



## Development

The development comprises the construction of a district centre containing a discount food store of Ca 1518 sq. m gross floor area including off-licence use, a 2 storey mixed use building of ca. 1533 Sq. m containing 5 No. shops (combined floor area ca. 450 sq. m), consulting rooms, therapy unit, services rooms, at ground floor, with 6 No. apartments and 2 No. office suites at 1st floor. The proposed development also includes construction of proposed link road from the existing public road to the proposed site entrance, all site works, adjustment of ground levels, car parking, paving, landscaping and public amenity area, a feature tower structure and boundary treatments together with all underground services, connections to public mains, surface water attenuation and outfall to existing drain, plus service yard, delivery areas and electrical / plant rooms, all as per application

documents.

<b>Location</b>	Monksland, Athlone, Co. Roscommon
<b>Planning Authority</b>	Roscommon Co. Co.
<b>Planning Authority Reg. Ref.</b>	PD/16/266
<b>Applicant(s)</b>	Donal Kenny
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First – V - Refusal
<b>Appellant(s)</b>	Donal Kenny
<b>Date of Site Inspection</b>	19 <sup>th</sup> November 2016
<b>Inspector</b>	Tom Rabbette

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## 1.0 Site Location and Description

1.1. The application site is located at Monksland which is c. 4 km west of the centre of Athlone town, it lies within the administrative area of Roscommon County Council. It is predominately a greenfield site save for a vacant industrial-type building on the northern part of the site. It is bounded to the south-west by the R362 (Tuam Road) and by a local road along its south-eastern boundary. There is a detached dwelling on lands adjoining the site to the west. Lands adjoining to the north and east are undeveloped. There is a roundabout located at its south-east corner. On the southern side of the R362, across from the site, there is a large relatively new residential development along with retail and commercial development, this area is known as River Village.

## 2.0 Proposed Development

2.1. The applicant is seeking permission to construct a mixed-use district centre development on the site. It is proposed to construct two buildings referred to as block A and block B in the submitted drawings. Block A is to accommodate a discount food store of c. 1,518 sq.m. g.f.a. and is to be located in the north-east corner of the site. Block B is located at the western side of the site and is a two-storey structure accommodating 5 no. retail outlets, a consulting room, a therapy suite and services at ground floor level, and 6 apartments and 2 office units at first floor level. The stated floor area of block B is c. 1533 sq.m. Surface car parking is provided at a number of locations across the site accommodating some 170 car parking spaces as per the submitted site layout plan. An open green landscaped area is proposed in the south-east section of the site adjacent the existing roundabout on the R362 (known as the Tuam Road). The development includes for the construction of a link road from the existing public road located on the eastern boundary of the site. The proposed link road will provide vehicular access to the application site along its northern boundary. A separate pedestrian entrance to the development is to be provided at its southern boundary.

## 3.0 Planning Authority Decision

### 3.1. Decision

By Executive Order dated 16<sup>th</sup> August 2016 the planning authority decided to refuse permission for the proposed development for three reasons.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

Planner's Report dated 29/07/2016:

- Refusal recommended for 2 reasons.

Senior Planner's Addendum Report dated 08/08/2016:

- Refusal recommended for 3 reasons.

#### 3.2.2. Other Technical Reports

Roads Section Planning Report dated 22/07/2016:

- Further Information required.

National Roads Design Office Roscommon Report dated 12/07/2016:

- Development is inside the study area for the N61 Improvement Scheme between Athlone and Tulsk.
- The application does not encroach any other study area currently being considered by the NRDO.

Housing Section Planning Report dated 27/07/2016:

- The developer should be requested to outline how Part V obligations (as revised in September 2015 Act) would be satisfied by subject development.

Environmental Section Report dated 02/08/2016:

- No objection.

Environmental Health Services (HSE) Report dated 27/07/2016:

- No objection.

Objections/observations: Observations on file addressed to the p.a. make reference to the following: previous refusals on the site; quantum of district centre floor space 7.7% larger than the earlier refused scheme 14/115; no Retail Impact Assessment submitted; no Traffic Impact Assessment submitted; contravention of 'new residential' zoning of the LAP; reproduction of a scheme that has repeatedly been refused; failure to acknowledge the potential impact on Athlone Town Centre; retail & residential environment of Monksland has not changed considerably since previous refusals; previous decisions still relevant; new LAP been adopted; need for additional retail floor space questioned; the adjacent SuperValu store adequately serves the current residential catchment; proposed 6 residential units cannot justify the level of retail and commercial proposed, and excessive development given the scale of existing vacancy in retail units/land in Monksland.

#### 4.0 **Planning History**

06/2373 (PL 20.229054): The Board overturned a p.a. decision to grant permission for the construction of a mixed-use development including 255 residential units, medical centre, crèche, gym, civic centre, bar, café, restaurant, take-away and 22 commercial units on a site that included the current application site in addition to other contiguous lands. The applicant in that instance was Raymond Fallon. The Board refused for one reason. (History file attached to current appeal.)

14/115 (PL 20.244373): The Board overturned a p.a. decision to grant the applicant permission on the site for a district centre comprising a discount foodstore, restaurant, 4 shops, office space, 2 dental consultancy suites, therapy rooms, a link road and site works. The Board refused for 2 reasons. (History file attached to current appeal.)

15/209 (PL20.245569): The Board upheld a p.a. decision to refuse the applicant permission on the site for a district centre containing a discount foodstore, café/bar, off-licence, 16 no. residential units, a link road and all associated works. (History file attached to current appeal.)

## 5.0 Policy Context

### 5.1. Development Plan and Local Area Plan

#### Roscommon County Development Plan 2014-2020:

- Monksland/Bellanamullia, the area in which the application site is located, is identified as a 'Tier 2 - Key Support Town/Settlement' as per Figure 2.2 'Settlement Strategy' of the CDP.
- Section 2.3.4 of the CDP addresses 'Monksland/Bellanamullia (Athlone West – Tier 2 Special Category)'.
- Section 2.4.1 of the CDP addresses 'Retail'. It refers to, *inter alia*, the County Retail Strategy and the Retail Planning Guidelines (2012). It states that retail facilitation is envisaged for Monksland/Bellanamullia (Athlone West) within the context of a district centre for that area.
- Section 3.3.1 'Centres of Retail Development in County Roscommon' states, *inter alia*, The following "The Council views the uncontrolled proliferation of retail and retail warehousing in these areas (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."
- Section 3.3.3 'Location of future retail development' states, *inter alia*, the following: "There are prospects for growth in the neighbourhood/district centres of Cortober and Monksland respectively. This will be facilitated within designated neighbourhood/district centres 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 centres of their parent settlements."

#### Retail Strategy for County Roscommon May 2014:

- Chapter 2 'Assessment of Retail Centres in Roscommon' includes, at section 2.7, an assessment of Monksland/Bellanamullia in which the site is located. It

includes two key actions and a summary of the retail floor space in Monksland in the period 2007-2013.

- The Retail Strategy at section 4.2 notes that further retail development at Monksland could have potential impacts on Athlone town centre and thus should be carefully assessed.

#### Monksland/Bellanamullia (Athlone West) Local Area Plan 2016-2022:

- The LAP states that in accordance with the Roscommon County Development Plan 2014-2020 Core Strategy figure, the LAP identifies a population growth of 538 persons over the period of the plan (ref: page 4).
- The site is zoned 'New Residential' as per Map 13 of the LAP (copy of Map 13 in attached appendix).
- Map 13 also indicates an 'Indicative Link Road' to the east of the site and this is repeated on Map 5 'Roads & Transportation Map' (copy in attached appendix).
- Land Use Zoning Objectives and Matrix are contained in Chapter 6 of the LAP (copies in attached appendix).
- Policies and Objectives relating to retail and commercial development are contained in Chapter 7, page 67 of the LAP (copy in attached appendix).

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The contents of the first party's grounds of appeal can be summarised as follows:

- The appeal is founded on a sequence of misjudgements, anomalies originating from the Board's decision to overturn a permission granted by the p.a. (ref: 14/115 PL20.244373).
- It can be ascertained by the evolution of process that this four-acre prominent site was the only area on the north side of the new Tuam Road which had district centre zoning and capable of being developed for purpose.



- What has evolved since the permission was overturned is that the reasons for refusal stated above have been increased.
- The new plan has relocated and increased high-density DC development zoning, from the four-acre subject site, moving it 30 metres to other lands adjacent on the north side of the new Tuam Road. Increasing the DC development lands to 16 acres.
- This is in total conflict with the reasons for refusal, while it must be taken into account that the Inspector acknowledged the subject site was connected to, and an extension of the current part finished district centre, the River Village complex on the south side of the new Tuam Road.
- The inconsistency that may be noted from the new 2016-2022 LAP is that the strategy proposes to consolidate a 'district centre', but the new extended DC zoning is on new lands with no planning history and also on the north side of the new Tuam Road.
- The evidence to relocate the zoning is lacking in relation to the concept of consolidating the commercial retail or consolidating a district centre.
- The zone change has the effect of undermining the most pivotal site/location in the area, it also inhibits the development of residential land. The p.a. promoted amalgamating the land with a Part 8 alteration in 2007, permission was granted for a substantial DC in 2009, but this fell on ABP appeal on traffic management grounds, the p.a. constructed the junction in line with the reason for refusal, mitigating the basis for the refusal.
- The land was subsequently sold in different sections.
- The new LAP is fragmenting a development scheme that was promoted and granted permission by the same authority, twice.
- The factors that have delayed development of the land are solely due to the economic climate and this cannot be considered reason or evidence to steer away from what can be considered a core strategy, the development of the central area.
- The Board is asked to request the submissions and the Manager's Report relating to the 2016-2022 LAP.

- Owing to restrictions on new retail contained in the Development Plan and in accordance with previous determinations limiting new retail, the development was set by these parameters and it may be considered that if there were less retail entities, the application would not present as a viable District Centre.
- This is the fourth proposal by the applicant for such a development, the overarching reasons for refusal have been related to quantity.
- It may be appreciated that there is considerable amount of lands zoned district centre and that the applicant has endeavoured to fulfil this core strategy of the planning agenda, this over the full timeframe of the 2010-2016 LAP, it may be considered owing to the aspect of quantum being a consistent factor, that the actual Development Plan/LAP may be in conflict.
- The Board is asked to use its discretion afforded under s.37(2)(a) of the 2000 Act to accede to grant on the basis cited under s.37(2)(b)(ii), (iii) and (iv).
- The circumstances prevail that the application was validated under the 2010-2016 LAP, the site forms part of the core policy/objective of that LAP and it must be considered that the new plan has steered away from values that had set the foundation of forward planning policy.
- It appears that the most significant aspect of the new 2016-2022 LAP is that it has reduced the overall quantity of lands zoned for development by over 50%.
- The most significant aspect of the new 2016-2022 LAP concerns the centre of the area of which the subject land forms part.
- It may be considered that this four-acre pivotal site was unduly impacted by the re-zoning factors.
- It may be stated that re-locating of zoning from a progressive site to a location 30 m away to lands with no planning history, could be considered extreme and that substantive evidence would be required to be furnished to justify such a motion.
- It can be shown that the evidence for such relocation in zoning is conflicting with objectives of the Development Plan.

- Submissions by the residents of the area for the new LAP were not given due consideration.
- The most efficient way of getting a fair appreciation of the sequence of events and misguidance that incurred is to revert back to the Board with this appeal.
- The subject site does not lend itself to residential, particularly when taken into account the vast amount of residential development lands available.
- The junction location would not lend itself to the first phase residential allocated by the new LAP, very much for the reasons set out in the p.a. reason no. 3 of the refusal.
- The development of commercial at this location will create a sense of place.
- The site was not essential or strategic for residential development.
- It was an 11<sup>th</sup> hour decision to remove the DC zoning from the site.
- The final map of the new LAP 2016-2022 does not consolidate district centre activity as predicted in the draft LAP, it does not mitigate any of the concerns that led to permission being refused on the site previously.
- It must be noted that in the planning sequence this area was promoted as the first for high density development, while it was refused primarily on the basis of the quantity of retail and its remoteness to the community because of the absence of a proposed future link road.
- Some 17 reasons are given as to why the commercial zoning on the 4 acres at the Old Tuam Road Roundabout should be retained.

## 6.2. Observations

### River Village Traders c/o Braniff Associates Planning Consultants

The contents of the submission from the above can be summarised as follows:

- The observer submission is on behalf of 7 listed businesses in the River Village District Centre in Monksland, Athlone, Co. Roscommon.
- The observer supports the planning authority's decision.

- This predominately commercial scheme is in contravention of the residential zoning objective as per the LAP.
- The LAP unequivocally states that supermarkets are not normally permitted on land zoned New Residential.
- The applicant's submission delves into the history of planning applications on the site in an attempt to explain why district centre zoning should still apply to the site.
- The objective planning rationale for its zoning is best understood in the context of the LAP's current strategic objectives SO1 and SO5, and the LAP zoning map.
- It is these legitimate objectives in the LAP which underpin the residential zoning status of the site and which ultimately cause this application for a district centre to fail from the outset.
- There is no need for the scheme.
- This proposal is actually 7.7% larger than the earlier 14/115 scheme on which it is based and which was refused by the Board.
- The application and the appeal have been lodged without a RIA or a T&TA.
- The applicant has failed to demonstrate that there is a need for the scheme and that there will be no negative impact on the vitality and viability of Athlone town centre.
- Both the national Retail Planning Guidelines 2012 and the Roscommon County Retail Strategy 2014-2020 unequivocally stipulate that there must be a need/justification for this type of development.
- There is a glut of vacant retail units in Monksland.
- Latest research from CBRE indicates that the level of vacancies (18.2%) on the high streets of Athlone town centre is the most pronounced of all towns surveyed.
- Despite the best efforts of the applicant's architect there was one inescapable dimension to the scheme that could never be compromised in

the layout – namely the requirements of the end-user to have its utilitarian box-like store erected as a freestanding unit with adjacent surface parking.

- The ‘build and they will come’ approach to development is a poor substitute for proper planning.

## 7.0 Assessment

I have examined all the plans, particulars and documentation on file. I have carried out a site inspection. I have had regard to relevant provisions of the statutory plans for the area. In my opinion the main issues arising are:

- Planning History
- LAP Compliance
- Retail Impact
- Site Layout
- Appropriate Assessment

### Planning History

- 7.1. There is a significant planning history pertaining to the site. There are three applications in particular that are of relevance.
- 7.2. Under 06/2373 (PL 20.229054) the p.a. granted planning permission for a mixed-use development a site that included the current application site as well as other contiguous lands. That development included for 255 residential units, medical centre, crèche, gym, civic centre, bar, café, restaurant, take-away, 22 commercial units and a new roads layout. That decision to grant permission was subject of a third party appeal. The Board refused permission for the development for one reason relating to the development of the lands being premature pending a new roads layout for the area. The history file is attached to the current file.
- 7.3. Under 14/115 (PL 20.244373) the p.a. granted permission for a mixed-use district centre on the site accommodating a discount food store, a two-storey mixed-use building accommodating fast food restaurant, retail and office uses, and a separate single-storey building accommodating consultancy suites and therapy rooms. That proposal also included for a proposed link road and other associated works. The

proposed layout changed over the course of the application. The final layout on that application is not wholly dissimilar to that now before the Board. The decision to grant permission for 14/115 was the subject of a third party appeal. The Board refused permission for the development for two reasons. Reason 1 related to the unjustifiable quantum of retail use being proposed. Reason 2 related to the creation of a poor public realm and inadequate amenity provision for future residents. The history file is attached to the current file.

- 7.4. Under 15/209 (PL 20.245569) the p.a. refused permission for a district centre containing a discount foodstore, café/bar, off-licence, 16 no. maisonette type dwellings, link road and associated works. That decision was the subject of a first party appeal. The Board refused permission for the development for two reasons. Reason 1 related to the unjustifiable quantum of retail use being proposed. Reason 2 related to the creation of a poor public realm and inadequate amenity provision for future residents. The history file is attached to the current file.

#### LAP compliance

- 7.5. The land use zoning objective for the site has recently been changed. In the grounds of appeal, the applicant has focused on the planning history pertaining to the site and how, in his view, the changes to the land use zoning objective came about. The applicant holds that the rezoning came about following the Board's two most recent refusals pertaining to the lands. He questions the suitability of the residential zoning that now applies. The applicant's grievance, in many respects, lays with the reserved function of the planning authority. The applicant has submitted, *inter alia*, an argument as to why the commercial zoning should have been retained on the subject lands. The elected members of the authority have exercised their right to adopt the land use zoning objective for the lands as they saw fit. How they came to that decision is now, arguably, somewhat academic. The adoption of a statutory plan for the area is subject to public participation, it appears the applicant did exercise his right to engage in that process, however, it appears he is dissatisfied with the outcome with regards to his lands. The Board must have regard to the land use zoning objective in its deliberations on the appeal.
- 7.6. This site, which was previously zoned 'District Centre' in the LAP 2010-2016 when the Board refused permission under 14/115 and 15/209, is now zoned for 'New

Residential' as indicated in Map 13 'Land Use Zoning' of the recently adopted Monksland/Bellanamullia LAP 2016-2022. This makes the quantum of retail as now proposed, all the more unjustifiable. The applicant is proposing a discount food store of stated area c. 1,518 sq.m. gross floor area. This is classed as a 'supermarket' in Annex 1 of the Retail Planning Guidelines 2012. The LAP 2016-2022 indicates that a 'Shop – Supermarket' is 'not normally permitted' as indicated in the land use zoning matrix in Chapter 6.

7.7. Furthermore, the 'District Centre' zoning as per the recently adopted LAP 2016-2022 is located further east of, and not contiguous with, the application site and is located towards the centre of the LAP designated area. One of the 'Strategic Aims' listed on page 17 of the new LAP is to, *inter alia*, support the consolidation of commercial activity within the LAP area around a District Centre in which a high quality commercial core is established. This strategy, and the zoning which supports it, appear reasonable, in my opinion. The applicant's proposal is contrary to that strategy and conflicts with the land use zoning objective. In addition to the discount food store/supermarket, the applicant is proposing 5 no. shops with a stated combined area of c. 450 sq.m. for the site, other commercial uses proposed include consulting rooms, therapy unit and 2 no. offices. The quantum of retail and commercial development proposed on land intended for new residential development is problematic.

7.8. This problem is further compounded by the fact that only 6 residential units are being proposed on the site whose primary land use objective is to facilitate new residential development, there were 16 residential units proposed for the site under the refused 15/209.

7.9. I would therefore recommend refusal for the proposed development on the grounds that it conflicts with the above mentioned strategic aim and materially contravenes the recently adopted LAP land use zoning objective for the site.

#### Retail Impact

7.10. I am of the opinion that the Board's concerns as raised in Reason 1 of 14/115 and Reason 1 of 15/209 relating to retail impact still pertain.

7.11. In both of its decisions under 14/115 and 15/209, the Board raised specific concerns regarding the overall quantum of retail proposed in the context of vacancy rates that

currently exist within the Monksland area. The Board cited the Retail Strategy for County Roscommon 2014 in both of its decisions and also raised concerns about the negative impact the proposed development would have on the vitality and viability of Athlone Town Centre. It also held that the proposed development would be contrary to the Retail Planning Guidelines for Planning Authorities (2012).

- 7.12. I am of the opinion that the applicant has not addressed these concerns, either in the application to the p.a. in the first instance or in the grounds of appeal to the Board. The same county Retail Strategy still applies as does the Ministerial Guidelines. The applicant has failed to justify the quantum of retail floor space being proposed. There was no Retail Impact Assessment submitted with the application. The p.a. in its refusal decision on the current application, under Reason 2, again cited: the Retail Strategy for County Roscommon; the quantum of retail proposed; the negative impact on Athlone Town Centre, and the Ministerial Guidelines, yet no Retail Impact Assessment accompanied the appeal.
- 7.13. There is no evidence on file that the vacancy rates have substantially changed since the Board's previous refusals. The only material change, in the planning context, that has taken place since those previous decisions, is the change of the site's land use zoning objective from 'District Centre' to 'New Residential'. This makes a clear justification for the quantum of retail floor space all the more imperative. An observer submission on the appeal on behalf of River Village Traders cites recent research from CBRE which states that Athlone saw the number of vacancies on its high streets increase to 18.2% in Q1 of 2016, the highest rate of the urban centres listed.
- 7.14. There are two key actions listed in the Retail Strategy for County Roscommon 2014-2020 in relation to Monksland/Bellanamullia (ref: page 17 of the Strategy). The first seeks to ensure that retail proposals do not undermine or adversely impact upon the key function of Athlone Town to serve as the primary regional retailing centre, the second is to apply strict controls on new build proposals for retail developments where vacant premises which could readily serve the proposal are already built. That Strategy goes on to provide a summary of the retail floor space in Monksland 2007-2013. It indicates that in that period some 5,433 sq.m. of retail floor space had been granted in Monksland and of that, some 1,812 sq.m. is operational and the remaining c. 3,621 sq.m. remains either vacant or is undeveloped. The applicant is proposing a discount foodstore/supermarket of 1,518 sq.m. and other retail provision



of 450 sq.m. on the site. Given the key actions listed in the Retail Strategy, the retail floor space already granted and the on-going vacancy rates in the area, I am of the opinion that the quantum of retail floors space as proposed is unjustifiable. Policy 87 of the LAP seeks to, *inter alia*, implement the findings and recommendations of the Retail Strategy for County Roscommon and assess all retail proposals against the criteria and recommendations set down in the Retail Planning Guidelines (2012). Policy 84 seeks to ensure that retail and service outlets are located within the identified District Centre and Local Centres, the application site is neither a District Centre or a Local Centre. Objective 84 seeks to facilitate and encourage the appropriate provision of retail facilities in the LAP area particularly focused in the areas zoned as District and Local Centres. The development of the type and scale proposed is not supported by these policies and objectives of the LAP relating to retail and commercial development at this location, on the contrary, it would conflict with these policies and objectives. The need to protect the viability and vitality of Athlone town centre is acknowledged in the Roscommon CDP 2014-2020. The CDP indicates that retail growth is to be directed to neighbourhood/district centres and is to serve the needs of local communities and it must be demonstrated that such development will not undermine the viability and vitality of retailing in the town centre (ref: section 3.3.3 of the CDP).

- 7.15. Having regard to the forgoing, I would recommend a refusal reason similar to that applied under Reason No. 2 by the p.a. in its decision on the current application and similar to Reason No. 1 of the Board's decisions in 14/115 (PL 20.244373) and 15/209 (PL 20.245569). I would also recommend that reference should be made to the new land use zoning objective in addition to the County Retail Strategy in the refusal.

#### Site Layout

- 7.16. The Board refused on design grounds also under 14/115 (PL 20.244373) and 15/298 (PL 20. 2545569). I note the site layout as submitted under the 'clarification of further information' on 14/115 is similar to that now before the Board. In that decision (14/115) the Board raised concerns about, *inter alia*, the preponderance of surface car parking and the absence of usable public open space resulting in a poor public realm and inadequate amenity for future residents. While the site layout differed in 15/298, the Board again refused for a reason relating to concerns about

the dominance of surface car parking, road layout and the absence of usable public open space.

- 7.17. In the current proposal surface car parking still dominates the site layout, arguably even more so than in the previously refused schemes. The public open green space is located, again, in the south-east corner of the site adjacent the roundabout and public roads. It is located in front of the discount foodstore and separated from Block B, which contains the proposed apartments, by public car parking. This Block B is surrounded on all four sides by surface car parking.
- 7.18. I am of the opinion that a stronger urban edge should be created along the southern and eastern boundaries where the site fronts onto the public roads. The site, and the wider area, would benefit from consolidation. Building blocks dropped into a sea of surface car parking and unusable open space do little to enhance the urban integrity of the area. As proposed, surface car parking is the dominant element, both physically and visually, on the site, this is contrary to the proper planning and sustainable development of the area (see, *inter alia*, the 'perspective view of scheme' drawing submitted with the application). I would recommend refusal in relation to the site layout. I note the p.a. concerns in relation to the design of the discount food store/supermarket (Block A). However, a new site layout for a residential scheme of appropriate urban (and less suburban-like) design, and one which complies with the land use zoning e.g. does not contain a supermarket, would address this concern. The 'Urban Design Manual' that accompanies the 'Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities' provides good direction as to how the site could be appropriately developed. Car parking provision should be ancillary to the overall scheme and not given such primacy as currently proposed.

#### Appropriate Assessment

- 7.19. The subject site is located approximately 2 km 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.

## **8.0 Recommendation**

- 8.1. Refuse permission for the proposed development for three reasons as indicated hereunder.

## **9.0 Reasons and Considerations**

1. It is a strategic aim of the Monksland/Bellanamullia (Athlone West) Local Area Plan 2016-2022 to support the consolidation of commercial activity within the LAP area around a District Centre, which is located to the south-east of, and not contiguous with, the application site. In addition, the land use zoning objective for the application site is 'New Residential' as indicated on Map 13 of the LAP. Both the strategic aim and the land use zoning objective are considered reasonable. Having regard to the quantum of retail and commercial uses proposed (including a discount food store/supermarket of stated area of c. 1,518 sq.m. which is not normally permitted on lands zoned 'New Residential') and also having regard to the limited number of residential units being proposed, 6 no. apartments, it is considered that the proposed development would conflict with the above mentioned strategic aim of the LAP and would materially contravene the land use zoning objective for the site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the Retail Strategy for County Roscommon 2014, and the land use zoning objective for the site as indicated in the Monksland/Bellanamullia (Athlone West) Local Area Plan 2016-2022, it is considered that the overall quantum of retail proposed would not be justified at this time, or at this location, 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.

3. 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.

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Tom Rabbette  
Senior Planning Inspector  
10 January 2017