



An
Bord
Pleanála

Inspector's Report ABP-300382-17.

Development	The development will consist of the development of eighteen, two bedroomed apartments within a single building over two and three floors and to include associated site works.
Location	Warrenfield, Whitegates, Ballymahon Road, Athlone, Co. Westmeath.
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	177170
Applicant(s)	Gardarta Limited.
Type of Application	Outline Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Gardarta Limited.
Observer(s)	None.
Date of Site Inspection	18 th March 2018.
Inspector	Karen Kenny

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
3.3. Prescribed Bodies	5
3.4. Third Party Observations	5
4.0 Planning History.....	6
5.0 Policy Context.....	6
5.1. Guidelines for Planning Authorities - Sustainable Residential Development in Urban Areas, DEHLG, 2009	6
5.2. Development Plan.....	7
5.3. Natural Heritage Designations	9
6.0 The Appeal	9
6.1. Grounds of Appeal	9
6.2. Planning Authority Response	11
6.3. Observations	11
7.0 Assessment.....	11
8.0 Recommendation.....	17
9.0 Reasons and Considerations.....	17

1.0 Site Location and Description

- 1.1. The appeal site is located on the Ballymahon Road (R915) in Athlone, the main northern approach route into Athlone Town Centre. It is also on the National Galway to Dublin Cycleway. Athlone Town Centre is c. 500 metres to the north of the site and the Athlone Bus and Rail Station is c. 450 metres from the site. Athlone Town Bus Route A2 runs along the Ballymahon Road.
- 1.2. The site, with a stated area of 0.26 hectares, is broadly rectangular in shape. The Ballymahon Road bounds the site to the west (c. 16 metre frontage), there is a cycleway to the north (c. 84 metre frontage), a local access road to the south and a communal laneway to the east. There is a small single storey structure along the southern site boundary that is excluded from the site area. Boundary treatments include a low wall and railings along the Ballymahon Road, a low wall to south, a palisade fence along the cycleway and a post and wire fence along the eastern boundary.
- 1.3. The area is residential in character. There are detached residential properties on their own plots along the Ballymahon Road, terrace and semi-detached dwellings to the east and south and an apartment building to the south.

2.0 Proposed Development

- 2.1. Outline permission is sought for the development of eighteen, two-bedroom apartments within a single building over two and three floors and associated site works as follows:
 - The development has a stated gross floor area of 2127 square metres. The site layout plan / block plan indicates apartment floor areas of between 90 square meters and 118 square metres.
 - A schematic of the southern elevation details a minimum ridge height of 9 metres and maximum ridge height of 12 metres depending on roof and lift design.

- Vehicular access is proposed from the LR 8050 to the south of the site and a total of 24 no. surface car parking spaces are proposed.
- Open space is shown around the apartment block.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for two reasons. The reasons for refusal are as follows:

1. Having regard to the prominent nature of the site located along one of the principal approach roads into Athlone Town, the current proposal by virtue of the poor site layout and ad-hoc design approach, would constitute a substandard urban form of development not reflective of the quality urban design required by the Athlone Town Development Plan 2014-2020. The proposed development lacks reference to the existing pattern of development in the area. The proposal does not reinforce a sense of place or character, and would adversely impact upon the character of this urban area and would therefore be contrary to Section 12.9.3, Section 12.9.7 and Section 12.9.12 of the Athlone Town Development Plan 2014-2020 and would therefore be contrary to the proper planning and sustainable development of the area.
2. It is considered that the development represents overdevelopment of the subject site and is therefore contrary to Section 12.9.4 of the Athlone Town Development Plan and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officers Report includes the following considerations:

- The proposed density of 69 units per hectare exceeds Development Plan standards as per Section 12.9.4. Refusal is recommended in this regard.
- The proposed layout is considered to be extremely poor and results in an ad-hoc design proposal which does not make reference to existing built form. It

is considered that the proposed development fails to incorporate good urban design principles and appropriate built form. Refusal is recommended in this regard.

- No information relating to the percentage of open space areas.
- Inadequate details of boundary treatments.
- The entrance is in close proximity to the T-junction between the L8050 and R915 and would result in a potential traffic hazard. The entrance should be at least 40 metres from the R915.

3.2.2. Other Technical Reports

Area Engineer: The entrance would result in a potential traffic hazard due to its proximity to the T-junction between the L8050 and R915. A setback of at least 40 metres should be provided. Tactile crossings should be provided at the entrance and a 2-meter-wide footpath along the L8050. Design calculations for the proposed storm networks are required.

Fire Officer: No objection.

Housing Section: No objection.

3.3. Prescribed Bodies

HSE: No objection.

3.4. Third Party Observations

One third party observation was received from the owners of the commercial property along the southern site boundary and was considered by the Planning Authority. The issues raised can be summarised as follows:

- Impact on the commercial property.
- Foul and water connections for commercial property are located to the rear of the existing building and the design fails to take cognisance of this.

- The development would negatively and materially affect the viability of the commercial property.

4.0 Planning History

- 4.1.1. There is no recent planning history pertaining to the appeal site.

5.0 Policy Context

5.1. Guidelines for Planning Authorities - Sustainable Residential Development in Urban Areas, DEHLG, 2009

- 5.1.1. Chapter 5 of the Guidelines sets out guidance in relation to new residential development in “Cities and Larger Towns”. In relation to inner suburban/infill development the guidelines state that the provision of additional dwellings within inner suburban areas of towns and cities approximate to existing or due to be improved public transport corridors has a revitalising effect on areas by utilising the capacity of existing social and physical infrastructure. In residential areas whose character is established by their density or architectural form, the guidelines state that a balance has to be struck between the reasonable protection of amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill. The design approach should be based on the recognition of the need to protect amenities of directly adjoining neighbours and the general character of the area and its amenities i.e. views, architectural quality, civic design etc.
- 5.1.2. No density range is recommended for inner suburban / infill sites. The guidelines recommend increased densities within 500 metres of a bus stop or 1 kilometre of a rail station, taking into consideration the capacity of the public transport services. In general, minimum net densities of 50 dwellings per hectare are recommended within public transport corridors, subject to appropriate design and amenity standards. On outer suburban / greenfield sites the guidelines recommend net residential densities in the general range of 35 to 50 dwellings per hectare and state that net densities of less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency.

5.2. Development Plan

5.2.1. The site is governed by the policies and provisions contained in the Athlone Town Development Plan 2014 – 2020. The subject site is zoned “proposed residential” and is subject to the general residential zoning objective “to provide for residential development and associated services and to protect and improve residential amenity”. The following policies are considered relevant:

- P-H6 - To have regard to the provisions of the ‘Guidelines on Sustainable Residential Development in Urban Areas’ and the accompanying ‘Urban Design Manual’ in assessing applications for housing development.
- P-FH1 - To ensure a mix and range of housing types and in particular two-bedroom accommodation, to meet the diverse needs of residents of the town.
- P-SR1 – To support the principle of sequential development in assessing all new residential development proposals, whereby areas closer to the centre of the town including underutilised brownfield sites will be chosen for development in the first instance to promote a sustainable pattern of development.
- P-SR2 – To encourage and promote the development of underutilised infill and backland development in the town subject to development criteria being met. In terms of density for new development in the case of town centre brownfield sites a density of up to 35 units per hectare will be permitted.
- P-RLD1 – To achieve attractive and sustainable development and to create high standards of design, layout and landscaping for new housing developments.
- P-RLD7 - To ensure that all new urban development especially in and around the town centre is of a high design and layout quality and supports the achievement of successful urban spaces and sustainable communities.
- P-RLD3 – To require that appropriate provision is made for amenity and public open space as an integral part of new residential or extensions to existing developments.
- Section 3.14 states that within Athlone the provision of apartment schemes may be considered in appropriate locations or where a significant demand for smaller units of accommodation is evident. Regard shall be had to the

Sustainable Urban Housing: Design Standards for Apartments – Guidelines for Planning Authorities in the overall design and layout of apartments developments. Reference shall also be made to development standards in relation to room sizes, communal and private open space outlined in Section 12.9.13 of the Plan. Policy P-8PT2 seeks to ensure that all apartments provide adequate facilities for the storage, separation and collection of waste (organic and recyclable and landfill waste) and to ensure the on-going operation of these facilities.

- Development Management Guidelines for Residential Development are set out in Section 12.9 of the Development Plan.
 - The Plan states that recommended densities in Athlone range from 35-50 units per hectare, depending on location. In the town centre, densities of up to 50 units per hectare will generally apply. In outer suburban locations, a density of 35-50 units is applicable. Higher densities may be considered in respect of all sites in urban areas, but particularly those developments in excess of 0.5ha. When considering proposals for housing developments the Council will give first priority to design quality and to securing a good environment for residents, having regard both to the individual characteristics of the site and the character of the surrounding area.
 - Table 12.2 contains indicative plot ratios. In inner suburban areas the indicative plot ratio is 0.5 to 1.0. At inner suburban locations site coverage is 70-80% is deemed appropriate.
 - Internal standards for apartments are set out in Section 12.9.13. The floor area for a two-bedroom apartment is 73 square metres.
 - In terms of open space, a minimum of 15 to 20 square metres of private open space is required. Public open space is to be provided at a rate of 15% of gross site area.
 - In terms of car parking, Table 12.11 sets out a minimum standard of one space per unit for 1 or 2+ bedroom units.

5.3. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal has been received against the decision of the Planning Authority to refuse permission. The grounds of appeal can be summarised as follows:

- Site is situated at an inner suburban / town centre location c. 400 metres from the Civic Centre located in the centre of the town.
- Planning Authority advised at preplanning that large detached dwellings would be more befitting of the site and established character of the area. Decision made to apply for outline permission in order to gain consensus in relation to the development potential of the site.
- Consideration of the general layout design and building scale is deemed applicable at this stage. Consideration of other design issues is premature at outline permission stage.
- The Athlone Town Development Plan recommends a density of 35-50 units per hectare in Athlone depending on location. The Plan states that in outer suburban areas, the applicable density would be 35-50 units per hectare increasing to 50 units per hectare in town centre locations. The Sustainable Residential Development Guidelines state that for brownfield sites within town centre locations, in particular those close to existing public transport corridors, opportunities for redevelopment to higher densities should be promoted subject to safeguards. The proposed density is attainable, with safeguards relating to development standards. The site is also proximate to the Civic Centre, national bus and rail stations and local bus services that access industrial and commercial centres on the east and west sides of the town, Athlone Institute of Technology and the town centre.
- The site is strategically located but is not prominent as suggested by the Planning Authority.

- The reference to poor layout and adhoc design in planning report is unfounded and completely misrepresentative of the proposal. There is no credible design character established at this location, save for a common thread in relation to roadside boundary treatment and buildings set-back from the roadway. The scheme is designed so as to minimise any visual impact and maintain the setback nature of development in the vicinity, to respond to the site; property to south; design requirements; and to maintain a setback from neighbouring properties. The development addresses the greenway to the north and boundary treatments seek to reflect the scale, quality and style of the existing. A set back is provided to offer privacy to the occupiers of the development.
- Design strategy seeks to position the apartment structure at the eastern end of the site as it affords the best solution in terms of building orientation in order to optimise sunlight. In terms of the two to three storey building height it is common for infill development to step up by a single storey.
- The reference to generic suburban type design is incorrect given that a scheme of apartments with a density in excess of 50 units per hectare is proposed.
- Section 12.9.12 of the Development Plan requires public open space provision at a rate of 15% of gross site area. A total of 1112 square metres is provided, equating to 43% of the site area.
- Section 12.9.1 of the Development Plan states that plot ratio should range between 0.5 and 1.0 at inner suburban locations. A plot ratio of 0.818 is proposed.
- Section 12.9.5 of the Development Plan requires details with site coverage stating that site coverage of 70-80% is acceptable. The site coverage in this instance is 27%.
- Section 12.9.13 of the Development Plan (Table 12.4) sets out internal apartment standards. A minimum apartment size of 73 square metres is specified for two bed apartments. The proposed apartments have floor areas ranging from 93 square metres to 118 square metres in area, which exceeds the minimum floor areas.

- Section 12.9.18, 12.21.3 and Table 12.11 sets out a minimum car parking requirement of 1 space per apartment including 1 disabled space. This equates to a minimum requirement for 18 no. spaces. 24 spaces are provided.

6.2. **Planning Authority Response**

None.

6.3. **Observations**

None.

7.0 **Assessment**

7.1.1. I consider that the relevant issues in determining the current application and appeal before the Board are as follows:

- Principle of Development
- Density
- Design and Form
- Vehicular Access Considerations
- Impact on Residential Amenity

7.2. **Principle of Development**

7.2.1. The site is zoned 'proposed residential' and is subject to the general residential zoning objective O-LZ1 which is "to provide for residential development, associated services and to protect and improve residential amenity". Residential development is permitted in principle in this zone.

7.2.2. A question does arise in respect of whether or not an apartment development would be at odds with the established character of the area. The appeal site is an infill site within an inner suburban area of Athlone Town. The area is residential in character with a mixture of detached residential properties on their own plots along the Ballymahon Road and terraced and semi-detached dwellings immediately to the east

and south. The Sustainable Residential Development in Urban Areas Guidelines state that “in residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of established character and the need to provide residential infill.” (Section 5.9 refers).

- 7.2.3. In general terms, I consider that the subject site is suitable for a modest apartment type development and that this type of development would sit comfortably with the established residential form, subject to an appropriate scale of development and a design response that respects the general character of the area. In terms of the urban design criteria set out in the Urban Design Manual accompanying the Sustainable Residential Development Guidelines an apartment development would provide for higher residential densities on a site that is in close proximity to local services and transport connections and is within walking and cycling distance of the Town Centre, in addition to complementing the existing housing stock in the area.

7.3. **Density**

- 7.3.1. The second reason for refusal states that the proposed development represents an overdevelopment of the site and is contrary to the density standards set out in the Athlone Town Development Plan.

- 7.3.2. Section 12.9.4 in setting out guidance on density states the following:

“Recommended densities in Athlone range from 35-50 units per hectare, depending on location. In the town centre, densities of up to 50 units per hectare will generally apply. In outer suburban locations, a density of 35-50 units is applicable. Higher densities may be considered in respect of all sites in urban areas, but particularly those developments in excess of 0.5ha. When considering proposals for housing developments the Council will give first priority to design quality and to securing a good environment for residents, having regard both to the individual characteristics of the site and the character of the surrounding area”.

- 7.3.3. A density of 69 units per hectare is proposed on a site of 0.26 hectares, which is in excess of the density range of 35-50 dwellings per hectare envisaged by the Development Plan. While higher densities can be considered on all sites in urban areas, the proposed density is considerably in excess of the 35-50 dwellings per hectare range recommended by the Development Plan and is in my view excessive

having regard to the established low-density character of the area, the small infill nature of the site and to the capacity of the public transport network in the area.

7.4. Design and Form

- 7.4.1. Policy RLD7 of the Athlone Town Development Plan seeks to ensure that all new urban development especially in and around the town centre is of high design quality and supports the achievement of successful urban spaces and sustainable communities. The first reason for refusal states that the proposed development would constitute a substandard urban form of development that is not reflective of the urban design quality required by the Development Plan and that it lacks reference to the existing pattern of development in the area. The applicant in response argues that there is no consistent architectural form in the area and that the area is characterised by a range of housing types and plot sizes. The applicant also argues that consideration of issues relating to the fabric and aesthetics of the building structure are premature at outline permission stage. While I would concur with the applicant that there are a variety of architectural forms and plot types in the area, this does not negate the need for a site-specific design response that responds to the established character of the area. The principle of a step up in built form is acceptable in my view on the appeal site, given the sites location on a principle approach road into Athlone Town and its position along the Dublin to Galway cycleway, subject to safeguards that would include an appropriate set back from neighbouring residential properties. While I agree that detailed design matters would be considered at consequent permission stage, the site layout plan and schematic elevation submitted with the application are all relevant considerations in determining whether or not the scale and form of development proposed is appropriate. In this regard, I would draw to the Boards attention to Section 36 (4) of the Planning and Development Act 2000 (as amended), which states that where an application for permission is made consequent on the grant of outline permission, the planning authority shall not refuse to grant permission on the basis of any matter which had been decided in the grant of outline permission.
- 7.4.2. The schematic front elevation provides an indication of the scale of the structure that is required to accommodate 18 no. two bedroom apartments based on the proposed building footprint. The schematic details a three-storey block with a minimum ridge

height of 9 metres and a maximum ridge height of 12 metres (depending on final roof and lift design). The schematic does not include contiguous elevations. The submitted details would suggest that it is intended to provide six apartments at ground, first and second floor levels over a building footprint of 709 square metres at each level, equating to the stated gross floor area of 2,127 square metres. However, this suggests that the structure is primarily three storeys as opposed to the “two and three floors” detailed in the development description. The apartment block is situated on the eastern section of the site proximate to existing low profile two storey houses, and at a setback from the Ballymahon Road to the west. Given the low-density context and the small infill nature of the site, I consider that the overall scale and mass of the apartment block would be excessive. In addition, the submitted details fail to adequately demonstrate that the structure would not impact unduly on the amenities of the adjacent dwellings to the east due to the potential for overlooking (should windows be proposed in the eastern elevation) and overshadowing. I would also concur with the Planning Authorities view that the development should move closer to and seek to address the Ballymahon Road and the extensive frontage along the Galway to Dublin Cycleway, in so far as possible.

- 7.4.3. I consider that a reduction in the number of units, as discussed in Section 7.3 above, would have consequential benefits in terms of the potential scale of the development and its integration within the established urban form.

7.5. Traffic Considerations

- 7.5.1. I note that the Report of the Area Engineer states that the proposed vehicular entrance would result in a traffic hazard due to its proximity to the junction of the Ballymahon Road and the LR8050 and that the entrance should maintain a minimum setback of 40 metres from the junction. I concur with the view of the Planning Authority and note that the increased set back would require significant alterations to the proposed layout to include the relocation of the apartment block.
- 7.5.2. Table 12.11 of the Athlone Town Development Plan seek a minimum of 1 no. car parking space per 2+ bed dwelling. A total of 24 no. spaces are proposed equating to a provision of 1.3 spaces per unit in this instance. While the provision meets the minimum standard set out in the Development Plan, I consider that the provision of a

large parking court at the western end of the site along the Ballymahon Road and the Cycleway represents a poor design response.

7.6. Impact on Residential Amenity

- 7.6.1. Having regard to the nature and scale of the proposed apartment block, as detailed in the submitted schematic elevation, and the limited set back of c. 9 metres from opposing private rear gardens to the east I consider that the proposed development has the potential to seriously injure the residential amenities of the adjacent properties by way of overlooking and overshadowing.
- 7.6.2. In terms of open space provision, the proposed development incorporates small areas of incidental open space surrounding the proposed apartment block with a stated area of 1112 square metres. The quantity is in excess of the Development Plan requirement of 15% of site area. Having regard to the modest dimensions of the site it may not be possible, in my view, to provide anything other than incidental open space, however the detailed design response should seek to ensure that there is a good relationship between the spaces provided and the buildings, to include a good level of passive supervision.
- 7.6.3. In terms of the size of the apartment units provided, the stated floor areas comply with and significantly exceed the minimum apartment floor areas as set out in Table 12.4 of the Development Plan and the standards set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018. Other private amenity and internal space standards would be considered at consequent permission stage, based on the detailed design of the scheme.

7.7. Other

- 7.7.1. The submission received by the Planning Authority refers to the impact of the proposed development on the small commercial property to the south of the site, due to the presence of service connections for that property on the appeal site. I would note that the issues raised fall outside of the matters to be considered by the Board.

7.8. Conclusion

- 7.8.1. Arising from my assessment above I consider that the subject site is suitable for a modest apartment type development and that this represents an appropriate form of development given the sites proximity to Athlone Town Centre and its prominent location. I consider that the scale and mass of the building required to accommodate the extent of development proposed in this instance has the potential to impact negatively on the character and amenity of the area. While the proposed development meets Development Plan standard in respect of open space provision, car parking and floor areas etc., I consider that a reduction in the density would provide greater scope to better address the adjacent road network and cycleway, in addition to better protecting the amenities of adjacent residential properties. In terms of traffic I would have concerns that the existing access arrangements are not the most suitable and that the vehicular entrance should be relocated to increase the setback from the busy road junction to the west. This would necessitate the relocation of the apartment block to the west, which would also serve to improve the interface with the Ballymahon Road. I do not consider that these issues could be dealt with adequately by way of condition as it would involve and necessitate a significant reconfiguration of the proposed development. I therefore recommend that planning permission be refused.

7.9. Appropriate Assessment

- 7.10. The nearest European sites to the appeal site are the Lough Ree SPA (Site Code: 004064) and SAC (Site Code: 000440) both located at their nearest point just over 1.5 kilometres to the west of the site, the River Shannon Callows SAC (Site Code: 000216) and the Middle Shannon Callows SPA (Site Code: 004096) both located at their nearest point just over 1.5 kilometres to the west of the subject site and the Crosswood Bog SAC (Site Code: 002337) located at its nearest point over c. 3.5 kilometres to the east of the subject site. Having regard to the nature and scale of the proposed development and the nature of the receiving environment together with the proximity to the nearest European sites 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 others plans and projects on a European site.

8.0 Recommendation

- 8.1. Refuse planning permission for the proposed development based on the reason and considerations set out below.

9.0 Reasons and Considerations

1. The site is zoned residential in the Athlone Town Development Plan 2014-2020 and is subject to an objective to provide for residential development, associated services and to protect and improve residential amenity. It is a policy of the Development Plan to ensure that all new urban development especially in and around the town centre is of a high design and layout quality and supports the achievement of successful urban spaces and sustainable communities (Policy RLD7). It is also a policy of the Development Plan to have regard to the provisions of the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities and the accompanying Best Practice Urban Design Manual (DECLG 2009) (Policy H6). These policies are considered reasonable. Having regard to the suburban location of the site, it is considered that the proposed density is excessive in the context of adjoining development and that it would impact unduly on the character of the area. Furthermore, the proposed layout, by reason of its response to the site context and in particular the sites prominent location on a principal route into Athlone Town Centre and along the Galway to Dublin Cycleway, represents a substandard form of urban development that is not in accordance with the design and layout guidance set out in the Development Plan or in the Sustainable Residential Development Guidelines for Planning Authorities. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Karen Kenny

Senior Planning Inspector
20th March 2018