



An  
Bord  
Pleanála

## Inspector's Report PL25M.248709

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<b>Development</b>	Sub-division of existing retail unit for additional office space and alterations to layout and elevations and all associated site works.
<b>Location</b>	Golden Island Retail Park, Carrick O'Brien Road, Golden Island, Athlone, Co. Westmeath.
<b>Planning Authority</b>	Westmeath County Council.
<b>Planning Authority Reg. Ref.</b>	17/7015
<b>Applicant(s)</b>	Diskin Enterprises.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse.
<b>Type of Appeal</b>	First Party.
<b>Appellant(s)</b>	Diskin Enterprises.
<b>Observers</b>	None.
<b>Date of Site Inspection</b>	10/08/2017
<b>Inspector</b>	Patricia Calleary.

## Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	4
3.1. Decision .....	4
3.2. Planning Authority Reports .....	4
3.4. Prescribed Bodies .....	5
3.5. Third Party Observations .....	5
4.0 Planning History.....	5
5.0 Policy Context.....	6
6.0 The Appeal .....	7
6.1. Grounds of Appeal .....	7
6.2. Planning Authority Response.....	8
6.3. Observations .....	8
7.0 Planning Assessment .....	8
7.1. Introduction .....	8
7.2. Planning Policy.....	9
7.3. Design and Layout .....	10
7.4. Access and Car parking .....	10
7.5. Other – Section 48 Development Contributions .....	10
7.6. Appropriate Assessment .....	11
8.0 Recommendation.....	11
9.0 Reasons and Considerations.....	11
10.0 Conditions .....	11

## 1.0 Site Location and Description

- 1.1. The appeal site, as denoted by the redline boundary on the site location map, comprises a retail warehouse development known as Golden Island retail park, located on the south-eastern edge of Athlone town. It is located to the east of Carrick O'Brien road, directly behind other warehouse units fronting onto Golden Island road to the north. Golden Island shopping centre is located to the west. The retail warehouse development is shown to comprise four retail units (4a, 4b, 4c and 4d) and it is stated that Unit 4a is subdivided. The unit within which the subdivision works are now proposed is shown as Unit 4D on the planning file drawings. Based on a review of the drawings it appears to have had a mezzanine level in part though works currently underway at first floor level have since occupied this upper mezzanine space.
- 1.2. There is a car parts retail store (Central Autoparts) immediately adjoining the retail unit on the north side. The site adjoins a watercourse to the south.

## 2.0 Proposed Development

- 2.1. As stated on the public notice, the proposed development would comprise (1) the subdivision of an existing retail unit, 4D, to accommodate additional first-floor office space, (2) for minor alterations to existing elevations to include additional windows and signage, (3) for minor alterations to existing site layout to include additional car park spaces, new entrance security gates and signage and all necessary ancillary siteworks.
- 2.2. Based on my site inspection and a review of the drawings which are on file, it is evident that unit 4D would be subdivided to result in a smaller unit at ground floor level with the remainder of the unit sectioned off to provide a new unit (4E). The new Unit (4E), in addition to occupying ground floor space would also incorporate first floor space in what has been indicated as a mezzanine area within the current Unit 4D. On the ground floor level, Unit 4E would broadly occupy primary office space which appears to have served as ancillary office space for the original Unit 4D.
- 2.3. In effect, the proposed development would result in two units within the footprint of the original Unit 4D.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. The Planning Authority issued a decision to refuse permission for the following reason:

The proposed development materially contravenes the Athlone Town Plan 2014-2020, in particular, Policy P-RET11, which states that it is policy 'to restrict the subdivision of retail warehouse premises into smaller units, as they may undermine existing retail provision in the retail core and thereby adversely impact upon the vitality and viability of the town centre'. The development would result in the incremental downsizing of purpose built retail warehousing and would consequently have the potential to attract retail uses suited to town centre locations. To permit same would thereby harm the vitality and vibrancy of the retail core of the town and be contrary to the policies and objectives of the Athlone Town Council Development Plan 2008-2014, the Westmeath Retail Strategy 2007, the DoEHLG Retail Planning Guidelines 2005, and to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. Initial Planning Report.**

- Principle of the development has been established;
- Site is located within a flood risk zone, however, the structure is established on site and development if permitted will not increase flood risk;
- Concerned that proposal could result in a use which would be more appropriately located within the core retail area;
- Elevational alterations acceptable;
- Car parking alterations acceptable subject to a condition regarding replacement of 2 disabled spaces;
- Details on intended use of building / future occupier.

### 3.2.2. Final Planning Report (on receipt of further information)

- Unit 4A was previously subdivided under planning ref. 07/3202;
- Facilitating further downsizing of purpose built retail warehousing would undermine the requirement to enhance existing retail provision in the retail core;
- No indication of the future proposed use of Unit 4A where applicant's offices are to be relocated from to the proposed unit 4E.

3.3. The report included an extract from the Athlone Town Development Plan 2014 on retail warehousing policy. A recommendation to **refuse permission** was made.

#### 3.3.1. Other Technical Reports

- Fire Officer - No objection provided adequate water for firefighting is provided;
- District Engineer – No objection subject to conditions.

#### 3.4. Prescribed Bodies

- HSE – No objection

#### 3.5. Third Party Observations

- None

### 4.0 Planning History

- **PL34.207457 (04/3040)** – Permission **granted** for the development of a retail park incorporating 12 retail warehouse units (2004);
- **06/3017** – Permission **granted** for the development of 4 no. retail units on a portion of the site granted retail warehouse under P34.207457 (04/3040) above (2006);
- **07/3203** – Permission **granted** for retention of modifications to development permitted under 06/3017. The modifications include: separation of **unit 4A** into ground and first floor units with increase in the mezzanine floor area of c.41sq and realignment of ground floor glazing to this unit (with associated

small increase in area of c.6sqm). Elevational amendments to the front and rear of unit 4a and revised temporary service yard and turning circle plus substation (2008).

## 5.0 Policy Context

### 5.1. Athlone Town Development Plan 2014-2020

- The site is zoned **mixed use** under the current development plan with a stated objective **O-LZ3**: to provide for, protect and strengthen the vitality and viability of town centres, through consolidating development, encouraging a mix of uses and maximising the use of land, to ensure the efficient use of infrastructure and services.

- Office use is permitted in principle in the mixed use zoning objective.

- **Section 4.5 – Retail warehousing**

The subdivision of retail warehouse premises into smaller units shall not be permitted, as they may undermine existing retail provision in the retail core and thereby adversely impact upon the vitality and viability of the town centre. The Retail Planning Guidelines indicate that individual retail warehouses should not be less than 700m<sup>2</sup> gross floor area (with no permission to subdivide) and no more than 6,000m<sup>2</sup> in size. It is also important that all retail warehousing is restricted solely to the sale of bulky goods.

- **Policy P-RET11** - restrict the subdivision of retail warehouse premises into smaller units, as they may undermine existing retail provision in the retail core and thereby adversely impact upon the vitality and viability of the town centre.

### 5.2. Guidelines for Planning Authorities Retail Planning

- **Section 4.11.2** – Retail parks and retail warehouses - size of units and type of goods sold. To minimise potential adverse impacts on central areas, it is important that the range of goods sold in both existing and any future retail parks is tightly controlled and limited to truly bulky household goods or goods

which are not portable by customers travelling by foot, cycle, or bus. See Annex 1 for definitions of bulky goods.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

An appeal was lodged by McCarthy Keville O'Sullivan on behalf of the applicant. The grounds of which are summarised as follows:

- Proposed office space would accommodate Diskin Enterprises Ltd., whose offices are currently based in Unit 4A and are too large;
- Lands are zoned 'mixed use' where office use is permitted in principle;
- Current proposal would comply with Objective O-LZ3, as it encourages a mix of uses (office and retail warehousing) and maximises the use of land. Office use is permitted in principle under the land use zoning matrix (extract of the matrix attached with appeal);
- Site is serviced, has sufficient car parking and would provide an efficient use of existing infrastructure and services;
- Provision of a smaller retail warehouse unit to accommodate applicant's office would not affect the vitality and viability of Athlone town;
- Unit has a floor area of 360.5 m<sup>2</sup> which is less than the recommended minimum size for retail warehouse units (700 m<sup>2</sup>) as set out in the Retail Planning Guidelines and the Retail Strategy for Westmeath. Despite the current reduction in floor area to 245.28 m<sup>2</sup>, the unit would have the ability to remain a successful retail warehouse unit;
- In relation to Policy P-RET11, applicant's businesses are in the area and his desire is to locate his offices close by rather than rent an office in town centre;
- Regard should be given to demand for smaller retail warehouse units to aid the recovering economy;

- Applicant's current offices located within unit 4A would be brought to the rental market where there is demand for high quality office space in an accessible location;
- Subdivision of Unit 4A was permitted and the permission limited the first-floor area to Class 3 office use.

## 6.2. Planning Authority Response

- None

## 6.3. Observations

- None

## 7.0 Planning Assessment

### 7.1. Introduction

- 7.1.1. The retail warehouse development is an established use. The main issue to be considered in this case is whether or not the subdivision of the existing unit (4D) to form two units would be appropriate in the context of the applicable planning policy for the area.
- 7.1.2. On the day of my inspection, physical works had commenced within the existing Unit 4D. Stud partition walls were partially fitted at first-floor level. Drawings of Unit 4D show that it existed as a retail warehouse unit incorporating ancillary office space at ground floor level together with a mezzanine level overhead.
- 7.1.3. The current proposal involves subdividing the unit to create a new entity (Unit 4E), which would incorporate and modify the existing ancillary office accommodation currently within Unit 4D at ground floor together with adding new office accommodation at the current mezzanine level. The remainder of Unit 4D would continue to function as a retail warehouse unit at ground-floor level. I note that an existing escape stairs, which appears to have provided escape from the mezzanine level would be used as an escape stairs leading from the first floor office space in the proposed Unit 4E.

7.1.4. Based on measurements of the floor plans submitted, Unit 4D in its original form measured c.340 m<sup>2</sup> with c.96 m<sup>2</sup> at mezzanine level. If permitted, the proposal would result in Unit 4D having a gross floor area (GFA) of c.220 m<sup>2</sup> laid out on ground floor and the new unit, Unit 4E, would occupy the remainder of the parent unit with a GFA of c.120 m<sup>2</sup> at ground-floor level together with an additional GFA of c.120 m<sup>2</sup> at first-floor level.

## 7.2. Planning Policy

7.2.1. The retail warehouse development is within an edge of town location. It is c.120m from Golden Island shopping centre and cinema and is accessible and walkable to the town centre streets and commercial activities. I accept that this could encourage multi-purpose business, shopping and leisure trips, which is encouraged by national planning policy and the county retail strategy.

7.2.2. The unit is located on lands that are zoned **mixed use** under the current development plan with a stated objective (**O-LZ3**), i.e. to provide for, protect and strengthen the vitality and viability of town centres, through consolidating development, encouraging a mix of uses and maximising the use of land, to ensure the efficient use of infrastructure and services. Under this zoning, office space is permitted in principle and retail warehouse, which has been established in this case, is open for consideration. The proposal therefore would not contravene this zoning objective. In addition, the site is serviced and has ample parking. Therefore, on the basis of the zoning objective, the proposal is acceptable in principle.

7.2.3. Notwithstanding the zoning objective, **Policy P-RET11** as set out in the development plan needs consideration. Its stated aim is to 'restrict the subdivision of retail warehouse premises into smaller units, as they may undermine existing retail provision in the retail core and thereby adversely impact upon the vitality and viability of the town centre'.

7.2.4. The grounds of appeal assert that the size of the existing unit is less than the recommended minimum size for retail warehouse units (700 m<sup>2</sup>), as set out in the Regional Planning Guidelines and the Retail Strategy for Westmeath.

7.2.5. If permitted, the remaining unit 4D would continue to function as a retail warehouse unit, albeit one which would be reduced in size and scale. The Retail Planning

Guidelines set out the type of goods which can be sold in retail warehouse units, which include bulky household goods. This can be controlled by condition restricting the use of the remaining part of Unit 4D to the sale of bulky household goods. The use of Unit 4D could also be limited to class 3 office purposes within the meaning of the Planning and Development Regulations 2001-2017.

7.2.6. Consequently, the resultant uses in Unit 4D and Unit 4E would not function for sale of convenience or comparison goods (beyond truly bulky goods) which are more suited to town centres nor would they undermine existing retail provision in the retail core and thereby adversely impact upon the vitality and viability of the town centre. Accordingly, I do not consider the proposed development would contravene Policy P-RET11 or the intention behind the policy in this specific case.

7.2.7. Having regard to the foregoing, I recommend that permission is granted taking into account the applicable planning policy.

### 7.3. **Design and Layout**

7.3.1. The proposed development would result in very little change in appearance when viewed externally. The changes would mainly occur internally. I consider the design would remain largely consistent with the overall retail warehouse park design. The proposed signage details could be controlled by way of a planning compliance condition.

### 7.4. **Access and Car parking**

7.4.1. Access and car parking were previously permitted as part of the overall retail warehouse park and minor changes are proposed including the addition of 10 new parking spaces, two of which would be wheelchair accessible spaces. I consider these proposals are acceptable.

### 7.5. **Other – Section 48 Development Contributions**

7.5.1. If permitted, the resultant development would be subject to Development Contributions in accordance with the Westmeath Development Contribution Scheme 2013-2020.

## 7.6. **Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment and its proximity to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 **Recommendation**

- 8.1. I recommend that permission is **granted** in this case.

## 9.0 **Reasons and Considerations**

- 9.1. Having regard to the zoning of the site as set out in the current Development Plan for the area, to the planning history of the wider retail warehouse park and to the nature and scale and location of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact upon the vitality and viability of the town centre and would be acceptable in terms of visual amenities and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 27<sup>th</sup> day of April 2017 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. (a) The range of goods to be sold in the reduced Unit 4D shall be limited solely to 'bulky goods' as defined in the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in April, 2012.
- (b) Unit 4E hereby permitted shall be limited to class 3 office purposes within the meaning of the Planning and Development Regulations 2001-2017.

**Reason:** In order to prevent an adverse impact on the viability and vitality of the established retailing facilities within Athlone town centre and so as not to undermine the retail hierarchy of Athlone.

3. Details of the proposed advertising signage shall be submitted to, and agreed in writing with, the planning authority prior to installation.

**Reason:** In the interest of the visual amenities of the area.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and to ensure a proper standard of development.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and

Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Patricia Calleary  
Senior Planning Inspector

23<sup>rd</sup> August 2017