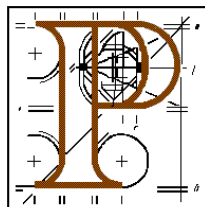


An Bord Pleanála



Inspectors Report

Development: Construction of a district centre containing a discount food store, café / bar, off-licence, 16 no. maisonette type dwellings, link road and all associated site works at Monksland, Athlone, Co. Roscommon.

Planning Application

Planning Authority: Roscommon County Council
Planning Authority Reg. Ref. 15/209
Applicant: Donie Kenny
Type of Application: Permission
Planning Authority Decision: Refuse

Planning Appeal

Appellant(s): Donie Kenny

Observers: River Village Traders

Type of Appeal: First Party

Date of Site Inspection: 14/12/2015

Inspector: Gillian Kane

1.0.0 SITE LOCATION AND DESCRIPTION

- 1.0.1 The subject site is located on the northern side of the recently improved R362 (referred to as the new Tuam Road) and the junction with a third class road known locally as the Old Tuam Road. The site, with a stated area of 1.45ha is located within the townland of Monksland, in the western environs of Athlone Town, within the administrative area of Roscommon County Council.
- 1.0.2 The site which is bound by concrete post and wire fencing along the southern and eastern boundaries is greenfield, with a single dirt track running northwards to a large un-used building. A single dwelling is located along the western boundary while lands to the north and east are undeveloped. Residential development along the Old Tuam Road, is located to the east of the site.
- 1.0.3 To the south and south-east of the site, a four arm roundabout provides access to a new district centre, hotel and residential development on the opposite side of the new Tuam Road / R362. This development is known as the River Village development. A number of business parks are evident as one travels in a westerly direction along the R362 from the junction with the N6/ M6.
- 1.0.4 Photographs and maps in Appendix 1 serve to describe the site and location in further detail.

2.0.0 PROPOSED DEVELOPMENT

- 2.0.1 Permission was sought for the construction of a district centre (total GFA 4,148sq.m.) comprising
- discount foodstore of c.1,518sq.m.
 - off licence, café / bar of 369sq.m.,
 - 16 no. maisonette dwellings (15 no. two bed and 1 no. one bed unit) at first floor level (total GFA 1487sq.m.)
 - 715sq.m. part three, part two storey building with consulting rooms (421sq.m.) and offices (272sq.m.),
 - Link road from existing public road
 - 180 no. car parking spaces
- Plus ESB switch room, plant room, ground level changes, site works etc. on a site of 1.45ha.
- 2.0.2 The application was accompanied by the following:
- Retail Impact Statement

- Engineering Report
- Letter of consent from landowner

2.0.3 Two objections to the proposed development were submitted to the Council.

2.1.0 Reports on File following submission of application

2.1.1 **Environmental Health:** No objection subject to detailed plan for discount food store being submitted and compliance with building regulations.

2.1.2 **Housing Dept.:** S96 of the Planning and Development Acts will apply to this proposal.

2.1.3 **Environment Section:** No objection subject to the submission of a Construction Waste Management Plan, submission of details of waste & recycling storage. The report notes that the development proposes a gravity fed storm water drainage system leading to an attenuation tank, however drawing no.s 15035-P02 and 15035-P04 show discrepancies in the proposed inlet and outfall details. The applicant should be requested to clarify these details and provide evidence that the proposed development will not have a detrimental downstream impact.

2.1.4 **Athlone Area Office:** Further information required on the follows matters: proposed waste water system, proposed Block B is too high and too close to Tuam Road so proposed balconies overlook houses on Tuam Road, a roundabout should be installed at junction of new and existing road, truck wheel wash to be installed, attenuation system with oil interceptor required in north eastern corner of site, sound proofed boundary required between block A and adjoining dwelling.

2.1.5 **Roads Dept.:** Proposal appears over developed and excessively influenced by parking requirements. Vertical alignment of the proposed new road should be reviewed. Contribution towards completion of the roundabout proposed for the north-eastern corner of the site should be requested. Boundary conditions not clearly specified, 11 no. issues raised. Applicant should be requested to provide additional information: 11 no. points require clarification.

2.1.6 **Planning Report:** Subject site zoned DC (district centre) in LAP. Monksland district centre identified as secondary centre of retailing after County town. Proposed development acceptable in principle, subject to provision that it does not compete with Athlone. County Retail Strategy indicates that sufficient convenience retailing exists and additional provision in the district centre would only be justified in the context of significant population growth. Insufficient justification presented for the proposed development given the

recent refusal by An Bord Pleanála. Proposed development does not address reasons for refusal. Subject site is a key opportunity site. Proposed development does not address the concerns of An Bord Pleanála regarding the significance of the site from an urban design perspective. Proposed Block A is excessive in scale. Open space improvements required. Planning report notes the requests for AI from the internal departments and recommends refusal for 2 no. reasons.

3.0.0 PLANNING AUTHORITY DECISION

3.0.1 By order dated 04/09/15 a notification of decision to **REFUSE** permission for the following reasons:

- 1 Notwithstanding the zoning objective of the site as a district centre and having regard to the Retail Strategy for County Roscommon (incorporated into the Roscommon County Development Plan 2014-2020), it is considered that the overall quantum of retail development proposed would not be justified, in the absence of demonstrable demand for such facilities linked to significant growth in population or demonstrable level of under provision of such uses, at this time. In addition, the Planning Authority is not satisfied based on the submission received that the quantum of retail use proposed would not have a detrimental impact on the viability and vitality of Athlone Town Centre. It is considered that the proposed development, would, therefore, be contrary to the “Retail Planning Guidelines for Planning Authorities” issued by the Department of Environment, Community and Local Government in April 2012 and to the proper planning and sustainable development of the area.
2. Having regard to the visual impact of Block A on the definition of the district centre setting, particularly from southern and western perspective, and irrespective of focused attempts to mitigate the massing of the unit, the Planning Authority is not satisfied based on submissions received, that the proposed development would present the high quality public realm which the district centre setting calls for or provide adequate amenity to future residents. The proposed development would, therefore, seriously injure the visual amenities of the area and residential amenities of future occupants of the development and would be contrary to the proper planning and sustainable development of the area.

4.0.0 PLANNING HISTORY

4.1.0 Subject Site

4.1.1 **PL244373** (Planning Authority reg. ref 14/115) On the subject site planning permission was sought for a district centre comprising a discount foodstore, restaurant, 4 no. shops, 2 no. dental consultancy suites, therapy rooms. Roscommon County Council indicated an intention to grant permission subject to 32 no. conditions. This was appealed by a third party. The Bord refused permission for the following two reasons:

1. Notwithstanding the zoning for the site as a district centre and having regard to the Retail Strategy for County Roscommon 2014, it is considered that the overall quantum of retail proposed would not be justified at this time considering the vacancy rates that currently exist within the Monksland area. In addition having regard to the level of permitted retail floor space in this area that is not currently operational as set out in the retail strategy, it is considered that the quantum of retail use proposed would have a detrimental impact on the vitality and viability of Athlone Town Centre. It is considered that the proposed development would, therefore, be contrary the “Retail Planning Guidelines for Planning Authorities” issued by the Department of the Environment, Community and Local Government in April, 2012 and to the proper planning and sustainable development of the area.
2. Having regard to the preponderance of surface car parking, to the poor mix of uses proposed consisting primarily of retail use, to the absence of usable public open space and to the variety of building styles proposed within a small site, it is considered that the proposed development would present a poor public realm and would not provide adequate amenity to future residents. The proposed development would, therefore, seriously injure the visual amenities of the area and the residential amenities of future occupants of the development and would be contrary to the proper planning and sustainable development of the area.

4.2.0 Adjoining Sites of relevance

4.2.1 **PL20.229054** (Planning Authority reg. ref. 06/2373): Planning permission was refused for a mixed use development of commercial/residential nature on 10.42 acres to the north and east of subject site. The reason for refusal related to traffic hazard.

4.2.2 **PL20.242249** (Planning Authority reg. ref. 13/151): Planning permission was refused for the demolition of a house and construction of a new district centre of similar scale to that proposed in current application at Bogganfin townland, Athlone, Co. Roscommon. The reasons for refusal related to justification of retail quantum of development and given its location concerns regarding possibility impacts on vitality of Athlone; together with concerns relating to traffic issues.

5.0.0 LOCAL POLICY

5.1.0 ROSCOMMON DEVELOPMENT PLAN 2014-2020

5.1.1 The subject site is identified as a **Tier 2, special category settlement**. Retail provisions within the plan include: **section 2.4.1** stating that retail facilitation is envisaged for Monksland / Bellanamullia within the context of a district centre for that area.

Section 3.3.1: The Council views the uncontrolled proliferation of retail and retail warehousing in the Monksland and Cortober as unsustainable and ultimately undermining the proper development of the town centres of their parent settlements. In this context it is envisaged that Cortober and Monksland develop the retail functions of local neighbourhood / district centre. Monksland district centre is identified as a centre of new retail development. **Table 3.3** shows retail / storage warehousing vacancy at approx. 7,705sq.m., c. 34% of total retail and storage warehousing. **Section 3.3.3** states that 'There are prospects for future growth in the neighbourhood / district centres of Cortober and Monksland. This will be facilitated ...where it is required to serve the needs of local communities and where it has been demonstrated that such development will not undermine the viability and vitality of retailing in the town centre of their parent settlements'.

5.2.0 Monksland / Bellanamullia LAP 2010 – 2016

5.2.1 The subject site is located in area zoned 'District Centre', the objective for which is "to provide for a development of a mix of commercial/retail uses including a convenience shop such as a supermarket or superstore, comparison shops and non-retail services and, where appropriate, medical centres, offices and workshops etc. with accommodation over".

5.2.2 **Section 5.3.2** of the LAP states that within the area, commercial activity was always relatively weak but is now stronger with the development of other retail (for convenience and comparison goods) and commercial units on both sides of the New Tuam Road.

The proposed new District Centre the New and Old Tuam Roads would primarily serve the local needs of residents in the area and would be readily accessible to the pedestrian catchment within a 500m radius of the centres and to a wider residential catchment via private car, public transport (bus) and cycling. The centres would not contain retail units of a size and nature that would compete directly with Athlone Town Centre. The centres may contain a food supermarket or superstore and non-retail services, such as banks, building societies, restaurants, pharmacies, take away, video/DVD rental, public house, and dental/medical surgery. Mixed-use developments would need to be encouraged in the centres, with the possibility of accommodation over retail/commercial units, grouped small starter/incubator workshops, craft or service units, guest houses, etc.

5.2.2. The LAP states that there are a large number of retail warehousing units including those within the Monksland Retail and Business Park and the West Point Business Park in which there are a number of vacant units. The Retail Strategy has recommended that the level of future retail warehousing developments permitted in the Athlone Western Environs area should be curtailed until these units have been occupied.

5.2.3 The plan has a number of policies and objectives for commercial / retail development of relevance to the subject proposal:

Policy 57 Implement the findings and recommendations of the Retail Strategy for County Roscommon.

Policy 58 Promote and develop the vitality of the existing shopping area and facilitate the provision of local retail needs where appropriate.

Policy 59 RCC will support the County Enterprise Board, Roscommon County Development Board, National Development Agencies (e.g. IDA, state bodies) and private developers in encouraging and facilitating the location of new employment generating projects and businesses throughout the LAP area. The Planning Authority will facilitate variations of its plan in a timely manner, particularly for large scale development proposals which do not accord with existing development objectives or which overlap areas zoned for different development objectives.

Objective 77 Facilitate and encourage the appropriate provision of retail facilities in the LAP area, particularly focused in the areas zoned as Neighbourhood and Local Centres.

5.3.0 Draft Monksland / Bellanamullia LAP 2016-2022

5.3.1 In October 2015, the draft plan for Monksland / Bellanamullia 2016 - 2022 was published. Section 4.1.6 of the draft plan outlines the challenges and opportunities for retail and commercial development as follows: Ensuring the local shopping needs of residents are catered for appropriately in the Monksland / Bellanamullia area without detracting from the larger shopping area of nearby Athlone town centre and Securing occupancy for the significant levels of vacant retail warehousing floor space that exists in the area. According to the draft zoning maps (13 and 13a appended) the subject site is proposed to be zoned "New Residential" with the site to the south retaining its district centre zoning. This accords with proposed **Strategic Objective 1** which seeks to establish a 'central' focus for the LAP area by consolidating commercial development around a single centrally located District Centre.

5.3.0 Retail Strategy for Co. Roscommon (May 2014)

Section 2.7 specifically refers to Monksland and recommends that any future developments in this area should not undermine the viability of Athlone and that strict controls be applied to new build where existing floor space may accommodate the proposed development

6.0.0 GROUNDS OF APPEAL

6.0.1 The first party appeal is submitted by an agent for the applicant. The appeal is accompanied by a copy of the Retail Impact Statement submitted with the application to the Council and a statement from the applicant (see 6.2.0 below).

6.0.2 The appeal states that the subject development addressed the reasons the Board refused permission previously (PL20.244373), in particular the extent of existing vacant commercial floorspace in Monksland. It is submitted that the information provided by the appellant in that appeal was inaccurate and that the Roscommon Retail Strategy 2014 is out of date. It is submitted that the current proposal demonstrates that the majority of the vacant retail floorspace in Monksland is retail warehousing which is not suitable for a district centre and is unlikely to be implemented.

6.0.3 It is submitted that the County Development Plan acknowledges that Monksland does not yet have the full range of services of a

settlement centre, that a district centre that serves the needs of the local population is a priority.

- 6.0.4 It is submitted that the County Retail Strategy provides for retail development in Monksland providing it does not compete with Athlone town centre. It is submitted that the proposed development of modest units fits this criteria. Regarding the requirement of the strategy that applicants justify the need for retail development, the appellants note that there are no vacant or permitted retail units in Monksland that are available or adaptable to the proposed use. The strategy notes that much of the permitted floorspace may not be developed. The appellant submits that existing vacancy levels should not prejudice the future development of appropriately located facilities. It is submitted that there is a clear policy recognition that notwithstanding the existing vacancies, there is a need to further improve retail facilities in Monksland.
- 6.0.5 The appellant states that the Retail Planning Guidelines 2012 provide for additional retail provision where there is a significant growth in population or a demonstrable under provision. It is submitted that the Retail Impact Statement for the proposed development demonstrates under provision of retailing and that additional floorspace is warranted. It is noted that the Council Planner and the Board Inspector consider the proposed development to be acceptable in principle and in accordance with the district centre zoning of the site.
- 6.0.6 It is submitted that Athlone will experience population growth which must be provided with adequate retail facilities and that the subject site which is zoned 'district centre' is an appropriate location for district centre development. It is submitted that the modest scale of the proposed development will not have a material impact on Athlone town centre.
- 6.0.7 Regarding the first reason for refusal, the appellant states that it was based on misleading and inaccurate information submitted by the third party appellant. It is submitted that the Boards assessment did not assess the extent, type, quality and location of existing vacant floorspace. The RIS submitted with the application demonstrates that vacancy levels are less than set out by the Inspectors report and that vacant units are not capable of accommodating district centre uses. It is submitted that much of the vacant floorspace comprises retail warehousing and that this is unlikely to be developed and not capable of accommodating the

proposed uses. Thus the proposed development should not be prejudiced by the extant permissions.

6.0.8 It is submitted that the River Village development accommodates a Supervalu and 6 no. retail units of various uses. Only one small unit with permission for a crèche is vacant. Permission for a change of use to retail has been refused and therefore no vacancies exist. It is stated that there are no vacancies in the Monksland Business Park, that all units are occupied by a range of business and professional services. Monksland Retail Park has two vacant units (of 600sq.m. each), Block A has not been constructed with its planning permission expiring in July 2015. It is submitted that the two units in Block B are too small for the proposed use, cannot be amalgamated as they are not adjacent and are for retail warehousing. Daneswell Business Park has 1 no. vacant unit, which is suited to office / business use and not convenience retail. A condition of planning permission reg. ref. 01/798 precluded the development of a supermarket at this location. Westpoint Business Centre has 50% occupancy of retail warehouse units. The Retail Strategy acknowledges the difficulty of filling the vacant units and advises alternative uses be considered, notwithstanding that the parent permission precludes alternative uses. The centre is not an appropriate location for convenience retailing and so the vacancy in the park is not relevant to the subject proposal. It is submitted that development of the park would not accord with the County Retail Strategy policy to develop a district centre.

6.0.9 It is submitted that the report by the An Bord Pleanála Inspector did not assess the suitability of vacant units for a district centre development. It is stated that the Roscommon Retail Strategy identified 3,621sq.m. of vacant floorspace. The appellant submits that it is evident that the vacant floorspace relates retail warehousing. It is submitted that the permitted floorspace referred to in the Inspectors report has now expired (reg. ref 06/314 granted 2007 and reg. ref. 07/2120 granted 2008). It is submitted that this addresses the Council and the Boards reason for refusal. It is submitted that the analysis of the Inspector did not take full cognisance of the requirement of the Retail Planning Guidelines that assessments must address suitability, availability and viability of sites. It is noted that the unsuitability of the exiting vacant sites for the proposed development was acknowledged in the Council's planning report. It is submitted that the subject site is the most appropriate location for district centre development.

- 6.0.10 Regarding the need for additional population growth to justify future retail development, it is stated that this was not raised as a concern by An Bord Pleanála but was included in the Council's recent reason for refusal. It is stated that Monksland is identified as a growth centre in the development plan, that future growth is likely and retail services are required. It is stated that low levels of growth in the past are attributable to the wider economy and future growth will occur as the economy improves. It is stated that the Retail Planning Guidelines allow for further retail development where under provision exists and therefore the proposed development is justified.
- 6.0.11 It is stated that the existing level of retail provision does not offer choice and competition to consumers in Monksland with only one convenience store. It is submitted that strong demand for greater competition is demonstrated in the survey undertaken by the Applicants. It is stated that the retail strategy is at a county level and the Applicants survey is more site specific, that the qualitative analysis undertaken shows the lack of convenience retailing and the existing capacity for the proposed development. The appellant states that there is a clear qualitative and quantitative demand for the proposed development which is supported by the development plan.
- 6.0.12 It is noted that the Inspector agreed that the previous development would not negatively impact on Athlone town centre. It is submitted that the decision of the council to refuse permission is based on the Boards previous decision rather than a demonstrated impact on Athlone. It is submitted that the revised RIS shows that much of the extant vacant floorspace has withered, is restricted to retail warehouse use or is inappropriate for a district centre development. It is stated that the RIS shows that Athlone is performing well with multiple convenience stores, all located in the town centre or to the east of the centre. The application site will provide retail services to the west of the town, approx. 3.5km from the other two discount food stores serving the town.
- 6.0.13 It is stated that design of the proposed development was revised to address the previous concerns of the Board, namely: reducing surface car parking, new mix of uses proposed, creation of generous public open spaces and the re-configuration of the blocks to provide a sense of enclosure. It is submitted that the unified architectural treatment will allow the development to assimilate with surrounding development. The proposed re-designed development

is an appropriate response to the site with Block A providing active frontages along the public realm, and the service oriented facades being lower in scale and simple in form.

6.0.14 The Appeal concludes noting that vacancies are not a justifiable reason to refuse permission, that it has been shown that the proposed development will not negatively impact on Athlone and there will be sufficient population growth in Monksland to justify the proposed development. The Board is requested to grant permission.

6.0.15 The appeal is accompanied by a copy of the 'Response [of the Applicant] to Third Party Observations at Application Stage' and a copy of the decision of Roscommon County Council.

6.1.0 Retail Impact Statement

6.1.1 The findings of the RIS can be summarised as follows:

- Existing vacancy is retail warehouse floorspace (estimated at 3,621sq.m.).
- There are no vacant convenience or comparison units in Monksland.
- The subject site is zoned 'district centre' with convenience shop, neighbourhood shop and supermarket all permissible uses.
- Monksland is an expanding residential suburb and employment node of Athlone with a lack of district centre facilities.
- Western environs of Athlone accommodates a limited range of retail uses with poor provision of convenience retailing. There is demand to serve the expanding residential and employments community of the area. There is no discount food retailer in Western Athlone.
- The quantitative assessment of the area for 2018 shows there is sufficient expenditure to support the proposed retail element of the scheme without significant impact on existing retail.
- The proposed development complies with the sequential test of the 2012 Retail Planning Guidelines.
- There are three other district centre sites in the LAP. One has been developed for business use and one has been refused permission on traffic grounds. The proposed development will fulfil the objective of the LAP to provide a linked district centre at the Old and New Tuam Roads.
- Existing vacancy rates should not prejudice the future development of appropriately located retail development. The County plan identifies Monksland has having the lowest

residential vacancy rates and therefore there is residential demand in the area.

- The Board previous decision was based on the incorrect assumption that there are significant vacancies in Monksland and significant quantum of unimplemented retail development. It is submitted that the vacancies are all retail warehousing and cannot accommodate a district centre facility.
- Surveys show limited vacancies in River Village, Daneswell Business Park and the Monksland Business and Retail Park. The existing vacancies are too small to accommodate the proposed development.
- Units in Westpoint Retail Park are restricted to warehousing, showrooms, ancillary retail and light industrial uses.
- Converting retail warehouse units in convenience retailing is not viable.
- The proposed development is in compliance with the County Development Plan and Retail Strategy and in accordance with the proper planning and sustainable development of the area.

6.2.0 Statement of Applicant Mr Donie Kenny

6.2.1 The applicant of the proposed development submitted a personal statement with the appeal. The issues raised can be summarised as follows:

- Permission was previously refused on another site (PL20.242249). This development was plan led. The reasons for refusal related to the distance of the site from the community it was designed to serve.
- Permission was refused on appeal for the first development at Monksland.
- It is of great concern that the current application was refused based on an assessment of misleading information. Lapsed permissions and the visual impact of the sandpit to the south-east should not be taken into account.
- There is demand for new convenience retailing in the area (correspondence attached in support)
- No vacant district centre zoned land exists in Monksland District Centre. Much of the centre operates as a Primary Care Centre.
- At the current moment 3 no. warehouse units in Monksland are for sale, one has sold since the previous appeal. The vacant unit in Daneswell is for retail warehousing only. (photos submitted).
- There are no ghost estates in the area.

- One of the previous appellants determines that no convenience retailing is required yet has applied for permission to extend his retail floorspace (reg. ref. 15/217 refers).
- Monksland is a new town. The Retail Strategy recognises the areas as appropriate for the development of future convenience retailing.
- A survey carried out demonstrates the need for further convenience retailing.
- Estate Agents in the area show the limited availability of housing in the area. Future residential development is planned on the adjoining site (email submitted).
- The proposed development should not be viewed in isolation; it forms part of a wider landholding (to the north and east) that will be developed for residential units (indicative layout submitted).
- The Gunne report of Q1 2014 submitted by the appellants in the previous application showed high vacancy rates in Athlone. The same report for Q4 2014 showed Athlone with the least vacancies on Main Street. Central Athlone currently has a shortage of commercial space. Two convenience retailers are actively seeking sites in Monksland.
- The Board is requested to reconsider, given the district centre zoning, the strategic location of the lands, the investment in infrastructure and the possibility of the development to act as a catalyst for the further development of the area.

6.2.2 The personal statement is accompanied by the following:

- Email from Property Valuer detailing the retail landscape of Athlone.
- Email from developer requesting a site in Monksland
- Email from potential developer of lands adjoining site
- Copy of letter from estate agent referring to residential shortages in Monksland
- Copy of letter to Applicant referring to requirements of 3 clients for sites in Monksland
- Email from Applicant to Roscommon requesting information on development in Monksland
- Email From County Council stating that Monksland has 2-3% residential vacancy rates and giving details of 2 no. applications for residential development in Monksland.
- Extract from Westmeath Independent referring to road improvements in Monksland.
- Retail Survey and article from Roscommon People referring to survey.

- GEO Directory Report Q2, 2015 regarding commercial floorspace.
- CBRE Marketview Retail Dublin
- Copy of photographs submitted to Board in Jan 2015, updated to Dec 2015.
- Email to applicant from purchaser of site to the rear of hotel to the south of the subject site.

7.0.0 RESPONSES

7.1.0 Planning Authority Response

7.1.1 None on file

8.0.0 OBSERVATIONS

8.1.0 River Village Traders

8.1.0 An agent of behalf the 7 no. businesses, known as the River Village Traders, River Village District Centre, Monksland, Athlone has submitted an observation in support of the Council's decision to refuse permission. The observation can be summarised as follows:

- The recent refusal by An Bord Pleanála was only one of the considerations of the Council. The planning report of the council outlines the detailed consideration given to all matters
- The Retail Planning Guidelines 2012 and the Roscommon County Retail Strategy 2014-2020 require a need / justification for retail development. Section 4.4 of the retail strategy categorically states that new retail floorspace must be linked to new residential developments. No new residential development has occurred in Monksland since 2007, with little residential development occurring in the entire county.
- The An Bord Pleanála Inspectors report notes the substantial amounts of Phase 2 residentially zoned land around the site.
- It is submitted that any economic development in the area will replace previously lost employment rather than create new employment.
- Sufficient retail provision exists. Sufficient choice and competition in retail provisions exists.
- The observers question the independence of the DIT survey of shopping in the area.
- It is stated that the expansion of Supervalu is not a reaction to increased demand but a reaction to new legislation which requires off-licence sales to be separated from supermarket sales.

- Vacant and undeveloped sites in the area testify to the lack of retail need and over-provision. It is stated that Westpoint Business Park has 50% vacancy. In response to the Applicants claim that the observers submitted misleading information, it is noted that while some sales have occurred since the application was lodged, these units remain vacant.
- The Council's willingness to be flexible in the type of retailing permitted in the past is noted.
- The Applicants claim that certain retail permissions have withered or are restricted to retail warehouse use is not accepted as a grant of permission has established the principle of retail use at these locations and future development can occur.
- It is submitted that while tentative signs of a recovery are evident, a population of over 2,500 / 1000 new homes is required to sustain the viability of the proposed development.
- It is submitted that the Applicants RIS omitted the retail impact on Athlone town centre.
- The Councils decision to refuse on grounds of visual and residential amenity is supported.
- The Traders note the outstanding roads and Part V issues.
- The Traders question whether the re-submission is due to the updated zoning proposals in the draft LAP 2016-2022.
- The RPG emphasise that there should be a mix of uses in District centres and that they should not become retail destinations. It is submitted that one way of achieving this would be to condition that the non-retail elements of the proposal are developed first.
- It is noted that the Bord has consistently concluded that additional retail in Athlone cannot be justified. PL20.244373, PL20.242249 and PL34.240452 refer.
- The Board is requested to uphold the decision of the Council and refuse permission.

9.0.0 ASSESSMENT

9.0.1 On reading of all documentation submitted with the appeal, I consider the issues to be:

- Principle of the proposed development
- Retail Impact
- Design
- Appropriate Assessment

9.1.0 Principle of the Proposed Development

9.1.1 The subject site is zoned 'district centre' in the current Monksland LAP which seeks to provide for a development of a mix of commercial/retail uses including a convenience shop such as a supermarket or superstore, comparison shops and non-retail services and, where appropriate, medical centres, offices and workshops etc. with accommodation over. The mix of uses proposed which include for discount foodstore, offices, small retail units, medical suits and residential use are all considered to be acceptable uses within this zoning.

9.1.2 It is noted that the subject site is proposed to be re-zoned for residential development in the draft Monksland LAP 2016-2022. The draft plan identifies three development options for the Monksland area, one of which is to continue as per the 2010-2016 LAP, the second proposes directing new development towards infill / vacant sites and the third option provides for the prioritisation of commercial, industrial and residential development whilst allowing the area to expand outwards. The LAP notes that option 3 is the preferred option (Part II, Chapter 5, see appended) which provides for the consolidation of commercial development into a single district centre – as opposed to the three separate centres zoned in the current LAP. In accordance with this policy, Map 13 (appended) of the draft plan, published in October 2015, shows the subject site re-zoned for "new residential development". This also accords with proposed **Strategic Objective 1** of the draft plan which seeks to establish a central focus for the LAP area by consolidating commercial development around a single centrally located District Centre.

9.1.3 The appellant submits that there is a clear policy support for the proposed district centre, citing sections of the Development Plan, the 2010 LAP and the county retail strategy. I note the relevant references, (section 2.3.4, section 2.4.1, section 3.3.1, and section 3.3.3) to Monksland in the development plan, all refer to a (singular) district centre in Monksland. There is a relatively large district centre (River Village District Centre) on the southern side of the new road, the success of which may be measured by the very low level of vacancies. Section 2.7 of the County Retail Strategy in referring to existing retail development in Monksland states that the existing Supervalu in the River Village District centre adequately serves the current residential catchment. In referring to the possibility of future population growth, the strategy states "*The key action required for this area is to ensure that as it continues to*

expand, the retail provision, whilst meeting the needs of Monksland/Bellanamullia, does not adversely impact upon the primary retailing centre of Athlone Town. The development of Monksland may facilitate further non-retail services, such as branch of a bank or credit union, restaurants, pharmacies, take away, video/DVD rental, public house, and dental/medical surgery, however the provision of further comparison and convenience floorspace must be carefully considered.” It is clear from this, that additional convenience retailing in Monksland is not permitted in principle, but must be assessed against further planning considerations as outlined in the local policy documents.

9.1.4 Noting the re-zoning of the subject site from district centre to residential in the draft 2016 Monksland LAP, one can reach the conclusion that the Planning Authority consider the single River Village district centre to be sufficient to fulfil the retail policy provisions of the development plan and the County Retail Strategy. Other than the zoning of the subject site, I can find no evidence that there is further or widespread policy support for the creation of a second district centre in Monksland.

9.2.0 Retail Impact

9.2.1 The proposed development differs from that previously refused by the Board (PL20.244373) in that the smaller shop units (237.7sq.m.) and fast food restaurant (165sq.m.) have been omitted. As noted above, the Board previously refused permission for a district centre on the grounds that the level of retail vacancy in Monksland was such that further retail development could not be justified.

9.2.2 The Appellant states that this reason for refusal does not apply to the currently proposed development as the level of vacancy reported in the previous application no longer exists and those vacancies remaining in Monksland are mostly retail warehousing which is not suitable for district centre development. The RIS submitted by the applicant in support of the application provides details of the surrounding retail developments in Monksland, which can be summarised as follows:

- 1 no. vacancy in River Village and that unit has planning permission for a crèche,
- no vacancy in Monksland Business Park,

- two vacant units of 600sq.m. each, in Monksland Retail Park but these units are unsuitable for district centre use and a condition of the parent planning permission prohibits the sale of convenience goods
- 1 no. vacant unit in Daneswell Business Park which is suited office use
- 6 no. units in Westpoint Business Centre, parent permission restricts use to warehousing / showroom floorspace with ancillary retail

The RIS states that all unimplemented planning permissions are for retail warehousing.

9.2.3 The County Retail Strategy notes that from January 2007 to January 2013 c. 5,433sq.m of retail floorspace was granted in Monksland. By May 2014 c. 1812sq. m was operational with the remaining c. 3,621 sq. m either vacant or undeveloped. I note section 2.7 of the retail strategy which requires that 'Prospective developers of new retail units shall be required to demonstrate that no existing units of the nature proposed are not already available or easily adaptable.' The Appellant has submitted evidence that the vacant retail units are unsuitable for convenience retailing either due physical or planning constraints.

9.2.4 The fact that no existing retail units are suitable for conversion to convenience retail warehousing is not an automatic green light for the creation of new retail. Where no demand or policy for same exists the appropriate response to such a challenge is to 'not permit new retail'. As espoused by the previous decision of the Board and the most recent decision of the Council.

9.2.5 The appellant submits that the proposed development should be permitted as the existing vacant units are not suitable for conversion to convenience retailing. I note, however, that the County Retail Strategy has an action to address this very scenario: "*Securing occupancy of these substantial vacant units is a challenge and it is likely that the Planning Authority will have to consider permitting alternative uses of these buildings for other commercial uses, providing they are compatible with the sustainable development of the surrounding area.*" In addition the County Development Plan notes the high level of vacancies in retail warehousing (section 3) and notes the danger this poses to the vitality of the retail settlement of Athlone. The Applicants RIS shows that there is approx. 3,621sq.m. of vacant retail warehouse

floorspace in the Monksland area. It is clear that the policy of the Planning Authority is to re-use any existing vacant units before providing for the creation of new units. This policy is reasonable and in accordance with the proper planning and sustainable development of the area.

9.2.6 The appellant has submitted that future population growth of the area is such that further retail development will be required to meet this future demand. As noted above, however, the Planning Authority are satisfied that the existing convenience retailing in the district centre is sufficient to cater for the needs of the existing population of Monksland. Should further population growth occur, it sufficient retail floorspace exists to respond to that demand and it is the stated policy of the Planning Authority to facilitate the conversion of retail warehousing to convenience / comparison retailing to address this scenario.

9.3.0 Design

9.3.1 The developer states that to address the criticisms of the previous proposal, as outlined in the previous refusal, the subject development has been re-designed. Surface car parking has been reduced and screened so as to not detract from the public realm, a new mix of uses is proposed (residential, café, bar, office, medical offices), generous open spaces and the reconfiguration of units B and C to enclose the proposed public open space.

9.3.2 As identified by the previous Planning Inspector, the subject site is located at a key junction of busy regional roads, resulting in a site of significance. The proposed development comprises a circular area of open space in the southern corner adjoining the roundabout with three blocks of various heights and sizes on the remainder. I question the purpose of the proposed open space, other than a visual function. The proximity of the space to the busy regional road and its separation – both physically and visually - from the built elements of the development will result in it provided little or no real recreational service to the residents, employees or visitors of the development. As in the previous proposal, it appears to be the use of residual space rather than an active recreational proposal.

9.3.3 Block C, an office / consulting room development of part two part three storeys. I note that the side / eastern elevation of Block C as shown on drawing no. 14-P01-133 appears to show a row of windows at second floor level. No floor plans have been submitted for a second floor (other than the mezzanine level at the southern

end) of Block C and no second floor is shown on the aerial perspective drawing dated 13-07-2015. Should the Board decide to grant permission, accurate elevational drawings and floor plans should be requested.

9.3.4 Block B is a three sided development; part two part three storey with a central courtyard and underground carparking. A café and bar are proposed at ground floor on the southern side of the building, providing an active street frontage. A series of two storey duplexes / units, each with a private terrace and / or open space are arranged around the central courtyard. I note that the floor plans (drawing no.s 14-P01-120 to 122) show a stand alone building above ground floor housing the proposed bar / café and a series of residential units within a second L shaped building forming the east and northern side of the courtyards. The aerial perspective drawing of Block A however, shows no separation between the two sections of Block A, with access to the central courtyard from the centre of the site only. Whereas, the series of floor plans show a set of steps separating the two sections of the building and providing access to the courtyard from the eastern boundary of the site. This laneway between the two buildings also provides access to covered bike parking and bin storage for the apartments. Whilst this is relatively insignificant, it nonetheless is misleading and should the Board decide to grant permission, it should be clarified. The design of the proposed building is relatively unremarkable and it is somewhat regrettable that this significant frontage was not maximised from a visual / urban design perspective.

9.3.4. Block A is the proposed discount foodstore and is located to the rear / north-west of the site. The mono-pitched design of the store is largely in keeping with the pattern of such stores elsewhere.

9.3.5 The overwhelming perception of the proposal is that of a development built around a road layout, rather than a development which is served by a road. Surface car parking, although reduced, remains the dominant surface use with little pedestrian permeability through the site. It is considered that the proposal has not sufficiently addressed the concerns of the Board raised in the previous reason for refusal.

9.4.0 Appropriate Assessment

9.4.1 The subject site is located approximately 2km to the west of the River Shannon Callows SAC and SPA which forms part of the Lough Ree SPA (Ref.004064) and SAC (Ref. 000440). Significant

development has taken place on lands to the east of the appeal site and the site is surrounded by a network of roads. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and or proximity to the nearest European site, no appropriate assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

10.0.0 RECOMMENDATION

10.0.1 I have read the submissions on file, visited the site, and have had due regard to the provisions of the Roscommon County Development Plan 2014 - 2020, the Monkland / Bellanmullia LAP 2010-2016, the draft Monkland / Bellanamullia LAP 2016-2022, the Roscommon County Retail Strategy 2014 and the planning history of the site. The level of vacant retail warehouse / other retail units in Monkland and the provision in the County Retail Strategy for their re-use to address shortfalls in convenience retail should future population growth occur, is noted. It is considered that the creation of a new district centre on the subject site is not supported by development plan policy, nor is it justified by demand for convenience retail or population growth in the area. It is considered that there has been no change in circumstances that would warrant a reversal of the previous decision of An Bord Pleanála to refuse planning permission for a district centre on the subject site. It is noted that the subject site is proposed to be re-zoned from district centre to new residential in the draft Monkland LAP and that the policy of the LAP is to consolidate retail development in the existing River Village district Centre. In summary, the proposed development is not in accordance with the proper planning and sustainable development of the Monkland and wider area and should be REFUSED permission on the following grounds:

11.0.0 REASONS AND CONSIDERATIONS

1 Notwithstanding the current zoning for the site as a district centre and having regard to the Retail Strategy for County Roscommon 2014, and the proposed policy of the draft Monkland / Bellanmullia LAP 2016 – 2022 to consolidate retail development in the existing district centre, it is considered that the overall quantum of retail proposed would not be justified at this time considering the vacancy rates that currently exist within the Monkland area. It is considered that the proposed development would, therefore, be

contrary the “Retail Planning Guidelines for Planning Authorities” issued by the Department of the Environment, Community and Local Government in April, 2012 and to the proper planning and sustainable development of the area.

2. Having regard to the dominance of surface car parking and road layout, and the absence of usable public open space, it is considered that the proposed development would present a poor public realm and would not provide adequate amenity to future residents. The proposed development would, therefore, seriously injure the visual amenities of the area and the residential amenities of future occupants of the development and would be contrary to the proper planning and sustainable development of the area.

Gillian Kane
Planning Inspector
08/01/16