13
4.4. Third Party Observations .....	13
5.0 Planning History.....	13
6.0 Policy Context.....	16
6.1. National Planning Policy .....	16
6.2. National Guidance .....	17
6.3. Section 28 Ministerial Guidelines .....	17
6.4. Regional Guidelines.....	18
6.5. Development Plan.....	18
6.7. Natural Heritage Designations .....	23
6.8. EIA Screening .....	23
7.0 The Appeal .....	29
7.1. Grounds of Appeal .....	29
7.2. Refusal Item 1 – Residential Density .....	29
7.3. Refusal Item 2 – Scale, Height, and Massing .....	31
7.4. Refusal Item 3 – Access for Fire Services .....	32
7.5. Refusal Item 4 – Increased Traffic Congestion .....	32

7.6.	Refusal Item 5 – Car Parking Provision .....	33
7.7.	Refusal Item 6 – Site Connections.....	34
7.8.	Alternative Scheme.....	34
7.10.	Planning Authority Response .....	36
7.11.	Observations .....	36
7.12.	Further Responses.....	36
8.0	Assessment.....	36
8.3.	Principle .....	37
8.4.	Refusal Reason No 1 – Residential Density .....	42
8.5.	Refusal Reason No 2 – Scale, Height, and Massing .....	44
8.6.	Refusal Reason No 3 – Access for Fire Services .....	46
8.7.	Refusal Reason No 4 – Traffic Congestion.....	47
8.8.	Refusal Reason No 5 – Car Parking Provision .....	49
8.9.	Refusal Reason No 6 – Site Connections.....	52
8.10.	Alternative Proposals .....	53
8.11.	Other Issues.....	54
9.0	AA Screening.....	57
10.0	Recommendation .....	59
11.0	Draft Order.....	59
12.0	Reasons .....	61
Appendix 1 – Form 1: EIA Pre-Screening		

## 1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.853 ha is centrally located and can be generally described as an urban brownfield site with its current use being predominantly for car parking and warehousing. The site is bounded by Patrick Street (south) and Columcille Street (east), to the west by O'Connell Street, to the north by Offaly Street and a site with planning permission under Reg Ref 21414 (supermarket, offices, café and car parking).
- 1.2. The site is known locally as D.E. Williams Yard / South Texas and contains D.E. Williams House, a protected structure as identified within the County Offaly Record of Protected Structures. The site forms part of the 'Texas Site' outlined as an Opportunity Site No. 2 in Offaly County Council Development 2021 – 2027. All of the lands encapsulated within the red line are zoned 'Town Centre/Mixed Use' for mixed use development.
- 1.3. I refer to the photos and photomontages available to view throughout the file. Together with a set of photographs of the site and its environs taken during the course of my site inspection serve to describe the site and location in further detail.

## 2.0 Proposed Development

- 2.1. This is an application for a Large-Scale Residential Development as defined under Section 2 of the Planning & Development Act 2000, as amended.
- 2.2. The proposed development consists of a mixed-use development comprising residential, commercial (café/ restaurant and retail uses) and childcare uses all contained in a number of buildings (Blocks 1 – 6) ranging in height from 2 to 13 storeys overall (including mezzanine levels at ground floor), including 'D.E. Williams House', a protected structure.
- 2.3. There are 204 no. apartments proposed within 4 no. apartment buildings providing a unit mix comprising of 102 no. 1-Beds; 91 no. 2-Beds; and 11 no. 3-Bed units. All apartments are provided with balconies or outdoor private amenity areas. The residential element comprises in total c. 16,765 sqm. The non-residential element comprises a childcare facility (c. 224 sqm) and 20 no. commercial units all at the ground and mezzanine levels (c. 3,926 sqm overall); of the 20 no. units, 9 no. are

proposed as café / licensed restaurant units (c. 1,404), with the remaining 11 no. units proposed for commercial units for retail (c. 2,522sqm).

2.4. The proposal can be further broken down as follows:

- Block No. 1 is 8 storeys in height and will comprise 74 no. apartment units, together with a childcare facility (c. 224 sqm) and outdoor play space (c. 120 sqm), 6 no. retail units (c. 1,049 sqm) and associated private open space (c. 182 sqm) together with car and bicycle parking, plant rooms, ESB sub-station and bin stores. Block 1 has a GFA of c. 7,009 sqm.
- Block No. 2 is 6 storeys in height and will comprise 20 no. apartment units and 3 no. retail units (c. 434 sqm), ancillary private open space (c. 117 sqm), bin stores, bike stores, ESB substation, switch and plant rooms. Block 2 has a GFA of c. 2102 sqm.
- Block No. 3 is 11-13 storeys in height and will comprise 82 no. apartment units and 2 no. retail units (c. 684 sqm), ancillary private open space (c. 207 sqm), cycle parking and undercroft car parking spaces, ancillary bin stores, ESB substation, switch and plant rooms.
- Block 3 has a GFA of c. 8,351 sqm. 3 no. support poles to accommodate 2 No. 0.3m Microwave link dishes and 9no. support poles to each accommodate 1 No. 2m 2G/3G/4G antenna and 1 No. 5G antenna together with associated telecommunications equipment are provided on the roof of this block.
- Block No. 4 comprises two elements that are 5 and 6 storeys in height respectively and will comprise 28 no. apartment units and 2 no. café / licensed restaurant units (c. 355 sqm), ancillary private open space (c. 973 sqm), car and bicycle parking, ancillary bin stores, ESB substation, switch and plant rooms. Block 4 has a GFA of c. 2,641 sqm.
- Block No. 5 is 2 – 3 storeys in height and partially contained within the existing De Bruns building, comprising a change of use to 2 no. café/licensed restaurant units and ancillary rooms. Overall GFA (c. 900 sqm).
- Block No. 6 is 2 – 3 storeys above basement in height and partially contained within the existing D.E. Williams House building (a protected structure), it will comprise 5 no. café / restaurant units and ancillary rooms. Works to D. E. Williams House (Protected Structure Ref. 23-201) and stone-built, former outbuilding to

north, to include refurbishment, repair, change of use to café / licensed restaurant use (5 no. units) and ancillary alterations, including provision of new link structure to access both buildings. Overall GFA (c. 697 sqm).

- 2.5. Pedestrian and cyclist access is proposed from Patrick Street and Offaly Street and via the proposed east-west pedestrian street located on the northern boundary of the site (which is also to be used for deliveries / refuse). Vehicular access to serve the development will be provided from O'Connell Street from the west and Offaly Street / Columcille Street from the east.
- 2.6. All associated and ancillary site development and infrastructural works, hard and soft landscaping, demolition and part demolition of existing structures on site (c. 6,360 sqm), c. 2,114 sqm of public open space; c. 1,842 sqm of residential communal amenity space; public lighting; 480no. bicycle parking spaces; 92no. car parking spaces; signage; photovoltaic panels, and other ancillary plant and equipment at roof level.
- 2.7. **Foul Water** - The existing foul wastewater drainage currently discharges to the existing 225mm combined public sewers located at the O'Connell / Kildare Street junction, Columcille Street and Patrick Street. Uisce Éireann (UE) have confirmed feasibility for the development. The site discharges to the Tullamore Wastewater treatment Plant (WWTP). It is proposed to provide a new public foul 225mm diameter connection along O'Connell from the site boundary to the existing combined public sewer approximately 40m from the site entrance as per UE Confirmation of Design Acceptance included in the submission.

**Potable Water** - It is proposed to upgrade the existing 100mm uPVC public watermain along Offaly Street to 200mm ID as per the UE's confirmation of feasibility. It is proposed to provide a new service connection to the upgraded 100mm uPVC public watermain along Offaly Street as per UE Confirmation of Design Acceptance included in the submission.

- 2.8. The construction works associated with the development will be undertaken in two phases. The timeframe for these phases is as follows:
- Phase 1: 20-22 months
  - Phase 2: 20-22 months

2.9. The construction programme is intended to commence in the quarter four of 2024, with a 40–44-month programme.

2.10. Key development statistics are set out as follows:

Site Area	0.853 ha
GFS of existing building(s)	7,496 sqm
GFS of proposed works	21,700 sqm
GFS of work to be retained	1,136 sqm
GFS of demolition works	6,360 sqm
Proposed Residential Development	16,193 sqm
Proposed Commercial Development	4,030 sqm
Total Number of Units	204 no units
Gross Floor Area (Residential Only)	13,485 sqm
Density	c239 no units per ha
Unit Mix	1 bed apartment – 102no. units (50% of units) 2 bed apartment (3 & 4 Person) – 91no. units (44.2% of units) 3 bed apartment – 11no. units (5.4% of units)
Plot Ratio (Net Site Area)	c2.5
Site Coverage (Net Site Area)	c33.4%
No of Dual Aspect Units	163
% of Dual Aspect Units	79.9 %
Part V – No of Units Allocated	21
Part V - % of Units Allocated	10.29%
Communal Space (min required 1006 sqm)	1842 sqm
Open Space	2114 sqm (25%)
<b>Plot Ratio &amp; Site Coverage</b>	
Plot Ratio	2.5
Site Coverage	33.4%
<b>Material Change of Use of any Land or Structure or the retention of such a material change of use</b>	
Existing Uses	Block 5 – Residential & Public House Block 6 – Office & Retail
Proposed Uses	Block 5 – café / licensed restaurant Block 6 – café / licensed restaurant

Proposed Uses	<p>Block 5 – to contain 2 no café / licensed restaurant units</p> <p>Block 6 – – to contain 2 no café / licensed restaurant units</p>
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2.11. The application was accompanied by the following documents:

- Cover Letter
- Part V Proposal Letter.
- LRD Application Form.
- Planning Application Planning Report
- Response to LRD Opinion
- Architectural Drawings
- Housing Quality Assessment
- Schedule of Accommodation
- Architectural Design Statement
- Part V Proposal Letter & Drawings
- Landscape Drawings
- Public Realm & Landscape Report
- Engineering Drawings
- Engineering Service Report (including Irish Water Confirmation of Feasibility and Statement of Design Acceptance)
- Site Specific Flood Risk Assessment
- Energy & Sustainability Statement
- Public Lighting Report
- Operational Waste Management Plan
- Construction Environmental Management Plan
- Resource & Waste Management Plan
- Building Lifecycle Report
- Sunlight and Daylight Access Analysis (Parts 1 & 2)
- Wind Microclimate Modelling
- Telecommunications Report
- Architectural Heritage Impact Assessment

- Property Management Strategy
- Appropriate Assessment Screening Report
- Ecological Impact Assessment
- Townscape and Visual Impact Assessment
- Verified Photomontages (5 Parts)
- Computer Generated Images (3)
- Traffic & Transport Assessment Document, including Preliminary Mobility Management Plan, Stage 1 Independent Road Safety/Quality Audit and Road Drawings
- Bat Roost Survey Report
- Proposed Masterplan Layout

### **3.0 LRD Planning Authority Pre-Application Opinion**

3.1. In the LRD opinion issued on 8<sup>th</sup> August 2023 the Planning Authority state inter alia:

- The documentation submitted for the purposes of the LRD meeting did not constitute a reasonable basis on which to make an application for permission for the proposed LRD.
- The retail and commercial elements of the scheme would be a welcome addition to Tullamore Town and would reinforce the town centre.
- However, due to the development's extremely excessive height it would appear visually incongruous on the skyline and be visually obtrusive on the streetscape when viewed from a variety of locations in the town centre
- The proposal, notwithstanding the positive impacts of its commercial elements, would as a totality, due to its excessive scale and height seriously injure the historic character of Tullamore Town and it would impede the economic and social development of Tullamore
- A revised mixed-use proposal with a radical reduction in height would be welcomed by the planning authority.

3.2. The applicant submitted a Statement of Response with the planning application which addresses the matters cited by the planning authority in the LRD Opinion.

## 4.0 Planning Authority Decision

### 4.1. Decision

4.1.1. Offaly County Council issued a notification of decision to refuse permission for 6 no reasons relating to (1) residential density, (2) scale, height and massing, (3) access for fire services, (4) traffic congestion, (5) car parking provision and (6) site connections as follows:

- 1) *The proposed development would be contrary to the Sustainable Urban Housing Design Standards for New Apartments and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities issued to planning authorities under section 28 of the Planning and Development Act 2000, as amended, as the residential density of the proposed development on this site greatly exceeds the density standards as set out in these guidelines for this site. The proposal would therefore contravene materially SSP-05 of the Offaly County Development Plan 2021-2027 which states that it is Council policy that residential development proposals shall be prepared, designed and laid out in accordance with the standards as set out in the County Development Plan's Development Management Standards and in Section 28 Ministerial Guidelines. The proposal would therefore be contrary to the proper planning and sustainable development of the area.*
- 2) *It is considered that the proposed development would, due to its excessive scale, height and mass would appear visually incongruous on the skyline when viewed from Patrick Street, Columcille Street, Harbour Street and Kilbride Street and would be visually obtrusive on the skyline when viewed from High Street and along the Grand Canal. As such the proposed would seriously injure the historic character and visual amenities of Tullamore Town and would therefore be contrary to policy RP-08 of the Offaly County Development Plan 2021-2027 which states that it is Council policy to encourage high quality and well-designed buildings, structures, public spaces and streets to support and promote healthy place-making and quality of life. The proposed development would be visually overbearing and an incongruous addition to the streetscape contrary to policy RP-08 and it is therefore*

*deemed to be contrary to the proper planning and sustainable development of the area.*

- 3) Sufficient proposals to allow access by the fire services have not been demonstrated for the proposed multi storey development and it is considered that the proposal could endanger the health and safety of persons occupying or employed in the proposed structures. Accordingly, the proposed development would therefore be contrary to the proper planning and sustainable development of the area.*
- 4) The development would endanger public safety by reason of traffic hazard because of the additional traffic it would generate onto Offaly Street which has limited road space to facilitate increased two-way traffic and turning movements which would be generated by the proposed development.*
- 5) The proposed development does not provide for adequate off road parking facilities to serve the development. The on-road parking and the traffic movements likely to be generated by the development would interfere with the free flow of traffic and endanger public safety by reason of obstruction of road users.*
- 6) The proposed development lacks full utilisation of potential connections particularly from the site via the existing link to the southeast of Patrick Street. Accordingly, the proposed development contravenes materially policy SMAP-05(ii) of the Offaly County Development Plan 2021-2027 as it fails to support permeability, accessibility and connectivity at this location and the proposal is therefore deemed to be contrary to the proper planning and sustainable development of the area.*

## **4.2. Planning Authority Reports**

### **4.2.1. Planning Reports**

- The **Case Planner** has provided a detailed planning assessment within which a number of issues have been identified in relation to residential density, scale, height and massing, access for fire services, traffic congestion, car parking provision and site connections. The Case Planner recommended that permission be refused. The notification of decision to refuse permission issued by Offaly County Council reflects this recommendation.

#### 4.2.2. Other Technical Reports

- **Chief Fire Officer** - Recommended that planning permission not be granted as the provision of B5 Technical Guidance Document Part B (Access and Facilities for the Fire Service) have not been clearly demonstrated on the drawings provided.
- **Part V Housing Report** - The Housing Section has no objections to the application based on the proposal received; however, it may be subject to change before an agreement is made.
- **Environment & Water Services** - No objections to the proposed development, subjects to conditions relating to water supply, foul sewerage, waste management, domestic waste management, environmental nuisance and biodiversity & landscape.
- **Area Engineer** – Sought further information in relation to surface water, parking, vehicular access, and provision of a road Safety Audit.
- **Road Design** – Requested further information in relation to car parking provision.
- **Senior Executive Architect**
  - a) Green areas should be developed to a much higher level.
  - b) Attention is required to appropriate transition in height and scale particularly where development adjoins an existing traditional streetscape.
  - c) Height is significant, not just in regard to the existing buildings and streets, but also in relation to the success of the proposed ground floor, for pedestrians, which the applicant wishes to achieve.
  - d) The spaces significantly deteriorate as the height increases due to shadow, and in particular wind tunnel effect, making the spaces extremely unpleasant.
  - e) Designers must ensure that the heights and orientation of adjoining blocks permit adequate levels of sunlight to reach communal amenity space throughout the year.
  - f) Proposals for inappropriate, high-rise development cannot be shoehorned into a site of 2 or 3-storey buildings.

#### 4.3. Prescribed Bodies

- **Heritage Council** - The approach to this development flawed. There is disregard to existing townscape character resulting in a design that by virtue of its mass, height, bulk, and scale, is completely inappropriate to the county town context. The dynamic between high density and high buildings is conflated, resulting in a proposal that would set a very undesirable precedent for inner town core redevelopment in historic towns throughout Ireland. As such the Heritage Council does not support the scheme as currently proposed.
- **Irish Water** - Confirms that the applicant has engaged with IW in regard to a Pre-Connection Enquiry and has been issued with a Confirmation of Feasibility (Our Ref: CDS23007141) for the proposed development for connections to the Uisce Éireann network(s). Condition set out in the report.

#### 4.4. Third Party Observations

- 4.4.1. Anthony & Kara Kearns (Guy Clothing & Kode Clothing and Footwear) and Tullamore & District Chamber of Commerce support the proposed development.
- 4.4.2. **Irish Georgian Society** - The proposed construction of a 13-storey building in Tullamore would be entirely inconsistent with its historic urban character, would compromise views from within the town, and would not comply with the heritage related policies and objectives of the Offaly County Development Plan 2021-2027. For these reasons, requested that that planning permission be refused.

### 5.0 Planning History

#### 5.1. Appeal Site

- 5.1.1. **OCC Reg. Ref. TU6508 (as extended under EX14034)** – South Texas lands / D.E. Williams House and Former Distillery Site. Inverine PLC applied for planning permission for a retail development comprising the demolition of 3 no. existing 'Texas' retail units (measuring 10,139 sq.m.), 1 no. existing public house the 'wolftrap' (measuring 1,348 sq.m.), 1 no. storage shed (measuring 20 sq.m), the removal of 1 no. existing water tank and 1 no. existing oil tank, the erection of a two-storey building (gross floor area 27,978 sq.m typical parapet height 14m) comprising a shopping

centre and 2 levels of underground basement car parking. the development will also consist of the provision of a new public park and civic plaza at Kilbride park, a new civic space at Offaly street/Colmcille street, a change of use of no. 16 Colmcille street and the widening of Offaly street at its junction with Colmcille street. The shopping centre comprises 3 no. anchor stores (total gross floor area 9,284 sq.m), 37 no. retails units (gross floor area 11,312 sq.m), 4 no. kiosks (gross floor area 155 sq.m), an enclosed mall area (gross floor area 3,377 sq.m), public toilets. Gross floor area 179 sq.m), a management suite (gross floor area 194 sq.m), 2 levels of underground basement car parking providing a total of 704 car parking spaces comprising basement -2 (gross floor area 17,776 sq.m) including an internal service yard, associated plant rooms, storage rooms and service corridors and basement -1 (gross floor area 12,700 sq.m) including associated plant and storage rooms. it is also proposed to change the use of no. 16 Colmcille street to retail use (gross floor area 102 sq.m). the proposed scheme comprises a net convenience floor area of 1,750 sq.m and a net comparison floor area of 12,923 sq.m. Permission was granted on 15<sup>th</sup> October 2009 subject to 20 no. conditions (extension decided on 05 December 2014) by Offaly County Council. Permission has since expired on 15<sup>th</sup> October 2019.

5.1.2. **OCC Reg. Ref. TU452807** – D.E. Williams House - Laurence Brown applied for planning permission on 28 August 2007 comprising the provision of new internal rooms to the second floor and all associated site works to D.E Williams House. Permission was granted by Offaly County Council on 22 October 2007 by Offaly County Council, subject to 3no. conditions.

5.1.3. **OCC Reg. Ref. TU347200** – Texas Lands - Tesco Ireland Ltd applied for planning for the change of use to car park of site formerly accommodating 4 No. derelict houses demolished according to planning permission P.D. 3111 Permission was granted on 18 May 2001 by Offaly County Council.

5.2. Projects granted permission in the past three years, in the vicinity of the proposed project, are as follows:

- **Reg Ref 23 6001** - The construction of a single storey ESB substation and switch room (c. 22 sqm gross floor area) and associated works in the northeast corner of car park permitted under Reg Ref 21414 and will replace 3 no. car parking spaces in this location

- **Reg Ref 21 414** - Demolition of buildings, extensions & sheds comprising 6,800 sq. m. approx. and removal of fencing. erection of one single-storey dual-height 1,664 sq. m. retail store (to include off license use), three-storey 874 sq. m. retail / office unit, two-storey 281 sq. m. café, 1 no. double-sided, internally illuminated sign fixed to the west side (O'Connell street side) of the proposed new retail store, and associated development including car & bicycle parking, access and servicing area, new pedestrian and cycle walkway between Offaly street and O'Connell street, pedestrian and cycle access to Offaly street, and temporary and permanent hard & soft landscaping and boundary and enclosure walls & fences. Currently under construction.
- **Reg Ref 21 135** - The change of use of existing ground floor commercial unit to a café / restaurant, including alterations to the existing building, new signage and all associated site development works
- **Reg Ref 22 117** - Change of use from heritage centre to café, gastro public house, and live music venue. the works shall include internal alterations for ground floor café, public house and gastro pub on all levels, kitchens and stores, reconfigured WC's and circulation areas; new external signage and all ancillary site works.

5.3. In recent years there has been a total of 5 Large Scale Residential Development / Strategic Housing Development applications submitted in Tullamore Town (ABP 307832, ABP 318339, ABP 311741, ABP 317318 and Reg Ref 3/60059). Four of the five applications have been granted by Offaly County Council or An Bord Pleanála. One application is currently on appeal to the Board, however, has been granted by the Local authority (Reg Ref 23/216 & ABP 318339 refers). The total units permitted in recent years amounts to 724no. units in a mix of houses and apartment units.

5.4. A Section 247 Pre-Planning Consultation meeting (LRD Stage 1) and Local Authority's Opinion Pre-Planning Consultation Section 32(B) meeting (LRD Stage 2) have both taken place with the Planning Authority (Offaly County Council), on 21<sup>st</sup> November 2022 and 11<sup>th</sup> July 2023 respectively.

## 6.0 Policy Context

### 6.1. National Planning Policy

#### 6.1.1. National Planning Framework

6.1.2. The NPF comprises the Government's proposed long-term strategic planning framework to guide national, regional and local planning and investment decisions over the next 25 years. Part of the vision of the NPF is managing growth and targeting at least 40% of all new housing in existing built-up areas of cities, towns and villages through infill and brownfield sites while the rest of new homes will be targeted on greenfield edge of settlement areas and within rural areas. The NPF also sets out a number of National Strategic Outcomes which include Compact Growth and Strengthened Rural Economies and Communities.

6.1.3. The NPF has a number of directly relevant national policy objectives that articulate delivering on a compact urban growth programme. These include:

- NSO 1 - Compact Growth
- NSO 7 - Enhanced Amenity and Heritage
- NPO 3a - Securing Compact & Sustainable Growth
- NPO 3c - Securing Compact & Sustainable Growth
- NPO 4 - Why Urban Places Matter (Community)
- NPO 5 - Why Urban Places Matter (Economy/Prosperity)
- NPO 6 - Why Urban Places Matter (The Environment)
- NPO 9 - Planning for Ireland's Urban Growth (Ireland's Towns)
- NPO 11 - Achieving Urban Infill/Brownfield Development
- NPO 13 - Performance-Based Design Standards
- NPO 32 - Housing
- NPO 33 - Housing (Location of Homes)
- NPO 34 - Housing (Building Resilience in Housing - Lifetime Needs)
- NPO 35 - Housing (Building Resilience in Housing - Density)

## 6.2. National Guidance

- Design Manual for Urban Roads and Streets (2013)

## 6.3. Section 28 Ministerial Guidelines

6.3.1. The following national policy, statutory guidelines, guidance and circulars are also relevant:

- Housing for All: A New Housing Plan for Ireland (2021)
- Rebuilding Ireland: Action Plan for Housing & Homelessness (2016)
- Appropriate Assessment Guidelines (2009)
- Architectural Heritage Protection Guidelines (2011)
- Childcare Facilities Guidelines (2020)
- Environmental Impact Assessment Guidelines (2018)
- Flood Risk Management Guidelines (2009)
- Regulation of Commercial Institutional Investment in Housing Guidelines (2021)
- Sustainable Urban Housing: Design Standards for New Apartments (2020)
- Urban Development and Building Heights Guidelines (2018)
- Best Practice Urban Design Manual (2009)
- Quality Housing for Sustainable Communities (2007)
- Circular Letter: NRUP 02/2021 (Residential Densities in Towns and Villages)
- Housing Circular 28/2021 (Affordable Housing Act 2021 - Amendments to Part V)
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)<sup>1</sup>
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020)

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<sup>1</sup> The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) have been revoked.

- Urban Development and Building Heights Guidelines for Planning Authorities (2018)
- Childcare Facilities Guidelines for Planning Authorities (2020)
- Guidelines for Planning Authorities on the Planning System and Flood Risk Management (2009)
- Part V of the Planning and Development Act 2000 Guidelines (2017)
- Local Area Plans Guidelines for Planning Authorities (2013)
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018)

#### **6.4. Regional Guidelines**

##### **6.4.1. Regional Spatial and Economic Strategy for Midlands & East**

6.4.2. The (RSES) for the Eastern and Midlands Regional Assembly (EMRA) came into effect on 28<sup>th</sup> June 2019. The RSES provides regional level strategic planning policy for the eastern and midland region in line with the NPF. The Region includes County Offaly. Strategies of note are as follows:

- Spatial Strategy – to manage future growth and ensure the creation of healthy and attractive places to live, work, study, visit and invest in.
- Economic Strategy – that builds on the region’s strengths to sustain a strong economy and support the creation of quality jobs that ensure a good living standard for all.
- Investment Framework – to prioritise the delivery of key enabling infrastructure and services by government and state agencies.
- Climate Action Strategy – to accelerate climate action, ensure a clean and healthy environment and to promote sustainable transport and strategic green infrastructure.

#### **6.5. Development Plan**

##### **6.5.1. Offaly County Development Plan 2021 – 2027**

6.5.2. The operative Development Plan for the site is the Offaly County Development Plan 2021-2027. The site is zoned Town Centre/Mixed Use. Re-development proposals shall accord with the zoning provisions of the plan, and any Place Making Strategies / Town Centre Renewal Plans in effect. The relevant objectives, policies and Development Management Standards in the Development Plan for this site is as follows:

**LUZO-01**

*Ensure that development progresses in accordance with the land use zoning of objectives as set out in Section 12.4 and the Land Use Matrix contained in Table 12.1.*

**LUZO-02**

*Provide for, protect and strengthen the vitality and viability of town/village centres, through consolidating development, encouraging a mix of uses and maximising the use of land, to ensure the efficient use of infrastructure and services.*

**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.*

**HP-17**

*It is Council policy to encourage the compact growth of settlements; to promote healthy placemaking; to increase the liveability factor of a place; to encourage the most efficient use of land; to ensure a mixture of residential unit types that are designed and constructed on the principles of universal design, life-long adaptability and energy efficiency; to support permeability and sustainable mobility with priority for pedestrians and cyclists; and in general to support the transition to a low carbon economy by way of reduction of greenhouse gases*

**ENTP-11**

*It is Council policy to strengthen and channel development into Tullamore the primary driver for economic development within the county, which is designated as a Key Town in the Regional Spatial and Economic Strategy.*

**RTCP-02**

*It is Council policy to promote Tullamore, a Key Town, as the main retail centre in the county and to ensure that the retail quantity, quality and range is of a standard that contributes to the strengthening of the retail economy within Tullamore Town, the county and the region as a whole. Table 7.2 outlines the Retail Hierarchy County Council*

### **Opportunity Sites**

*The site is identified for regeneration under the Development Plan as Opportunity Site 2 – Former Texas Site (1.475 ha).*

### **RP-11 – Opportunity Sites**

*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.*

### **RP-12 – Taller Buildings**

*It is Council policy to consider the development of taller buildings on the ‘Harbour site’ and ‘Texas site’ in Tullamore as identified in Figure 7.8 of the County Development Plan, subject to assessment by the Planning Authority of the following documents prepared by a prospective applicant / applicant;*

- *A masterplan and local planning framework to deal with movement, public realm, and design;*
- *An urban design statement addressing aspects of impacts on the historic built environment;*
- *A specific design statement on the individual proposal from an architectural perspective;*
- *A visual impact assessment; and*
- *Daylight and shadow projection diagrams*

### **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); (now superseded by Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities). Sustainable Urban Housing: Design Standards for New Apartments 2020; (2023) and the Urban Development and Building Heights Guidelines 2018; the prevailing scale and pattern of development in the area.*

### **DMS-09 Building Heights**

*On sites deemed suitable for consideration of taller buildings as set out in Chapter 7 of this Plan, planning applications shall include the following;*

- *A masterplan and urban design statement prepared by professionals with expertise in areas such as architecture, urban design, building conservation, landscape architecture and sustainable travel/movement which provides for the highest standards of architectural quality, urban design and place making;*
- *Confirmation that the minimum densities set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled Sustainable Residential Development in Urban Areas (2009) or any amending or replacement Guidelines have been achieved;*
- *A significant mix of building heights and typologies, avoiding mono- type building typologies, particularly, but not exclusively;*
- *An appropriate mixtures of uses, such as residential and retail, commercial, employment or community;*
- *Visual impact assessment, including photomontages showing the proposal in all significant views affected; near, middle and distant, including the public realm and the streets around the base of the building. This will require methodical, verifiable 360-degree view analysis. The appearance of the building should be accurately rendered in a range of weather and light conditions including nighttime views. Where there are concurrent proposals for other tall buildings, the potential cumulative development of these should be addressed by the visual impact assessment.*

- *In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision;*
- *An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links;*
- *An assessment that the proposal maintains safe air navigation;*
- *Daylight and shadow project in diagrams; and*
- *Relevant environmental assessment requirements, including EIA, AA, and Ecological Impact Assessment, as appropriate.*
- *Address Section 3.2 Development Management Criteria of the Urban Development and Building Heights Guidelines for Planning Authorities', December 2018*

6.6. It is noted that an extensive number of Development Management Standards (DMS) as set out in Chapter 13 of the Development Plan are also relevant to the proposed development. The most pertinent include the following:

- DMS-01 Development Capacity
- DMS-03 Layout
- DMS-102 Car Parking Requirements

## 6.7. Natural Heritage Designations

6.7.1. The proposed development site is not within a designated conservation area. The nearest Natura 2000 sites (Charleville Wood SAC) is located approximately 1.36km from the project site.

## 6.8. EIA Screening

6.8.1. **Statement of Response** – An EIA Screening Statement has been submitted as part of the application documents (page 73 of the Planning Application report refers). The EIA Screening Statement concludes that a full Environmental Impact Assessment Report (EIAR) is not required for the proposed development as it is sub threshold and would not result in negative impact on the environment.

6.8.2. I refer to the EIA Screening Statement submitted with the application. The application is also accompanied by a comprehensive list of assessments which identify measures which avoid or prevent a significant effect and include:

- Construction Environmental Management Plan
- Resource Waste Management Plan
- Transport Assessment Report
- Mobility Management Plan (contained in the Transport Assessment Report)
- Stage 1 Road Safety Audit (contained in the Transport Assessment Report)
- Engineering Service Report
- Flood Risk Assessment
- Townscape Visual Impact Assessment
- Lighting Plan
- Ecological Impact Assessment
- Wind Microclimate Modelling
- Noise Impact Assessment
- Telecommunications Report
- Lighting Site Plan
- Operational Waste Management Plan

6.8.3. As documented the development as proposed is primarily a scheme provision of 204 no. residential apartment units in 6 no. blocks of varying heights ranging from 2 – 13 storeys, with ground floor and mezzanine level retail units (2,522sqm), ground floor and mezzanine level food and beverage units (1,404sqm) based around new squares and new pedestrian streets, including indoor and outdoor residential amenities and areas and all ancillary site works. A more detailed description is provided in Section 2.0 of this report above.

6.8.4. Section 176 of the Planning and Development Act, 2000 (as amended) provides for the establishment in Regulations of thresholds or criteria for the purpose of determining which classes of development are likely to have significant effects on the environment and for which an Environmental Impact Assessment is required. The

prescribed classes of development for the purposes of section 176 of the Act are set out in Schedule 5 of the Planning and Development Regulations 2001-2023. The most appropriate criteria to consider as to whether or not an Environmental Impact Assessment Report (EIAR) is required is under Schedule 5, Part 2 of the Planning & Development Regulations 2001, as amended and is as set out in Item 10 (b) – Infrastructure Projects: A mandatory Environmental Impact Assessment is required for a project that provides for the construction of *more than 500 dwelling units*, or urban development which would involve an *area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere*.

- 6.8.5. The proposed development does not meet either of the thresholds and therefore a mandatory Environmental Impact Assessment is not required. The proposed development can therefore be considered a ‘sub-threshold’ development for which Environmental Impact Assessment may be required if it is considered that significant effects on the environment are likely to result from the development scheme.
- 6.8.6. Consideration is also given to Schedule 5, Part 2 of the Planning & Development Regulations 2001, as amended as set out in Item 14 – Works of Demolition as the development proposed includes for the demolition of approximately 6,360sqm of buildings, comprising mainly the very large building which houses the former Quinnsworth / Tesco unit on the site. In that regard, as can be seen from the Construction Environmental Management Plan and the Resource Waste Management Plan both which accompany this planning application, it is not considered that this aspect of the project of the development will give rise to a likely significant environmental impact.
- 6.8.7. The EIA Screening Statement provides details in relation to Schedule 7A of the Regulations. A description of the aspects of the environment likely to be significantly affected by the proposed development summarised as follows:
- **Population** – The impact of the construction phase will most likely be felt by the local businesses on Patrick Street and Columcille Street. It is expected that once complete the proposed development will have a positive impact on the local population through the provision of a new accommodation, together with the provision of local services in the form of shops and cafes/restaurants which they

will directly benefit from. The proposed development will result in an increase of the local residential population with likely beneficial effects on the age structure and social mix of the local area. No likely significant impacts are considered to occur.

- **Human Health** – The proposed development will not have any effects on human health.
- **Biodiversity** – The proposed development is not expected to give rise to any significant impacts on biodiversity. An Appropriate Assessment Screening and Ecological Assessment is submitted with this application. This confirms that the proposed development will not, either individually or in combination with other plans or projects, have a significant effect on any European Sites, once suitable site-specific mitigation measures are implemented during construction and operational phases.
- **Land, Soil & Geology** – The land in question is a urban brownfield site, zoned to accommodate the form of development now proposed. Conventional building works will be employed during the demolition/construction phase. On the basis of the limited amount of earthworks involved in the construction of the proposed development, there is not likely to be significant effects on the environment with regard to soils and/or geology
- **Water** – The surface water drainage network, foul water drainage network and watermain network have been designed to accommodate the proposed development. It is not anticipated that there will be any likely significant environmental effects relating to water arising from the proposed development.
- **Air (Noise & Vibration)** - The proposed development may have temporary effects on air quality during the construction phase. The biggest impact is expected to occur during the demolition/construction phase of the project. A full Noise Assessment accompanies this planning application. However, these effects will be temporary and will not be significant.
- **Climate (Air Quality & Climate Change)** - The use of the private car in this development will be the largest contributor to impacts on air quality and climate change respectively. The construction phase of any development can also give rise to impacts, but these are expected to be short term and temporary due to the

phased approach to the delivery of units on these lands. The proposed development will not have any significant effects on climate.

- **Climate (Daylight & Sunlight)** - No likely significant impact has been identified with respect to daylight/sunlight arising from the proposed development.
- **Landscape / Townscape & Visual Impact** – The proposed development is likely to significantly change the local urban environment by the creation of a new residential development of significant height relative to its context. A landscape design strategy has been developed and accompanies the application documentation. While no possible likely significant adverse impacts are anticipated on the Landscape / Townscape this matter is considered further in the assessment below having regard to the height of the proposed scheme.
- **Material Assets (Transportation)** – The specific impact of the subject scheme will be influenced by the number of additional vehicle movements that the scheme could potentially generate. The scheme is laid out to encourage both walking and cycling with direction connections provided toward the rail station which will encourage increased use of public transport. No likely significant impacts are anticipated.
- **Material Assets (Waste)** - A carefully planned approach to waste management and adherence to the site-specific Operational Waste Management Plan during the operational phase of the development will ensure that the effect on the environment will be long-term, neutral and imperceptible.
- **Cultural Heritage** – The proposed development will not have any detrimental effects on cultural heritage. No likely significant impact has been identified.

6.8.8. There are no likely effects anticipated effect deriving from the vulnerability of the project to risks of major accidents and / or disasters. This is a mixed use development that will be constructed using standard construction methods. There are no basements proposed.

6.8.9. The primary interactions can be summarised as follows:

- Architectural design, landscape design, and road and services design with biodiversity.
- Landscape design and engineering services with biodiversity.

- Stormwater attenuation design with biodiversity and soil & geology.
- Noise and vibration and population and human health.
- Architectural design and daylight and sunlight.

6.8.10. The above interactions have been adequately dealt with through appropriate design consideration as part of the proposed development and considered within the reports and assessments accompanying this planning application.

#### 6.8.11. Conclusions

- The physical characteristics of the proposed development are those of a large-scale residential development. As such, and based on the adopted design of the project, the development will not result in significant effects on the environment.
- The proposed development is in accordance with the zoning objective for development of the land and will contribute to a significant improvement of the local environment in terms of visual amenity, local biodiversity and increased population.
- The AA Screening Statement submitted with the application concluded that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. This aligns with the findings of the AA Screening set out in this report in Section 9 below.
- The proposed development will not result in any effects in terms of residues and emissions, waste, or significant use of natural resources.
- Consideration is given to cumulative and transboundary effects (of which there are none).
- As the proposed development will not give rise to any significant effects on the environment, the preparation of an Environmental Impact Assessment Report is not therefore required.

6.8.12. I have reviewed the EIA Screening Statement and the applicable supporting reports, and concur with the nature of the impacts identified, and note the range of mitigation measures proposed. I am satisfied that the submitted EIA Screening Statement identifies and describes adequately the effects of the proposed development on the environment. The EIA Screening Statement concludes that an EIA is not required due to the project being significantly below thresholds for Schedule 5 classes of project requiring EIA, that mitigation measures are proposed to address identified impacts,

and that the proposed development is not considered likely to cause significant effects on the environment. This is a conclusion with which I concur.

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

## 7.0 The Appeal

### 7.1. Grounds of Appeal

### 7.2. Refusal Item 1 – Residential Density

- 7.2.1. As identified within the submitted application material, the proposed development of 204 no. residential units across a site of 0.853 ha achieves a density of c. 239 no. units per hectare on this discrete site. Whilst the Development Plan does not provide an area for Opportunity Site 2, it is estimated to be 1.53ha. If the balance of the Opportunity Site 2 lands are accounted for in this calculation, the residential density that would result on this Opportunity Site as a whole would be 133no. units per hectare. Contrary to the view expressed by the Planning Authority, we consider it is entirely reasonable to consider the Opportunity Site as a whole.

- 7.2.2. Within the recently published ‘Sustainable Residential Development & Compact Settlements Guidelines (2024)’, the subject site is appropriately categorised as being in a ‘Key Town / Large Town – Centre and Urban Neighbourhood in accordance with Tullamore’s classification within the Regional Spatial and Economic Strategy for Midlands and East as a ‘Key Town’. The Compact Settlement Guidelines instructs that for Key Town / Large Town – Centre and Urban Neighbourhood,

*“The centre comprises the town centre and the surrounding streets, while urban neighbourhoods consist of the early phases of residential development around the centre that have evolved over time to include a greater range of land uses. It is a policy and objective of these Guidelines that residential densities in the range 40 dph-100 dph (net) shall generally be applied in the centres and urban neighbourhoods.”*

7.2.3. Within the Guidelines, it is evident that prescribed densities relate to that of the settlement, seen through Tullamore's classification as a 'Large Town', where densities of generally 40-100dph are advised. It is not being suggested that every site in Tullamore should or would have the ability to cater for a densification of 100dph but rather when the proposal is considered in both the context of the Opportunity Site and in the wider context of the large County Town of Tullamore, we are of the considered opinion that the proposal is consistent with the Sustainable Residential Development & Compact Settlements Guidelines (2024). It is evident therefore that within these Guidelines that provision has been made for circumstances where a density above the range provided for in the Guidelines could be appropriately applied.

7.2.4. With regard to the Sustainable Urban Housing: Design Standards for New Apartments (2023) and as acknowledged by Offaly County Council, the subject site can be best categorised as an 'Intermediate Urban Location', where it is instructed that these locations are generally suitable for,

*“higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (will also vary, but broadly >45 dwellings per hectare net)”*

7.2.5. Noting the Apartment Guidelines suggest a broad figure of over 45 dwellings per hectare for Intermediate Locations, the proposed residential density of c. 133no. dwelling per hectare for Opportunity Site No. 2 – Texas Site, Tullamore is considered to align with the guidance provided in the Sustainable Urban Housing: Design Standards for New Apartments (2023). On the basis that there is no upper limit specified for an 'intermediate Urban Location', it is submitted that it was incorrect of Offaly County Council to identify the development as contravening the density provisions of the Apartment Guidelines in this case.

7.2.6. The proposed development is in accordance with Chapter 13 Development Management Standards and Section 28 Ministerial Guidelines, specifically in relation to residential density.

7.2.7. In overall terms, there is scope within the planning context at hand for the density of residential development being proposed in this case to be considered appropriate and in accordance with the proper planning and sustainable development of this area. The

introduction of a critical mass of new residents into this area will literally breadth new life in to the area and will positively address a plethora of national, regional and local planning objectives.

### **7.3. Refusal Item 2 – Scale, Height, and Massing**

- 7.3.1. Section 7.2.5 of the Development Plan acknowledges in the context of Taller Buildings, the Building Height Guidelines would support consideration of building heights of at least 6 storeys and then goes on to identify Opportunity Site 2 as being only one of two locations in the Town where Taller Buildings of at least 6 storeys could be accommodated.
- 7.3.2. In this instance, a development of up to 13 floors in height is proposed; being the maximum height of Building 3 (this is in reality a 12-storey building, but with a mezzanine floor at ground level and so was described as 13 floors). The proposed development is generally surrounded by 2 – 3 storey buildings, however, with several buildings having pitched roofs, these have the visual appearance of 4 storeys in some instances.
- 7.3.3. While the proposed development is taller than existing development in the area, the careful and high-quality design and positioning of the taller elements of the proposal reduces the overall perception of scale of these taller buildings within the town centre. The aim of the proposal is to provide a landmark structure within the heart of Tullamore, further strengthening the sense of place. The tallest building, Building 3 is positioned towards the north of the site to lessen the impact to the existing protected structure and heritage. This allows a stepping in height from the 3-storey structure of D. E Williams House to Building 4's 6-storeys, to the tallest structure on the site, Building 3. Contiguous cross sections along the site have been prepared to illustrate how the area is well positioned to accommodate this gradual rise in height across the site.
- 7.3.4. The site is identified as an Opportunity Site, being only 1 of 2 sites in Tullamore that is outlined for 'open to consideration' to accommodate taller buildings. The Development Plan indicates a preference for development of taller buildings (6 or more storeys) on these two Opportunity Sites. The Texas Opportunity site is also identified within the Regional Spatial and Economic Strategy (RSES) for the Eastern and

Midlands Regional Assembly, illustrating the importance of this site at not just at local, but also a regional level.

- 7.3.5. A detailed Townscape and Visual Impact Assessment was prepared at application stage assessing the effects of a proposed development on the character and value of the townscape as an environmental, cultural and economic resource. On reflection it has been concluded that magnitude of townscape change which would result from the proposed development would be 'high' and the townscape impact predicted to be 'significant. No negative material impacts on the protected structure or indirect negative impacts on its existing setting have been identified for the development proposal as submitted to Offaly County Council or for the alternative/secondary scheme presented to An Bord Pleanála as supplementary information.

#### **7.4. Refusal Item 3 – Access for Fire Services**

- 7.4.1. The development has been designed to this point with the input of fire consultancy specialists. Their detailed assessment was not lodged with the Planning Application as the application of the Building Regulations occurs under a separate code and does not usually arise as a planning consideration. However, in direct response to this Reason for Refusal, the Fire Strategy document has been submitted together with the 'Response to Fire Opinion'.
- 7.4.2. These documents demonstrate how the proposed development will comply with Part B – Fire Safety of the Second Schedule of the Building Regulations. These reports provide detail on fire mains, vehicle access, personnel access to buildings for firefighting as well as other considered topics such as car park ventilation and escape routes.

#### **7.5. Refusal Item 4 – Increased Traffic Congestion**

- 7.5.1. As identified with the Transportation Assessment Report and submitted at application stage, Offaly Street has a very restricted one-way access from Columcille Street via the traffic signal controlled at Columcille St / Harbour St. The southern-most part of Offaly Street is very narrow and is barely of sufficient width to accommodate normal traffic. It is however a matter for Offaly County Council to consider whether this needs to be altered through statutory processes. The applicant is in control of the two

building either side of this narrow entrance and is keen to work with the local authority on this matter.

- 7.5.2. Measures to control the speed of vehicles when assessing the proposed east-west link will be implemented within the scheme. The Board is invited to attach a condition to a potential grant of permission, if further information on these control measures are required.
- 7.5.3. The subject site has excellent vehicular permeability and does not rely on the narrow section of Offaly Street. It benefits from access to/from the South & West via Kilbride St / O'Connell Street and to/from the North & East from Bury Quay onto the wider NS section of Offaly Street. The proposed new E-W street within the development further enhances overall permeability and route choice.

## 7.6. Refusal Item 5 – Car Parking Provision

- 7.6.1. Section 5.3.4 of the Compact Settlement Guidelines instructs that car parking ratios should be reduced at all urban locations. SPPR 3 – Car Parking states,

*“It is a specific planning policy requirement of these Guidelines that:*

*(iii) In intermediate and peripheral locations, defined in Chapter 3 (Table 3.8) the maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling”.*

- 7.6.2. 92 no. car parking spaces are proposed as part of the proposed development, equating to a provision of 0.45 spaces per unit. This reduction in car parking aligns with national, regional and local policy, with direct emphasis on sustainable forms of transport in central locations within large towns such as Tullamore.
- 7.6.3. Based on a desktop study undertaken as part of this application, it was concluded that there is an excess of 3,200no. parking spaces within 500m or a 5 minute walk of the subject site. Within this figure, we estimate that 900no. of these parking spaces are public street parking, with the remainder designated parking areas.
- 7.6.4. In addition 480 no. cycle spaces are proposed within the scheme. This in line with the provisions set out in the Offaly County Development Plan (2021 – 2027) and the NTA's Cycle Manual.

7.6.5. Bicycle parking provision is in accordance with the standards within the Sustainable Residential Development & Compact Settlements Guidelines (2024) and the Sustainable Urban Housing: Design Standards for New Apartments (2023).

## 7.7. Refusal Item 6 – Site Connections

7.7.1. The reason for refusal states that the proposed development contravenes materially Policy SMAP-05(1) of the Offaly County Development Plan 2021-2027. For clarity, Policy SMAP-05(ii) reads,

*“It is Council policy to promote the integration of land use and transport planning to: (ii) Support permeability, accessibility and connectivity in settlements (both in terms of new development and retrofitting into existing built-up areas.”*

7.7.2. The proposed development has been designed to increase linkages through and around the site creating permeability where it was not before. The proposed pedestrian streets, squares, and pedestrian priority street promotes active travel. With reference to the historical mapping and original layout of the site, the development would complement the existing urban grain, improve permeability and navigability, and activate the public realm, thereby making a significant positive contribution to the neighbourhood (the town centre).

## 7.8. Alternative Scheme

7.8.1. Wholly without prejudice to the reasons, arguments and considerations set out above in favour of the scheme as lodged, the applicant is submitting additional modifications to the proposed scheme for the Board’s consideration.

The modified proposals have sought to modify the scale, mass and height of the proposal in response to concerns raised by the Planning Authority. The plan form, including extensive areas of new public realm and linkages remains unchanged. In summary, the following alterations are proposed:

- Building 1 – Reduction by 2 levels (reduced from 8 floors to 6 floors overall)
- Building 2 – No Change (remains at 6 floors overall)
- Building 3 – Reduction by 2 levels (reduced from 13 floors to 11 floors overall)
- Building 4 – Reduction by 2 levels (reduced from 6 floors to 4 floors overall)

- Building 5 – No Change (remains re-use of existing building over 2-3 floors)
  - Building 6 – No Change (remains re-use of existing building over 2-3 floors)
- 7.8.2. This alternative proposal would result in just one building, Building 3, exceeding 6 storey's in height. The development of building of at least 6 storey's is promoted on this Opportunity Site by the Council. Noted that the effective height of Block 3 is in fact 10 storey's, but at the ground floor has a mezzanine level, it was decided to describe it at 11 floors in the context of this alternative scheme.
- 7.8.3. **Residential Density** - Due to the reduction in building height, unit numbers and therefore proposed residential density has decreased. 46 no. units would be omitted from the scheme in the alternative proposal, resulting in a density of c. 185 no. units per hectare. If the balance of the Opportunity Site 2 lands are accounted for in this calculation, the residential density that would result on this Opportunity Site as a whole would be 103 no. units per hectare.
- 7.8.4. **Car & Bicycle Parking** - The alternative proposal will continue to provide 92no. car parking spaces and 480no. bicycle parking spaces. Due to the reduction in units, this will result in an increased car parking ratio from 0.45 spaces per unit to 0.6 spaces per unit. Bicycle parking provision remains well in excess of Development Plan and relevant Section 28 Ministerial Guidelines.
- 7.8.5. **Viability of Proposal** - Any further reduction than the amended proposal put forward would make the development unviable and the applicant would be forced to consider alternative solutions for the use of this site. The well received proposals for the ground floor area, including the mix of uses and the extensive areas of public realm simply cannot be delivered without a quantum of development above also being delivered.
- 7.9. The appeal was accompanied by the following:
- Fire Response
  - Alternative Reduced Height Proposal Drawing
  - Fire Strategy
  - Verified Photomontages and CGIs
  - Landscape and Visual Impact Response
  - Transportation Cover Letter
  - Conservation Cover Letter

## 7.10. Planning Authority Response

7.10.1. Offaly County Council in their response set out the following as summarised:

- Tall Buildings - OCC would note that it was not a requirement under Section 7.2.5 of the development plan that tall buildings would be developed on this opportunity site. The development plan acknowledged that taller buildings are open for consideration on such opportunity sites.
- Density - No circumstances, which can be deemed to be exceptional, have been set out to justify the proposed breaching of the density standards.
- Amended Plans - The Planning Authority do not consider that the applicant's suggested revisions to the proposal overcome the reasons for refusal. The proposed density of 185 units per hectare greatly exceeds relevant standards in statutory guidelines and the reduction in height does not overcome OCC's concerns regarding the potential visual impacts of the proposal.
- Fire Safety – The new document "Fire Strategy" states that there is vehicle access route for fire tenders, but no detailed drawings have been provided to substantiate this. Access routes to buildings with any storey at 10m or more should meet the requirements for high reach appliances.

## 7.11. Observations

7.11.1. None

## 7.12. Further Responses

7.12.1. None

## 8.0 Assessment

8.1. Offaly County Council refused permission for this development for 6 no. reasons as set out in Section 4.1 above. Having reviewed the reasons for refusal, it appears that the primary areas of concern relate to the scale of the development, detail on access for fire services, traffic congestion, car parking provision and lack of connections to adjoining sites.

8.2. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following headings:

- Principle
- Refusal Reason No 1 – Residential Density
- Refusal Reason No 2 – Scale, Height, and Massing,
- Refusal Reason No 3 – Access for Fire Services,
- Refusal Reason No 4 – Traffic Congestion
- Refusal Reason No 5 – Car Parking Provision
- Refusal Reason No 6 – Site Connections
- Alternative Proposals
- Other Issues

### 8.3. Principle

8.3.1. Planning permission is sought for a Large-Scale Residential Development consisting of a mixed-use development comprising residential (204 apartment units), commercial (café/ restaurant and retail uses) and childcare uses all contained in a number of buildings (Blocks 1 – 6) ranging in height from 2 to 13 storeys overall (including mezzanine levels at ground floor), including ‘D.E. Williams House’, a protected structure. The residential element comprises in total c. 16,765 sqm. The non-residential element comprises a childcare facility (c. 224 sqm) and 20 no. commercial units all at the ground and mezzanine levels (c. 3,926 sqm overall); of the 20 no. units, 9 no. are proposed as café/licensed restaurant units (c. 1,404), with the remaining 11no. units proposed for commercial units for retail (c. 2,522sqm).

8.3.2. The appeal site is centrally located within the Tullamore Town, and is known locally as the D.E. Williams Yard / South Texas. The site contains D.E. Williams House, a protected structure. The site forms part of the ‘Texas Site’ outlined as an Opportunity Site No. 2 in Offaly County Council’s Development 2021 – 2027. The site measures c 0.85 ha and can be described as an urban brown field site.

- 8.3.3. Under the Offaly County Development Plan 2021-2027, the site is predominantly zoned Town Centre/Mixed-Use where Objective LUZO-02 seeks to provide for, protect and strengthen the vitality and viability of town/village centres, through consolidating development, encouraging a mix of uses and maximising the use of land, to ensure the efficient use of infrastructure and services. The following uses proposed are permitted in principle on lands zoned 'Town Centre/Mixed Use':
- Residential (Apartments, Multiple)
  - Restaurant/Café
  - Open Space (Public)
  - Shop (below and above 200sqm)
  - Car Parking
- 8.3.4. The uses proposed are consistent with the zoning objective for these lands as contained within the statutory Development Plan. Accordingly, the principle of the scheme is acceptable subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance as discussed below.
- 8.3.5. As documented the appeal site contains the protected structure 'D.E. Williams House' (RPS Ref. 23-201) at the southern boundary of the site along Patrick Street. The building is listed on the Offaly Record of Protected Structures no. 23-201 and has a NIAH reference no. of 14807002. The building is of regional importance and was utilised as a distillery office with its current use now as offices. The building plays a significant role in Tullamore's Architectural and Social heritage.
- 8.3.6. I refer to the reports of the Heritage Council, the Irish Georgian Society and the Offaly County Council Senior Executive Architect (prepared by Architectural Technician and Senior Executive Architect). I also refer to the Planning Report and Architectural Heritage Impact Assessment for further heritage details of the site and surroundings, together with the associated Architectural Drawings. The impact of the overall scheme on the wider streetscape of Tullamore town is discussed separately below. This section addresses directed proposals to D.E. Williams House'.
- 8.3.7. The proposal indicates removal of internal walls to make way for a new Café / Restaurant over 3 floors with the basement being used to accommodate the required plant for the building overheads. Also the rear adjoining former outbuilding will be modified for 5 no. Café / Restaurants with new modern circulation link between the

two for stairs and lift. As noted in the Architectural Heritage Impact Assessment Report the proposed works will see retention of distinctive timber lobby structure, timber staircase with enclosing walls from ground to second floor-level, original joinery detail to window surrounds and plaster ceiling mouldings. Where existing uPVC window frames to the front elevation, it is proposed that they will be replaced with appropriate timber sash windows based on historic evidence from old photographs. There is no significant change to the massing of the buildings, either the main house or the stone out building (former bottling structure).

8.3.8. I agree with the Heritage Council that the refurbishment of these buildings, particularly the rear stone building is welcomed in principle and there is no objection to the new glazed section which will connect the main house to the former bottling structure, which if executed successfully could benefit the setting of both the house and this outbuilding. However, I also share the detailed design points raised by the Heritage Council and Offaly County Council as follows:

- The proposed glazed feature which connects the outbuilding to the DE William House, would demonstrate greater respect to each of these buildings if it was constructed to be lower than the eaves of either building i.e. two storey connection rather than a three-storey connection and at the scale of the current concrete extensions.
- Serious consideration to be given to providing service access to the basement via the new glazed connection, rather than the removal of part of the wall and railings to the street facing front elevation and associated unnecessary damage or loss of fabric.
- Greater details for the alterations to the front door should be provided, as well as the exact specification for the replacement sash windows.
- No layout is shown for the Café / Restaurant. This should be provided on revised drawings.
- To assist in the detailed assessment the 'proposed' drawings should show where the existing stairs/walls/doors etc are to be removed/altered by way of a dotted line in a different colour and so on; this is to ensure that the full impact of the proposed changes is apparent on a single drawing.

- A large circulation wing is shown to the rear of the D.E. Williams building, with a lift at one end and a large stair to the other. These appear to only be required to access the building to the rear at first floor level. Yet they extend up to the upper floor into the roof space, resulting in an awkward junction with the protected structure and considerable alteration to the roof. This should be reconsidered.

8.3.9. While the principle of the works and uses proposed for 'D.E. Williams House' are acceptable, I agree with the general comments of the Heritage Council and Offaly County Council as set out above and that further consideration of the details of the scheme are required. Given the substantive issue identified in relation to density and height as set out below I do not propose to recommend refusal of permission in relation to impact on D.E. Williams House'. However, any future planning application at this location should have appropriate regard to the matters raised by Heritage Council, the Irish Georgian Society and the Offaly County Council Senior Executive Architect.

8.3.10. Setting aside the issues raised in the 6 no reasons for refusal, as discussed in further detail below I am satisfied that the proposed development generally accords with the relevant policies for the area as set out in the County Development Plan, National Guidelines and relevant Section 28 Guidelines as follows:

- The layout and urban grain of the scheme demonstrates significant consideration of its context and receiving environment and is based on the principles and 12 design criteria of the Urban Design Manual. Significant public open space is proposed throughout the site amounting to approximately 2114sqm or 24.8 % of the total site area.
- In terms of accommodation provision and unit mix, provision of dual aspect apartments, floor to ceiling heights, internal storage, and Part V proposals I am satisfied that the scheme is in accordance with the requirements of the current Development Plan and relevant National Guidelines.
- I am satisfied that a DMURS compliant road, footpath and cycle network which provides a hierarchy of streets and connectivity with adjoining lands where appropriate given the nature of the site has been proposed and is therefore acceptable.

8.3.11. Notwithstanding the foregoing and as pointed out by the OCC Senior Executive Architect there are a number of areas of detailed concern that require further attention as follows:

- Overlooking – With the scale and massing of the Proposed Blocks 1 to 4, overlooking into adjoining properties (which are mainly 2 and 3 storey buildings) in Columcille Street, Patrick Street, Brides Lane and Kilbride Street is of great concern. Site photos and photomontages available to view on the file refer.
- Separation Distances - Also, within the development, between apartment blocks, in particular the south elevation of Block 3 and the north elevation of Block 4 which is approximately 6.5m apart with facing habitable room windows and also the balconies between the northeast corner of block 2 and the southwest corner of block 3 is approximately 3 m apart and requires further consideration.
- Apartment Types A to R - In general, the individual Apartment layouts appear to be well considered in terms of complying with the “Design Standards for New Apartments”. However there are a few areas which could be improved on as follows:
  - Minimum living room widths for 2-bed apartments should be 3.6m minimum, type D & L fall slightly short of this.
  - Aggregate bedroom area for 2-bed 4 person apartment should be 24.4m<sup>2</sup>, apartment type E, G and N area needs to increase to meet this minimum.
  - Private open space appears to fall short of the requirement for a number of apartment types and should be improved on,
    - Type E - 7m<sup>2</sup> minimum required - 5m<sup>2</sup> is proposed.
    - Type J - 7m<sup>2</sup> minimum required - 6m<sup>2</sup> is proposed.
    - Type K - 6m<sup>2</sup> minimum required - 5m<sup>2</sup> is proposed.
    - Type N - 7m<sup>2</sup> minimum required - 5m<sup>2</sup> is proposed.
    - Type Q - 7m<sup>2</sup> minimum required - 6m<sup>2</sup> is proposed.
    - Type M - 9m<sup>2</sup> minimum required - no private open space is proposed. 7m<sup>2</sup> Winter Garden balcony is proposed

8.3.12. Throughout the scheme there are obvious shortcomings that require further consideration. While of themselves one may be able to deal with matters by condition or compromise where there are other obvious benefits that contribute in other ways to

make this a scheme of merit. It is however regrettable that the cumulation of shortcomings in this instance cannot be set aside. The density and height of the proposed scheme (to be discussed below) is demonstrably unacceptable at this important town centre location. It is recommended that any future development proposed at this location will necessitate careful scrutiny and collaboration with the Local Authority to ensure a successful development that will deliver a high-quality mixed-use scheme that will transcend generations and contribute to the viability and vitality of Tullamore taking account of all areas of concern documented above.

#### **8.4. Refusal Reason No 1 – Residential Density**

8.4.1. Offaly County council in their first reason for refusal set out the following:

*The proposed development would be contrary to the Sustainable Urban Housing Design Standards for New Apartments and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities issued to planning authorities under section 28 of the Planning and Development Act 2000, as amended, as the residential density of the proposed development on this site greatly exceeds the density standards as set out in these guidelines for this site. The proposal would therefore contravene materially SSP-05 of the Offaly County Development Plan 2021-2027 which states that it is Council policy that residential development proposals shall be prepared, designed and laid out in accordance with the standards as set out in the County Development Plan's Development Management Standards and in Section 28 Ministerial Guidelines. The proposal would therefore be contrary to the proper planning and sustainable development of the area.*

8.4.2. Planning permission is sought for a mixed use development comprising inter alia 204 units on a stated site area of 0.853 ha giving a gross density of c240 units per ha. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) are very clear in the application of net area in calculating density. A gross density measure is best applied to estimating overall land areas required for mixed-use developments or for Local Area Plans and Planning Schemes. While a net site density measure is a more refined estimate and includes only those areas that will be developed for housing and directly associated uses. All densities quoted in these Guidelines are net densities. While the applicant has provided a stated

gross area throughout the planning documents there is no readily available stated net area for the site provided. A density based on net area would result in a higher density at this location.

- 8.4.3. In determining the appropriate density for this town centre location, I refer to Table 3.5 - Areas and Density Ranges Key Towns and Large Towns (5,000+ population) of the Compact Settlements Guidelines (2024). Table 3.5 sets out the density ranges for Key Town / Large Town - Centre and Urban Neighbourhood such as Tullamore towns (Eastern and Midland Regional Assembly's Regional Spatial and Economic Strategy refers) as follows:

*The centre comprises the town centre and the surrounding streets, while urban neighbourhoods consist of the early phases of residential development around the centre that have evolved over time to include a greater range of land uses. It is a policy and objective of these Guidelines that residential densities in the range 40 dph-100 dph (net) shall generally be applied in the centres and urban neighbourhoods.*

- 8.4.4. I agree with the Planning Authority that the proposed density is profoundly at variance with the appropriate density for such a site in Tullamore town centre having regard to these statutory planning guidelines. I note the applicant's position that when account is had of the balance of Opportunity Site No. 2 to the north (which contains no residential development), this results in a residential density of 133 no. units per ha., which is in line with the Sustainable and Compact Settlement: Guidelines (2024). As pointed out by the Planning Authority this implicit interpretation of the Guidelines whereby exceeding the density standards on this site is justified on the basis that adjoining lands, which are outside the applicant's control, are underdeveloped is unacceptable and not in line with the expressed sustainable residential development and the creation of compact settlements principles of the Guidelines. Such an interpretation is unacceptable in this instance.

- 8.4.5. The detailed appeal submission notes that the Sustainable and Compact Settlement Guidelines (2024) state that it may be necessary and appropriate in some exceptional circumstances to permit densities that are above or below the ranges set out in Section 3.3.6 Exemptions of the Guidelines. However, no circumstances, which can be

deemed to be exceptional, have been set out to justify the excessive density as proposed in this case.

- 8.4.6. I have noted the detailed appeal submission and the well-argued points put forward by the applicant. However, the facts remain that a residential density in the range 40 dph -100 dph (net) shall generally be applied in the centres and urban neighbourhood for Key Town / Large Town - Centre and Urban Neighbourhood such as Tullamore in line with the requirements of the Sustainable and Compact Settlement: Guidelines (2024). The density proposed, which is more than double the upper density range recommended at this location is wholly unacceptable and unjustifiable when measures against either the current Development Plan or the relevant Section 28 Guidelines. Refusal is recommended.

## 8.5. Refusal Reason No 2 – Scale, Height, and Massing

- 8.5.1. Offaly County Council in their second reason for refusal set out the following:

*It is considered that the proposed development would, due to its excessive scale, height and mass would appear visually incongruous on the skyline when viewed from Patrick Street, Columcille Street, Harbour Street and Kilbride Street and would be visually obtrusive on the skyline when viewed from High Street and along the Grand Canal. As such the proposed would seriously injure the historic character and visual amenities of Tullamore Town and would therefore be contrary to policy RP-08 of the Offaly County Development Plan 2021-2027 which states that it is Council policy to encourage high quality and well-designed buildings, structures, public spaces and streets to support and promote healthy place-making and quality of life. The proposed development would be visually overbearing and an incongruous addition to the streetscape contrary to policy RP-08 and it is therefore deemed to be contrary to the proper planning and sustainable development of the area.*

- 8.5.2. The development proposed is contained in a number of buildings (Blocks 1 – 6) ranging in height from 2 to 13 storeys overall (including mezzanine levels at ground floor). I refer to the documentation available to view on the appeal file and in particular the Townscape and Visual Impact Assessment, Verified Photomontages (5 Parts) and CGIs (3).

8.5.3. The proposed development if constructed would have a significant negative impact on the town of Tullamore and would of itself negate the visual amenity and rich streetscape of the town to such an extent that its legacy would overwhelm and smother the established core while irrevocably damaging the townscape. The analysis of the OCC Senior Executive Architect in this regard is of particular importance. Key points of their report are outlined as follows, which I endorse.

- The height and massing of the proposal is disturbing.
- It is entirely out of context with the surrounding streetscape, which is made up of, predominantly two and three storey buildings.
- The proposal has been brought to Offaly County Council over several pre-planning meetings, and at each stage major issues were clearly expressed relating to proposed height and massing.
- The scale of the proposed development is totally out of context with the existing built fabric within the town and would dwarf existing structures, streets and surrounding public realm.
- The street elevations at Columcille Street and Patrick Street clearly show, with stark clarity, the impact the height of this proposal would have within Tullamore and from all approaching roads and streets. Existing buildings are entirely overshadowed by the vast blocks behind.

8.5.4. Any development at this location should respect the scale and urban grain of the surrounding area. The proposal fails in this regard. A more appropriate and significantly truncated height for all blocks, which respects the gentle rhythm of existing building stock, would be required to allow for any serious consideration of this scheme. As stated by the OCC Senior Executive Architect proposals for inappropriate, high-rise development cannot be shoehorned into a site of 2 or 3-storey buildings. I agree with the OCC Senior Executive Architect's analysis.

8.5.5. I would also draw the Boards attention to the comments of the Heritage Council that set out the following notable points as summarised:

- The redevelopment of inner urban core sites, particularly those dominated by surface car parking, can bring benefits to the living and historic environment of towns such as Tullamore. However, there is a need to ensure that there is not a misguided conflation between high density and high buildings in terms of achieving

compact growth. It is clear that this conflation is being made in relation to the approach to the design of this proposed scheme.

- Tullamore is a typical county market town with a strong rural hinterland; therefore, it is not a large urban 'city centre' and a 'redefinition' of one of the midlands' traditional streetscapes is not warranted or welcomed.
- The premise of the design approach for this inner town core development site is fundamentally flawed. How this new development presents itself to the existing townscape, particularly in relation to the height, scale, and massing of the new build elements, cannot be supported on heritage grounds.
- It is clear that the intention is to change townscape character, rather than be informed by it, or show appreciation to it. Any positive effects of regeneration are seemingly justified by the introduction of a 'contemporary high-density design', which appears, according to the assessment, 'logical'. The Heritage Council fundamentally disagree with the premise of this intention.

8.5.6. While I have considered the detailed appeal and arguments put forward by the applicant to justify the height and scale of the scheme proposed I cannot but concur with the assessment of the Case Planner, the OCC Senior Executive Architect and the comments from the Heritage Council. There is no justification within the policies and objectives of the current Development Plan or any Section 28 Guidance documents whereby the scale and height of the proposed scheme can be supported at this sensitive town centre location. None. Refusal is recommended.

### 8.6. Refusal Reason No 3 – Access for Fire Services

8.6.1. Offaly County Council in their third reason for refusal set out the following:

*Sufficient proposals to allow access by the fire services have not been demonstrated for the proposed multi storey development and it is considered that the proposal could endanger the health and safety of persons occupying or employed in the proposed structures. Accordingly, the proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

8.6.2. This reason is based on the report of the OCC Fire and Emergency Services where it states that *the provisions of B5 Technical guidance document part B (Access and*

*facilities for the fire service) have not been clearly demonstrated on the drawings provided.*

8.6.3. The applicant confirms that the development has been designed to this point with the input of fire consultancy specialists. Their detailed assessment was not lodged with the Planning Application as the application of the Building Regulations occurs under a separate code and does not usually arise as a planning consideration. However, in direct response to this reason for refusal, and a 'Response to Fire Opinion' was submitted.

8.6.4. These reports provide detail on fire mains, vehicle access, personnel access to buildings for firefighting as well as other considered topics such as car park ventilation and escape routes. It is submitted that these documents demonstrate how the proposed development will comply with Part B – Fire Safety of the Second Schedule of the Building Regulations.

8.6.5. I refer to the appeal response from Offaly County Council where the following comments on the appeal from OCC Senior Assistant Chief Fire Officer are set out:

*"The provisions of B5 Technical guidance Document part B (Access and Facilities for the Fire service) have not been clearly demonstrated on the drawings provided with the planning application 24/60038.*

8.6.6. As pointed out by the applicant matters pertaining to Building Regulation come under a separate code from Planning and while these are serious matters that have been raised I am satisfied that they can be dealt with by way of design amendments. Given the substantive issues raised with regard to this scheme in terms of density and height it is recommended that this reason for refusal be set aside but that any future application at this location has due regard to the concerns raised.

## **8.7. Refusal Reason No 4 – Traffic Congestion**

8.7.1. Offaly County Council in their fourth reason for refusal set out the following:

*The development would endanger public safety by reason of traffic hazard because of the additional traffic it would generate onto Offaly Street which has limited road space to facilitate increased two-way traffic and turning movements which would be generated by the proposed development.*

8.7.2. The site is to be accessed from Offaly Street, a narrow street with on-street parking that provides no facility for turning or exiting from the street, particularly since the east west link is proposed to be predominantly pedestrianised (open only for service vehicles). The OCC Area Engineer raised concerns regarding proposals for vehicular access as follows:

- Vehicular access from Columcille Street to the development is very poor as acknowledged in Section 2.9 of the submitted NRB report.
- The commercial and residential development will be serviced through Offaly St. via the urban greenway at Bury Quay. This will bring unwelcome vehicular traffic (projected \_55pcu at peak hour) through this section of shared surface greenway.
- The developer should propose a solution, for example by widening and developing the access to the proposed development via the southern end of Offaly St.
- The sightlines at junction with Offaly Street, the new proposed pedestrianised street and the proposed access road to the on-site parking should be assessed for safety as raised in the Safety Audit.
- The applicant should provide detail of measures to control speed of vehicles when accessing the proposed east – west link and of how vehicular access to the predominantly pedestrianised street will be effected.

8.7.3. As observed on day of site inspection, Offaly Street has a very restricted one-way access from Columcille Street via the traffic signal controlled at Columcille St / Harbour St. The southern-most part of Offaly Street is very narrow and is barely of sufficient width to accommodate normal traffic. The applicant has confirmed that they are in control of the two building either side of this narrow entrance and that they are keen to work with the local authority on this matter.

8.7.4. Measures to control the speed of vehicles when assessing the proposed east-west link will be implemented within the scheme. Further the applicant submits that:

*“the subject site has excellent vehicular permeability and does not rely on the narrow section of Offaly Street. It benefits from access to/from the South & West via Kilbride St / O’Connell Street and to/from the North & East from Bury Quay onto the wider NS section of Offaly Street. The proposed new E-W street within the development further enhances overall permeability and route choice.”*

8.7.5. Overall, I agree with the Planning Authority that the development as proposed would endanger public safety as a direct result of the additional traffic it would generate onto Offaly Street which has limited road space to facilitate increased two-way traffic. This reason for refusal is a symptom of the overall scheme and the necessity for further careful consideration of accessibility in collaboration with the Local Authority to deliver a scheme that contributes to the public realm and the overall movement strategy for the town. While traffic congestion is a serious consideration, I consider given the substantive issues raised with regard to height and density that the issue of traffic congestion can be set aside in this instance. However, any further application at this site should have particular regard to vehicular accessibility and associated traffic congestion and that collaboration with the Local Authority is to be encouraged in developing a high-quality town centre development in terms of accessibility, permeability, and public realm.

## 8.8. Refusal Reason No 5 – Car Parking Provision

8.8.1. Offaly County Council in their fifth reason for refusal set out the following:

*The proposed development does not provide for adequate off road parking facilities to serve the development. The on-road parking and the traffic movements likely to be generated by the development would interfere with the free flow of traffic and endanger public safety by reason of obstruction of road users.*

8.8.2. Both the OCC Roads Section and Tullamore Municipal District raised concerns regarding the lack of proposed car parking. The Roads Section states that there are insufficient car parking spaces proposed within the application site. Further stated that where inadequate car parking is provided illegal parking, such as on footpaths, results with the attendant safety hazards for pedestrians. It is also expected that overspill parking would take place on Offaly St and Kilbride Plaza. I agree with these observations.

8.8.3. The availability of car parking has a critical impact on both travel choices for all journeys, including local trip and also the scale of development that can be achieved on site. I note that DMS 102 of the current Development Plan indicates maximum car parking standards which can be provided for proposed developments. I agree with

the Case Planner that while no minimum car parking requirements is specified by the Development Plan the absence of adequate car parking may lead to traffic congestion and unauthorised car parking practices. This aligns with the comments of the Roads Section and the Area Engineer.

- 8.8.4. The applicant submits that the reduction in car parking aligns with national, regional and local policy, with direct emphasis on sustainable forms of transport in central locations within large towns such as Tullamore. Further stated that based on a desktop study undertaken as part of the application, it was concluded that there is an excess of 3,200no. parking spaces within 500m or a 5 minute walk of the appeal site. Within this figure, it is estimated that 900no. of these parking spaces are public street parking, with the remainder designated parking areas.
- 8.8.5. While acknowledging the ongoing climate crisis and the necessity to apply a graduated approach to the management of car parking within new residential development and in this case the possible availability of limited car parking provision in the wider area it remains that a scheme of this scale necessitates the provision of adequate car parking. The Sustainable and Compact Settlement Guidelines (2024) are clear that car parking ratios should be reduced at all urban locations, and should be minimised, substantially reduced or wholly eliminated at locations that have good access to urban services and to public transport. Further the Guidelines are very clear that in areas where car parking is reduced local authorities should be satisfied that the mobility needs of residents and workers can be satisfied (e.g. through shared mobility solutions such as car and bike share). The Planning Authority is not satisfied in this case as evidenced by the reason for refusal.
- 8.8.6. In total there appears to be 97 parking spaces provided which include a number of EV charging spaces and accessible parking spaces; 24 spaces are within block 1, 5 spaces are within block 3 with the remainder 68 spaces are within block 4. This is clearly insufficient within the town centre of an identified large town (population >5,000) where the overall proposal consists of 204 Apartments, 20 commercial units and a creche. SPPR 3 - Car Parking of the Sustainable and Compact Settlement Guidelines (2024) state inter alia that it is a specific planning policy requirement of these Guidelines that:

- (i) In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling.*
- (ii) In accessible locations, defined in Chapter 3 (Table 3.8) car- parking provision should be substantially reduced. The maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 1.5 no. spaces per dwelling.*
- (iii) In intermediate and peripheral locations, defined in Chapter 3 (Table 3.8) the maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling*

*Applicants should be required to provide a rationale and justification for the number of car parking spaces proposed and to satisfy the planning authority that the parking levels are necessary and appropriate, particularly when they are close to the maximum provision. The maximum car parking standards do not include bays assigned for use by a car club, designated short stay on-street Electric Vehicle (EV) charging stations or accessible parking spaces. The maximum car parking standards do include provision for visitor parking.*

8.8.7. Under any of these categories it is clear that the volume of car parking proposed is grossly inadequate. As stated by the OCC Senior Executive Architect Tullamore with the number of units and subsequent residents currently proposed, the resulting traffic in the central core of the town would be extreme and have catastrophic consequences on the surrounding streets and businesses in the absence of adequate parking.

8.8.8. A reduction in car parking provision such as that proposed has not been justified and is therefore unacceptable. Again, I consider this under provision to be a symptom of the wider issues pertaining to the density and height of the scheme proposed. Similar to the reasons for refusal relating to fire service access and traffic congestion I do not consider it necessary to pursue this reason for refusal given the substantive reasons relating to density and height. However, any future application at this site should have

due regard to adequate car parking provision and should work closely with the Planning Authority to achieve a sustainable and reasonable outcome having regard to the requirements of the Sustainable and Compact Settlement Guidelines (2024).

## 8.9. Refusal Reason No 6 – Site Connections

8.9.1. Offaly County Council in their sixth reason for refusal set out the following:

*The proposed development lacks full utilisation of potential connections particularly from the site via the existing link to the South East of Patrick Street. Accordingly, the proposed development contravenes materially policy SMAP-05(ii) of the Offaly County Development Plan 2021-2027 as it fails to support permeability, accessibility and connectivity at this location and the proposal is therefore deemed to be contrary to the proper planning and sustainable development of the area.*

8.9.2. Policy SMAP-05(ii) of the Offaly County Development Plan 2021-2027 states as follows:

*“It is Council policy to promote the integration of land use and transport planning to:*

*(ii) Support permeability, accessibility and connectivity in settlements both in terms of new development and retrofitting into existing built-up areas.”*

8.9.3. The Case Planners report is limited in comment in relation to this reason for refusal save to state that in relation to permeability, the proposal does not appear to link with the laneway leading from the site to the southeast of Patrick Street and that prior to the erection of fencing accessibility was provided along this route.

8.9.4. Overall, I agree with the applicant that for the most part the proposed development supports permeability, accessibility and connectivity within the site and wider settlement area. However, it is unclear as to whether that permeability has been carried through via the existing link to the south east of Patrick Street. The applicant in their response to the appeal states that the scheme would significantly increase permeability through the site and improve access across the town for pedestrians and cyclists and that the development would thus complement the existing urban grain, improve permeability and navigability, and activate the public realm, thereby making

a significant positive contribution to the neighbourhood (the town centre). Again, I agree and support the applicants position in this regard. However, I must also defer to the comments of the Loal Authority and their reason for refusal in that any potential linkages that have been overlooked in this development should be revisited.

8.9.5. The success of this scheme will hinge on a multitude of simple but important interventions including maximising permeability and accessibility. Like many of the issues that have been raised in the reasons for refusal I do of itself consider that this issues merits a refusal on these grounds given the substantive issues pertaining to density and height. However, any future application should have particular regard to ensuring that all options to facilitate permeability are carefully considered and integrated into the scheme. Including allowing for future connections to lands outside of the applicants control.

## **8.10. Alternative Proposals**

8.10.1. As part of the first party appeal and “wholly without prejudice to the reasons, arguments and considerations set out in the appeal in favour of the scheme as lodged” the applicant submitted additional modifications to the proposed scheme for the Board’s consideration. These modifications are illustrated primarily on the Verified Photomontage submitted with the appeal.

8.10.2. In summary, the modified proposals have sought to modify the scale, mass and height of the proposal in response to concerns raised by the Planning Authority. The plan form, including extensive areas of new public realm and linkages remains unchanged. In summary, the following alterations are proposed:

- Building 1 – Reduction by 2 levels (reduced from 8 floors to 6 floors overall)
- Building 2 – No Change (remains at 6 floors overall)
- Building 3 – Reduction by 2 levels (reduced from 13 floors to 11 floors overall)
- Building 4 – Reduction by 2 levels (reduced from 6 floors to 4 floors overall)
- Building 5 – No Change (remains re-use of existing building over 2-3 floors)
- Building 6 – No Change (remains re-use of existing building over 2-3 floors)

- 8.10.3. Due to the reduction in building height, unit numbers and in turn the proposed residential density has also decreased. A total of 46 no. units would be omitted from the scheme in the alternative proposal, resulting in a total of 158 no. residential units achieving a reduced gross density of c. 185 no. units per hectare. The applicant submits that if the balance of the Opportunity Site 2 lands are accounted for in this density calculation, the residential density that would result on this Opportunity Site as a whole would be 103 no. units per hectare.
- 8.10.4. As proposed within the proposal at application stage, the alternative proposal will continue to provide 92no. car parking spaces and 480no. bicycle parking spaces. Due to the reduction in units, this will result in an increased car parking ratio from 0.45 spaces per unit to 0.6 spaces per unit. Bicycle parking provision remains well in excess of Development Plan and relevant Section 28 Ministerial Guidelines.
- 8.10.5. The applicant emphasises that the reduced alternative layout enclosed with the appeal is the maximum reduction possible as any further reduction would make the development unviable.
- 8.10.6. I have considered the limited information presented pertaining to the foregoing amended proposals and I agree with the Planning Authority that the suggested revisions to the proposal do not overcome the substantive reasons for refusal particularly in relation to height and density. The proposed density of 185 units per hectare greatly exceeds relevant standards in statutory guidelines and the reduction in height does not overcome the serious concerns regarding the potential visual impacts of the proposal and the associated detrimental impact to Tullamore. Refusal is recommended.

## 8.11. Other Issues

- 8.11.1. **Development Contribution** - I refer to the Offaly County Council Development Contribution Scheme. The proposed scheme is not exempt from the contribution scheme. Accordingly, it is recommended that should the Board be minded to grant permission that a Section 48 Development Contribution condition is attached.
- 8.11.2. **Rental Market** – It is noted that the applicant intend to hold all units for the rental market. There is no reference to the scheme being a “built to rent” development in the public notices, there is no evidence that the development is availing of any lower

standards and the Local Authority don't appear to have raised any issues or concerns with regard to same. While an appropriate mix of owner occupier and rental property is to be encouraged, particularly at a town centre location such as this there is no obvious impediment to the applicant holding the entire scheme for rental.

- 8.11.3. **Childcare** - I refer to the Planning Guidelines for Childcare Facilities (2001). A childcare facility (c. 224 sq.m.) has been provided for on ground and mezzanine levels of Building 1. A creche having a floor area of c. 224 sqm has adequate capacity to cater for the likely demand and also has scope to cater for any additional demand for spaces that may arise in the immediate vicinity in the future also. An outdoor area of c. 120 sqm is proposed to serve the creche. This is acceptable.
- 8.11.4. **Event Rig/Space** – I note the event / rig identified on the some of the information provided however no further details have been provided. While the available illustration of same appear to indicate an interesting piece of public art any further application at this location should provide more detail in respect of same.
- 8.11.5. **Flood Risk Assessment** - A Site Specific Flood Risk has been set out in accordance with the Planning System and Flood Risk Management Guidelines for Local Government (2009). The development residual flood risks have been assessed from the following sources:
- Fluvial
  - Pluvial
  - Ground Water
  - Infrastructure Failure
- 8.11.6. The development is in a Zone A flood defended area. The development passes the Justification Test (Appendix B) in accordance with guidelines and the proposed development is deemed appropriate as it is located within a Defended Flood Zone.
- 8.11.7. The proposed development is residential apartments which is categorised as 'highly vulnerable development' by guidelines. The site is defended from fluvial risks as the proposed finish floor levels for habitable spaces are above the freeboard design level.
- 8.11.8. The site and the surrounding area were reviewed for historical flooding. No flooding has been confirmed at the site or to the surrounding road from tidal or fluvial flooding since the construction of the flood defences.

8.11.9. Having regard to the information available on the file I am satisfied that the existing sources of information available does not warrant further investigation. The proposed development is justified in accordance with the OCC Strategic Flood Risk Assessment (SFRA). No issues arise in this regard.

8.11.10. **Bats** – I refer to the Bat Roost Survey Report. I note the concerns raised in the Heritage Council submission regarding potential impacts on bats and that same could be resolved by means of planning condition. It is the applicants stated intention to seek a Derogation Licence from the National Parks & Wildlife Service, to mitigate the purposed development's effect on bat species found on the site once planning permission has been secured and prior to development commencing on site.

8.11.11. The Site was characterised by relatively low bat activity on all surveys. Common pipistrelle and soprano pipistrelle were the key species for which activity was recorded at this Site. However, Leisler's bats, brown long-eared bats, and Myotis spp. were all recorded. As such, it is considered necessary to apply for a Derogation Licence from the National Parks and Wildlife Service (NPWS) in advance of the demolition. Prior to demolition of the eastern hall in Building 1 and the rear of Building, mitigation measures should be in place, and agreed under licence with NPWS prior to any works being undertaken at this site as follows:

- The installation of a minimum of 3 specially designed integrated bat blocks/bricks or bat boxes into the new build.
- The bricks / blocks or boxes should be constructed at least 3-6 metres above ground, with a clear flight path (free from obstruction of other buildings) to and from them and not lit by external/artificial lighting. Details to be agreed.
- Prior to demolition, a qualified bat ecologist should inspect the buildings (on the day or the day prior), if no bats are present then demolition works can occur during March, April and/or October/early November only and shall be present on site during the demolition works.
- Areas which are confirmed to have been used by bats should be demolished without the use of large machinery where possible.
- In order to avoid disturbing commuting bats, works should not be carried out at night, and provisions should be made to use bat friendly lighting if night-work is necessary.

- Proposed demolition works to be carried out under a bat licence from NPWS during October / November or March / April and supervised by a bat ecologist as per the above recommendations.

8.11.12. I am satisfied that subject to compliance with the mitigation measures outlined in the and conditions outlined above that the proposed development would not have any unacceptable impact on biodiversity and that no significant impacts are likely to arise as a result of the proposed development.

## 9.0 AA Screening

9.1. I refer to the AA Screening Statement and Ecological Impact Assessment submitted with the application.

### 9.2. **Step 1: Description of the Project**

- I have considered the LRD now before the Board in light of the requirements of S177U of the Planning and Development Act 2000 as amended.
- The subject site is described in Section 1.0 of this report above and within the application. Habitats on site are as follows:
  - Built land and Artificial Surfaces (B:3)
  - Recolonising bare ground (ED3) / transitional scrub (WS)
  - Stone walls and other stonework (BL1)
- Seven Natura 2000 sites, comprising six SACs and one SPA occur within the wider area surrounding the project site (Charleville Wood SAC, Clara Bog SAC, River Barrow & River Nore SAC, Raheenmore Bog SAC, Split Hills & Long Hill Esker SAC, Clonaslee Eskers & Derry Bog SAC and Slieve Bloom SPA). All other Natura 2000 sites are located at a remote distance from the project site. The nearest Natura 2000 sites (Charleville Wood SAC) is located approximately 1.36km to the south of the site.
- The proposed development is described in Section 2.0 of this report above and within the application.
- No reports from any prescribed bodies consulted are recorded on the file.

### 9.3. **Step 2: Potential Impact Mechanisms from the Project (Examination of Effects)**

- An indirect hydrological pathway is identified in the AA Screening Statement between the project site and Charleville Woods SAC due to the Tullamore WWTP, which discharges treated effluent to the river c 700m upstream from this SAC.

#### 9.4. **Step 3: European Sites at risk**

- In relation to the following European Sites, Clara Bog SAC, River Barrow & River Nore SAC, Raheenmore Bog SAC, Split Hills & Long Hill Esker SAC, Clonaslee Eskers & Derry Bog SAC and Slieve Bloom SPA there will be no direct effects as the proposed development is located entirely outside these designated sites. Further no complete impact source-pathway-receptor chain was identified during the Screening Assessment. Significant effects on these European Site resulting from the proposed development can be excluded and they are therefore 'screened out'.
- In relation to Charleville Wood SAC there is no potential for direct effects. A potential for significant indirect effect was identified in the AA Screening Statement due to wastewater and stormwater being treated from the project site at the Tullamore WWTP which discharges treated effluent c 700m upstream of this SAC.

#### 9.5. **Step 4: Likely significant effects on the European site(s) 'alone'**

- Details of the Site-Specific Conservation Objectives can be found on the NPWS website at <https://www.npws.ie/protected-sites>. The Conservation objective for Charleville Wood SAC (Site Code 000571) states as follows:

*To restore the favourable conservation condition of Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) and Desmoulin's Whorl Snail (*Vertigo moulinsiana*) in Charleville Wood SAC.*

- Taking account of the qualifying interests of this SAC that comprise terrestrial habitats and species it can be concluded that the proposed development would have no likely significant effect 'alone' on any qualifying feature(s) of this SAC. Therefore, significant effects on Charleville Wood SAC resulting from the proposed development can be excluded and they are therefore 'screened out'.

#### 9.6. **Step 5: Likely significant effects on the European site(s) 'in-combination with other plans and projects'**

- I refer to Table 5.1 of the Screening Report for examination of cumulative effects. As there are no pathways connecting the project site to surrounding Natura 2000 sites and as the project will not result in significant negative impacts it will not have the potential to combine with other projects in the surrounding area to result in cumulative significant effects to the local environment or Natura 2000 sites occurring in the wider surrounding area.

9.6.1. I conclude that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 is not required.

9.6.2. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

## 10.0 Recommendation

10.1. Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **REFUSED** for the following reason and considerations and subject of the conditions outlined below.

## 11.0 Draft Order

**Planning and development Act 2000 as amended.**

**Planning Authority:** Offaly County Council

**Planning Register Reference Number:** 2460068

**Appeal by** Cayenne Holdings Limited against the decision made on 27<sup>th</sup> March 2024 by Offaly County Council to refuse permission to Cayenne Holdings Limited for the proposed Large Scale Residential Development application.

**Location:** South Texas Lands, Tullamore, County Offaly

### **Proposed Development**

The proposed development is for the following:

The proposal consists of:

- Block no. 1 is 8 storeys in height and will comprise 74no. apartment units, together with a childcare facility (c. 224 sqm) and outdoor play space (c. 120 sqm), 6no. retail units (c. 1,049 sqm) and associated private open space (c. 182 sqm) together with car and bicycle parking, plant rooms, ESB sub-station and bin stores. Block 1 has a GFA of c. 7,009 sqm.
- Block no. 2 is 6 storeys in height and will comprise 20no. apartment units and 3no. retail units (c. 434 sqm), ancillary private open space (c. 117 sqm), bin stores, bike stores, ESB substation, switch and plant rooms. Block 2 has a GFA of c. 2102 sqm.
- Block no. 3 is 11-13 storeys in height and will comprise 82no. apartment units and 2no. retail units (c. 684 sqm), ancillary private open space (c. 207 sqm), cycle parking and undercroft car parking spaces, ancillary bin stores, ESB substation, switch and plant rooms.
- Block 3 has a GFA of c. 8,351 sqm. 3No. support poles to accommodate 2No. 0.3m Microwave link dishes and 9no. support poles to each accommodate 1No. 2m 2G/3G/4G antenna and 1No. 5G antenna together will associated telecommunications equipment are provided on the roof of this block.
- Block no. 4 comprises two elements that are 5 and 6 storeys in height respectively and will comprise 28no. apartment units and 2 no. café/licensed restaurant units (c. 355 sqm), ancillary private open space (c. 973 sqm), car and bicycle parking, ancillary bin stores, ESB substation, switch and plant rooms. Block 4 has a GFA of c. 2,641 sqm.
- Block no. 5 is 2 – 3 storeys in height and partially contained within the existing De Bruns building, comprising a change of use to 2no. café/licensed restaurant units and ancillary rooms. Overall GFA (c. 900 sqm).
- Block no. 6 is 2 – 3 storeys above basement in height and partially contained within the existing D.E. Williams House building (a protected structure), it will comprise 5no. café/restaurant units and ancillary rooms. Works to D. E. Williams House (a protected structure ref. 23-201) and stone-built, former outbuilding to north, to include refurbishment, repair, change of use to café/licensed restaurant use (5 no. units) and ancillary alterations, including provision of new link structure to access both buildings. Overall GFA(c. 697 sqm).

Pedestrian and cyclist access is proposed from Patrick Street and Offaly Street and via the proposed east-west pedestrian street located on the northern boundary of the site (which is also to be used for deliveries / refuse). Vehicular access to serve the development will be provided from O'Connell Street from the west and Offaly Street / Columcille Street from the east.

All associated and ancillary site development and infrastructural works, hard and soft landscaping, demolition and part demolition of existing structures on site (c. 6,360 sqm), c. 2,114 sqm of public open space; c. 1,842 sqm of residential communal amenity space; public lighting; 480no. bicycle parking spaces; 92no. car parking spaces; signage; photovoltaic panels, and other ancillary plant and equipment at roof level.

### **Decision**

**Refuse 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.

## **12.0 Reasons**

- 1) Planning permission is sought for a mixed-use development comprising inter alia 204 units on a stated site area of 0.853 ha giving a gross density of c240 units per ha. A density based on net area would result in a higher density at this location. In accordance with the Compact Settlements Guidelines for Planning Authorities (2024) Tullamore is identified as a Key Towns (5,000+ population) (Table 3.5 refers) where residential densities in the range 40 dph-100 dph (net) shall generally be applied in the centres and urban neighbourhoods. The residential density of the proposed development on this site greatly exceeds the density standards as set out in these guidelines. In addition the proposal would contravene materially SSP-05 of the Offaly County Development Plan 2021-2027 which states that it is

Council policy that residential development proposals shall be prepared, designed and laid out in accordance with the standards as set out in the County Development Plan's Development Management Standards and in Section 28 Ministerial Guidelines. The proposed excessive density for this development would, therefore, be contrary these Ministerial Guidelines, the Offaly County Development Plan 2021-2027 and the proper planning and sustainable development of the area.

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

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.

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**Mary Crowley**

**Senior Planning Inspector**

**11<sup>th</sup> July 2024**

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	319583		
<b>Proposed Development Summary</b>	Large Scale Residential Development to include 204 apartments, retail, office and childcare facilities in 6 blocks ranging in height from 2-13 storeys, all associated development and site works. Development includes refurbishment of a protected structure (D.E. Williams House).		
<b>Development Address</b>	South Texas Lands, Tullamore, County Offaly		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	Yes
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>		No	Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
			<b>Conclusion</b>
<b>No</b>		N/A	No EIAR or Preliminary Examination required
<b>Yes</b>		Class/Threshold <b>Class 10 (b)</b>	Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>		<b>Preliminary Examination required</b>
<b>Yes</b>	Yes	<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_

**Mary Crowley**

**Date:** \_\_\_\_\_

**11<sup>th</sup> July 2024**