



An
Bord
Pleanála

Inspector's Report ABP-306839-20.

Development

Planning permission is being sought to complete the existing partially constructed Glenatore residential development which was granted permission under P.A. Ref. No.s 113054; 053222; and, 043198. The total residential dwellings to be constructed for this phase is 29 units. All units to be constructed on previously constructed floor slabs. Variations also sought from development previously permitted under P.A. Ref. No. 043198 with this including the reduction in height of all previously 3-storey residential dwellings to 2-storey dwellings and some sectional with associated elevation and plan amendments to match. Planning permission is also sought for a new development signage proposal and all associated bin storage within the site. Planning permission also includes all associated site services, all external site works and associated site works, site finishes, roads, ESB wayleaves,

parking, footpaths, public open space, site boundaries and landscaping, with connections to previously constructed under the grant of permission P.A. Reg. Ref. No. 043198.

Location	Glenatore, Clonbrusk, Athlone, Co. Westmeath.
Planning Authority	Westmeath County Council.
Planning Authority Reg. Ref.	19/7017.
Applicant	SPDD Properties Ltd.
Type of Application	Planning Permission.
Planning Authority Decision	Refused.
Type of Appeal	First Party
Appellant	SPDD Properties Ltd.
Observer(s)	None.
Date of Site Inspection	2 nd day of July, 2020.
Inspector	Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. The irregular shaped appeal site has a stated 0.85ha area. It is situated in the Townland of Clonbrusk, which lies on the northern fringes of Athlone, c1.5km to the north of its historic centre, in County Westmeath.
- 1.2. The site forms part of the partially completed Glenatore residential scheme. At the time of my inspection I observed works on-going on the completion of a group of 4 semi-detached pairs that adjoin part of the southern boundary of the site and whose on-street parking area is incorporated into the red line area of the site. In addition, I observed completed and occupied dwelling units to the south, south east and part of the eastern boundary of the site.
- 1.3. Access to the site and the public road network can be achieved via an existing estate access road which opens onto the heavily trafficked Coosan Road. This entrance is situated c185m to the east of Coosan Road's roundabout junction with the L4023 and c0.3km to the north east of the N6's Junction 11 interchange. This entrance is c76m at its nearest point to the site.
- 1.4. The western and part of the northern boundary of the site is set back from existing residential developments including Rindoon Park. To the north west there are a number of detached dwelling houses. The adjoining ground levels to the west and north west of the site are considerably lower than the adjoining area of the site. The main northern boundary adjoins unkempt undeveloped land. The neighbouring land to the north east is characterised by mainly detached dwellings.
- 1.5. The site consists of mainly an area of uncompleted residential development which in part is comprised of existing concrete bases on the eastern, western, and central portion of the site. These areas are fenced off, are unkempt and with the western portion being in use for the storage of building materials, vehicles, and the like. It also consists of part of a now landscaped green open spaces which is associated with the completed Glenatore residential development; the car parking area previously mentioned the currently in completion group of 4 semi-detached properties; and, the south easternmost portion of the site which contains a site office as well as evidence of foundations associated with the initial construction of the Glenatore residential scheme. The surrounding area has a strong residential and an edge of settlement fringe character.

2.0 Proposed Development

- 2.1. Planning permission is being sought to complete the existing partially constructed Glenatore residential development P.A. Ref. No.s 113054; 053222; and, 043198. Planning permission includes construction of previously permitted Type Block A (6 No. apartment and 6 No. duplex apartments, all 2 bed residential dwellings) Type Block B and B1 (4 No. Total 4 bed residential dwellings) Type Block C2 (2 No Total 3 bed residential dwellings) Type Block D (6 No. Total 3 bed residential dwellings) Type Block E (3 No Total 3 bed residential dwellings) and Type Block F (2 No. Total 3 bed residential dwellings). The total residential dwellings to be constructed for this phase is 29 units. All units to be constructed on previously constructed floor slabs. Variations from previously permitted (per P. A. Reg. Ref. No. 043198) to include, reduction in height of all previously 3 story residential dwellings to 2 storey dwellings and some sectional with associated elevation and plan amendments to match. Planning permission is also sought for a new development signage proposal and all associated bin storage within the site. Planning permission also includes all associated site services, all external site works and associated site works, site finishes, roads, ESB wayleaves, parking, footpaths, public open space, site boundaries and landscaping, with connections to previously constructed (per P.A. Reg. Ref. No. 043198).
- 2.2. On the 8th day of October, 2019, the applicant submitted their draft response to the Planning Authority's further information request. In part, this submission sought clarification on the further information request in relation to units which they contended had been substantially completed under previous grant of permission P.A. Ref. No. 04/3198 with works now on-going by the applicant being maintenance only and it clarifies that the grant of permission P.A. Ref. No. 11/3054 was not availed of.
- 2.3. On the 18th day of December, 2019, the applicant submitted their formal response to the Planning Authority's further information. The amended design maintains the 29 no. dwelling units but puts forward significant changes to the scheme in order to ensure it successfully integrates with the existing completed part of Glenatore residential scheme and the older Rindoon residential scheme which adjoins the site to the west. It included an overall reduction in height; it amends the massing of the proposed structures including introducing dual frontages; it enhances pedestrian connectivity

through to car parking provision. It was also accompanied by the following documentation.

- Covering Letter and Statement in relation to the Planning Status of Residential Units 17 to 24.
- Design Statement.
- Appendix 4 of the Guidance Manual for Managing and Resolving Unfinished Housing Developments.
- Extract from Part M of the 2010 Building Regulations.
- Consulting Engineers Letter responding to the further information.

2.4. On the 17th day of January, 2020, revised public notices were received.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority refused planning permission for the following three stated reasons:

- “1. The proposed development is considered as unacceptable by reason of a substandard design approach that would, together with inadequate provision of public and private open space, non-compliance with accommodation standards and design standards, and is considered contrary to Section 12.9.7, 12.9.8, 12.9.9, 12.9.10 and 12.9.11 of the Athlone Town Development 2014-2020. The layout and arrangement of the proposed development represents a poor residential environment for future occupants and is considered contrary to the proper planning and sustainable development of the area.*
- 2. The development is contrary to the policies and objectives of the Athlone Town Development Plan 2014-2020, policy P-RLD7 and in particular P-RLD1 wherein it is the policy ‘To achieve attractive and sustainable development and create high standards of design, layout, and landscaping, for new housing development’. It is considered that the proposal would thereby constitute a substandard form of development, would be contrary to section 3.11 policy P-*

RLD1 and P-RLD7 and would therefore, be contrary to the proper planning and sustainable development of the area.

3. *The development is contrary to the policies and objectives of the Athlone Town Development Plan 2014-2020, policy P-PM1 To require all new development to draw on the intrinsic qualities of Athlone’s urban environment and add to the local distinctiveness and sense of place that forms the basis of the town’s unique character and attractive urban form. It is considered that the proposal would thereby constitute a substandard form of development and would therefore, be contrary to the proper planning and sustainable development of the area.”*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The final Planning Officer’s report is the basis of the Planning Authority’s decision. The following comments are of note:

- Concern is raised that it is proposed to utilise wayleave areas as pedestrian linkages into Rindoon with this being integrated into new open space facing into Rindoon residential scheme. These linkages are not considered to be appropriate and reflect a poor urban design form. They are also not overlooked.
- Concerns are raised in relation to the quality of the drawings submitted as part of the further information.
- In relation to Block J (Note: Previously Block B), as amended, various concerns are raised in relation to its internal amenity and private outdoor amenity for future occupants. Further concern is raised that their bin storage provisions is situated outside of the site area. This block is shoehorned into the development in a manner that detracts from its overall design.
- In relation to Block G & Block H (Note: Previously Block A) concern is raised that the side elevations do not address the public open space and that this results in bulky elevational treatments of limited design merit. Further concerns are raised in relation to the quality of the internal amenity space for future occupants.

- In relation to Block F concerns are raised in relation to the quality of the internal space for future occupants.
- In relation to Block K concerns are raised in relation to the quality of the internal space for future occupants.
- In relation to Block L (Note: Previously Block C2) it is considered that the units this block contains are shoehorned into the site and that they appear to encroach onto a pedestrian link. It is further considered that its overall design through to boundary treatments are poor and that the design also includes blank elevations that fail to overlook pedestrian links.
- The boundary treatments with the Rindoon residential scheme to the west is considered unacceptable. In particular the retaining walls on raised ground levels facing onto public space which would exacerbate the lack of visual integration between the existing and proposed scheme.
- The car parking for the detached and semi-detached dwelling units should be within the confines of their sites and that car parking for apartments and terraces should be in informal groups overlooked by dwelling units.
- Open space bound by car parking is not appropriate design treatment.
- Overall, the open space provision is considered to be poor and the area to the rear of Blocks L and K should not be considered open space as it is not useable, and it is overlooked.
- This design results in a missed opportunity to provide a qualitative urban design solution for the site that successfully integrates with existing development, including Rindoon residential scheme, and that fails to provide qualitative residential amenities for future occupants.

3.2.2. The initial Planning Officer's report concluded that the proposed development would result in a lack of social cohesion and would fail to enhance the wider urban form in a manner that would be inconsistent with Policy P-PM1 of the Town Development Plan. It therefore considered it appropriate that further information should be sought from the applicant on the following matters:

Item No. 1:

- Revised site layout plan.
- Cross sections through the site.
- Contextual elevations illustrating the proposed development relative to the Rindoon housing estate to the west.

Item No. 2:

- Revised design was request on foot of the proposed development omitting 8 number units formerly identified as Unit No.s 47 to 54 in P.A. Reg. Ref. No. 11/3054 from the red line area.
- Revised layout and provision of car parking.
- Clarification on open space, density, and plot ratio.

Item No. 3:

- Raised various concerns relating to the layout and arrangement of the proposed development on this site, the site level characteristics through to the overall design approach including a lack of reference to the character and context of the existing neighbourhood. Further concern was raised in relation to the design falling short of required design standards.

Item No. 4:

- Design statement of the revised proposal.

Item No. 5:

- A number of additional drawings were requested.

Item No. 6:

- Feasibility of connection to water and wastewater requested from Irish Water.

Item No. 7:

- Requires the applicant to address access road concerns.

Item No. 8:

- Consent is required from the relevant landowner for the construction of the emergency access road.

- Details of this emergency access roads construction to where it would connect to the public road network requested.

Item No. 9:

- Details of traffic calming measures.

Item No. 10:

- Details of road marking proposed alongside existing arrangement.

Item No. 11:

- Car parking concerns.

Item No. 12:

- Details of the proposed culvert that is to replace an existing open drain.

Item No. 13:

- Cycle parking concerns.

Item No. 14:

- Compliance with Section 5.2 of Technical Guidance Document B (2006) sought in relation to the proposed access road and hammerhead.

Item No. 15:

- Details demonstrating compliance of watermains and hydrant network within the proposed development.

Item No. 16:

- 1) Response to the observations received.

3.2.3. Other Technical Reports

District Engineer: Final Report. Clarification of further information requested.

Chief Fire Officer: No objection, subject to conditions.

Housing Section: No objection, subject to conditions.

Water Services: Seeks a request to clarify feasibility for connection to water and wastewater from Irish Water.

3.3. Prescribed Bodies

3.3.1. **Irish Water:** No objection, subject to safeguards.

3.3.2. An Taisce, DoEHLG and the Heritage Council were also invited by the Planning Authority to make comment, but no comments were received.

3.4. Third Party Observations

3.4.1. During the Planning Authority's determination of this application they received a 3rd party submission objecting to the proposed development. This submission included the following concerns:

- The proposed development would result in a diminishment of residential amenities by way of overlooking, overshadowing, nuisance arising from the bin storage by way of noise, unpleasant odours through to vermin.
- The proposed development would be visually overbearing.
- The proposed access road would give rise to noise nuisance.
- The proposed development would adversely impact the biodiversity that has developed on this site over the years.

4.0 Planning History

4.1. Site and Immediate Vicinity

P.A. Ref No. 82810796: Permission was **granted** for the construction of 7 no. dwelling units subject to conditions on land that included the subject site area but was not implemented.

P.A. Ref. No. 04/3198: Planning permission was **granted** for 33 dwellings, 15 apartments and 15 maisonettes together with all associated works subject to conditions. This grant of permission was only partially implemented, i.e. Units labelled within this scheme as No.s 44 to 51 were constructed.

ABP. Ref. No. 34.217853 (P.A. Ref. No. 05/3222): On appeal to the Board planning permission was **granted** for the construction of 10 dwellings, access roads, pedestrian zones/links, parking, public open space together with all associated works and

services subject to conditions. Of note this grant of permission relates to dwelling units located to the north-east of the Glenatore Estate which is referred to as Phase 1.

P.A. Ref. No. 11/3054: Planning permission was **granted** for a development consisting of retention permission for a development consisting of an existing partially constructed residential development permitted under P.A. Reg. Ref. No. 04/3198 and 05/3222. It includes:

(a) Retention Permission for partially constructed Block C1 and permission to complete construction of same to provide for 6 no townhouses (previously permitted units 12 No file ref:04/3198 & 05/3222). Permission to include reduction in height of the building and all associated elevation, section, and plan changes from previously permitted.

(b) Retention permission for entire site/works as constructed within the site boundary except for the already completed units 1 through 30 (identified in colour on the revised Site Layout) including retention of Block B sub structures, retention of as constructed units 47 through 67, retention of as constructed boundary treatments, retention of all as constructed external works, finishes ,roads, paths, parking and landscaping and tree planting.

(c) Permission to complete all the buildings and works listed at (b) above including: to complete Block B, to complete units 47 through 56 and 63 through 67, to complete all boundary treatments, to complete all external works, site finishes, roads, parking, paths, landscaping, all as per enclosed details.

(d) Permission for 4 no units in the form of 2 no pairs of semi-detached houses Block G (previously permitted for 6 no units 57-62) and permission to complete same, as per enclosed revised plans, details, and modifications to Site Layout.

(e) Permission for revised simplified main site entrance in lieu of previously permitted design.

(f) Permission for revised and improved bin storage/waste management facilities.

(g) Permission to install access gateways to rear gardens of existing completed Block C, all as set put and defined in the application documents.

It would appear that this grant of permission was not implemented.

5.0 Policy & Context

5.1. National

5.1.1. The following section 28 Ministerial Guidelines are relevant:

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’).
- ‘Sustainable Urban Housing: Design Standard for New Apartments’, Guidelines for Planning Authorities.
- ‘Design Manual for Urban Roads and Streets’, (DMURS).
- ‘Urban Development and Building Heights’, Guidelines for Planning Authorities.

5.1.2. **Other relevant national documents include but are not limited to:**

- National Planning Framework: Ireland 2040 Our Plan, under which Athlone, is identified ‘Regional Centre’.

5.2. Regional

5.2.1. **Regional Spatial and Economic Strategy for the Eastern and Midlands Region, 2019.**

- Section 4.2 sets out that the settlement of Athlone is a designated ‘Regional Growth Centre’ and anticipates its population to rise to 30,000 by 2031.
- Section 4.5 sets out that the key to the success of Athlone is the availability of zoned and serviced lands within the existing built up area to facilitate significant population growth.
- Regional Objective RPO 4.8 sets out support for the regeneration of underused land including brownfield and infill to facilitate significant population growth alongside achieve sustainable compact growth targets of 30% of all new homes to be built within the existing built up urban areas.

5.3. Local

- 5.3.1. The Athlone Town Development Plan, 2014 to 2020, is the applicable plan for the site and its setting in so far as it is consistent with the Westmeath County Development Plan, 2014 to 2020. The site is zoned 'Proposed Residential', is bound by land zoned 'Existing Residential' and 'Open Space'.
- 5.3.2. The land use zoning objective for all residential zoned land under the Athlone Town Development Plan is: *"to provide for residential development, associated services to protect and improve residential amenity"* with Chapter 2 setting out the plan's 'Core Strategy and Chapter 3 of the said plan dealing specifically with the matter of housing. This Chapter includes various provisions for residential developments within the settlement of Athlone with the aim being: *"to facilitate the provision of high quality residential development in sustainable communities and provide an appropriate mix of house sizes, types and tenures in order to meet the different household needs of the people of Athlone"*. It also includes the following policies:
- 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 under utilised and 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 management criteria being met"*.
- 5.3.3. Table 3.3 sets out density parameters of new residential development stating that in outer suburban/greenfield 30 to 35 units per hectare and on outer edge of urban/rural transition 20 to 35 units per hectare.
- 5.3.4. Policy P-RDL1 of the plan seeks: *"to achieve attractive and sustainable development and create high standards of design, layout, and landscaping, for new housing development"*.
- 5.3.5. Section 3.19 of the plan sets out policies and objectives for vacant housing and unfinished housing developments. It includes:

- P-VUH1: *“To promote the preparation of Site Resolution Plans (SRPs) for all Unfinished Housing Developments in the town in cooperation with all relevant stakeholders, in accordance with the DECLG Guidance Manual for Resolving Unfinished Housing Developments 2011”.*
- P-VUH2: *“To ensure that all SRPS have regard to the Core Strategy and the Housing Strategy and comply with the policies and objectives as set out in this Plan”.*

5.4. Natural Heritage Designations

5.4.1. The following Natura 2000 sites lie within a 15km radius of this appeal site:

- The site lies c0.7km to the east of Special Area of Conservation: Lough Ree (Site Code: 000440) and Special Areas of Protection: Lough Ree.
- The site lies c2km to the north of Special Areas of Protection: Middle Shannon Callows SPA (Site Code: 004096) and Special Area of Conservation: Middle Shannon Callows SAC (Site Code: 000216).
- The site lies c4.3km to the north west of Special Area of Conservation: Crosswood Bog SAC (Site Code: 002337).
- The site lies c6.4km to the west of Special Area of Conservation: Cann Bog SAC (Site Code: 002336).
- The site lies c9.2km to the east of Special Area of Conservation: Ballynamona Bog and Corkip Lough SAC (Site Code: 002339).
- The site lies c9.3km to the north east of Special Area of Conservation: Castlesampson Esker SAC (Site Code: 001625).
- The site lies c11.4km to the north of Special Area of Conservation: Pilgrim’s Road Esker SAC (Site Code: 001776).
- The site lies c11.7km to the south east of Special Area of Conservation: Fin Lough (Site Code: 000576).

5.5. Environmental Impact Assessment

5.5.1. As set out in the previous section above there are several Natura 2000 sites within a 15km radius of the site. With the Special Area of Conservation: Lough Ree (Site Code:

000440) and Special Areas of Protection: Lough Ree situated within c0.7km of the site and the Special Areas of Protection: Middle Shannon Callows SPA (Site Code: 004096) and Special Area of Conservation: Middle Shannon Callows SAC (Site Code: 000216) being within c2km of the site.

- 5.5.2. The proposed development is of a type that constitutes an EIA project (involving construction works). However, it is not of a scale likely to give rise to significant environmental effects to warrant environmental impact assessment (Class 10, Part 2, Schedule 5, P&D Regulations, 2001 (as amended), urban development).
- 5.5.3. Moreover, having regard to the nature, scale and extent of the development proposed on brownfield serviced lands, the site's location not being included inside, adjoining or outside of any protected Natura 2000 site together with the nature of the receiving environment, the limited observed ecological value of the lands in question, the lack of any tangible connection and/or interconnectivity to any Natura 2000 site, I consider that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The grounds of appeal can be summarised as follows:
- The Planning Authority's reasons for refusal are largely subjective in nature and fail to have regard to the planning history of this site.
 - The initial concerns of the Planning Authority resulted in a minor design change to that initially proposed and the overall development was substantially reduced.
 - The Board is requested to permit the proposed development as revised.
 - This development will enable the completion of the Glenatore residential estate in a manner consistent with the principles of urban renewal, infill development and urban consolidation.
 - An overview of the planning history of the site is given.

- An overview of planning provisions is given.
- Net densities of less than 30 dwellings per hectare are not encouraged in such locations in the interest of land efficiency. In addition, government guidelines recommend increased densities within 500m of a bus stop. The site benefits from direct pedestrian connectivity to an existing bus stop along the Coosan Road c180m to the south east.
- The Planning Authority is opposed to the proposed development as it considers that the planning history should not have a bearing on the design and layout of the proposed development at this location. This position is unreasonable.
- The public open space provision was further clarified in a drawing titled: 'Site Layout Plan: Open Space & Permeability' which demonstrates that the proposed open space area, excluding the space to the rear of Blocks labelled L & K amount to 1,811m² (21.3%) of the red line site area which is given as 8,500m². This exceeds the 15% requirement of Section 12.9.12 of the Development Plan.
- The proposed development is not reliant on the open space to the rears of Blocks L & K but it is proposed that these areas would be seeded and opened up with the existing and adjoining public open spaces at Rindoon Park in order to provide an enlarged amenity space for the benefit of residents of Rindoon Park and Glenatore.
- The achievement of the required 15% is not reliant upon 'Homezone' areas and it is considered that the nature of these cul-de-sac locations will result in low levels of traffic and low vehicular speeds alongside provide informal amenity spaces.
- Regard should be had to the fact that this is a brownfield site that has extensive concrete slab foundations *in situ*, with these blocks having been permitted and assessed under the previous Development Plan. It is now proposed to re-utilise the vast majority of these previously permitted and established foundations on site.
- The size of the rear gardens has largely been determined by the existing footprint blocks on site and in general meet the required standards for the dwelling types proposed. In addition, all of the apartment units exceed the required standards.
- This is an infill site. Under certain circumstances, exceptions for rear private amenity spaces having depths of less than 11m is permitted under Section 12.9.8 of the Development Plan.

- The risk of overlooking between Blocks L & K to the existing Rindoon estate is considered to be insignificant.
- The proposed development is compliant with planning provisions.
- It is not accepted that this development would give rise to substandard development.
- The Planning Authority's third reason for refusal which relates to place-making is also considered to be subjective. This site is located in an area of no architectural or other merit and it is infill/brownfield site.
- Internal arrangement of houses normally constitutes exempted development and should not be used as a basis to refuse permission.
- The Planning Officer is critical of the semi-circular roof design, but it is noted that this roof design was incorporated to respond to a similar roof design at the entrance to the Glenatore estate.
- An amended Site Layout Plan accompanies this appeal submission which shows the re-routing of the footpath alongside Unit No. 36 and provides for a privacy strip/defensible space.
- The proposed bin store is located adjacent to an existing bin store serving an existing portion of Glenatore estate. It is acknowledged that this is outside the red line area but argued is within the blue line area of the site. Under Section 34(4)(a) of the PDA, 2000, as amended, it allows for the imposition of a condition regulating the use of adjoining land in the control of the applicant on the basis that it is expedient for the purposes of or in connection with the development authorised by a permission.
- The footprint of Block J is substantially the same as that previously permitted.
- The revised design provided for animation and passive surveillance to be incorporated into the side elevations of units labelled 37 and 43.
- Car parking provision is not remote from dwelling units on site.
- The concerns raised in relation to the visual dominance of Block E is noted. However, this block is now of a lower height of 8.7m in comparison to that previously permitted under P.A. Ref. No. 11/3054 which had a height of 9.1m.

- It is not the case that retaining walls on raised ground levels are proposed onto the Rindoon Park open space.
- A justification for the car parking arrangement has already been provided.
- It is sought that the Board overturn the Planning Authority's decision.

6.2. Planning Authority Response

6.2.1. None received.

7.0 Assessment

7.1.1. I consider that the main issues in this appeal case are those raised in the grounds of appeal and I am satisfied that no other substantive planning issues arise. I propose to deal with the issues under the following headings:

- Principle of the Proposed Development
- Residential & Visual Amenity Impact

7.1.2. The matter of 'Appropriate Assessment' also requires examination.

7.1.3. For clarity I note that my assessment below is based on the revisions made to the proposed development by way of the applicant's further information response to the Planning Authority. As I consider that these revisions have resulted in cumulative qualitative improvements to the residential and visual amenity of the proposed development. In particular in how it integrates with the adjoining residential scheme of Rindoon, responds to the changing topography on site relative to the adjoining open space serving the Rindoon residential scheme and the pattern of development that characterises this existing residential scheme whilst still achieving an appropriate density and mixture of tenure in keeping with planning provisions recommended for this type of location and for this type of development.

7.1.4. In addition, the following assessment has had regard to the plans and particulars submitted with the applicant's appeal submission which includes a number of minor in nature, scale, and extent revisions to the revised scheme. In particular it improves landscaping and pedestrian connectivity within the scheme including improved levels of passive surveillance. I note that the Board has circulated to all parties to this appeal

case the applicants appeal submission to give them an opportunity to give comments. No comments were received.

- 7.1.5. In this case, having regard to the fact that the proposed amendments put forward by the applicant as part of their appeal submission do not significantly alter the nature, scale and extent of the proposed development sought, I consider that they can be accepted as a revision and I therefore propose to assess this application *de novo* on the basis of the design that has been further revised in the documentation submitted to the Board on the 9th day of March, 2020.

7.2. Principle of Proposed Development

- 7.2.1. By way of this application, planning permission is sought for 29 no. dwelling units on land that is essentially a Brownfield site forming part of a partially completed residential scheme that is known as 'Glenatore'. It formed part of the parent permissions for this residential development scheme and it is situated on the northernmost fringes of Athlone town, a town that is designated as a 'Regional Centre' in planning documents including the National Planning Framework, which under National Policy Objective 7 seeks to strengthen its overall urban structure.
- 7.2.2. Under the local planning provisions the site is zoned proposed residential and is therefore subject to the zoning objective of providing for residential development, associated services to protect and improve residential amenity. Residential development of the type proposed under this application is permitted in principle in this zone subject to safeguards.
- 7.2.3. In addition, the Development Plan in a manner consistent with national guidance on matters of unfinished housing estates includes provisions that seeks to promote their resolution and under Section 3.2.4 it sets out to bring all unfinished housing developments to an acceptable standard.
- 7.2.4. Moreover, the Development Plan under Table 3.3 sets out density parameters for new residential development stating that in outer suburban/greenfield 30 to 35 units per hectare and on outer edge of urban/rural transition 20 to 35 units per hectare. The site area itself is given as 0.85ha with the proposed development, which I have previously noted above, seeking permission for 29 no. dwelling units gives rise to a residential density of 34 dwelling units per hectare. As such the density of the development sought under this application as revised is consistent with the higher end

of the density parameters of Table 3.3 of the said Plan but significantly is also consistent with national guidance on densities at locations like this.

- 7.2.5. Further, in keeping with planning provisions in general a mixture of tenure is proposed amongst 29 dwelling units sought under this proposed scheme. The mixture comes in the form of a variety of apartments, terraces and semi-detached dwellings.
- 7.2.6. However, I raise a concern in regards to when the mixture of tenure is considered in terms of bedrooms. In that there are 9 two bedroom (Note: 32%) and 20 three bedroom units (Note: 68%) with these ranging in floor area sizes; private amenity provision through to parking arrangements. Arguably a more varied mixture of dwelling unit types could have been achieved relative to the fact that the existing Glenatore residential scheme appears to be largely characterised by 3 bedroom type dwelling units.
- 7.2.7. I note that the Development Plan under policy P-H4 seeks: “*to ensure a suitable range of tenure types*”; and, under Section 3.5 that an examination of households within this settlement identified a decline in the average household size with an increase in the elderly, dependent and single parent householding population. Section 3.5 also identified a high percentage of the settlements population having a disability with there being a high demand for two bedroom accommodation amongst this group as well as with the greatest requested need amongst people on the Councils accommodation waiting list for 2 bedroom accommodation.
- 7.2.8. Under policy P-FH1 it indicates that Council will seek to ensure a mix and range of housing types and in particular two-bedroom accommodation to meet the diverse needs of residents. In addition, other policies including P-H3 seeks to ensure that a suitable variety and mix of dwelling types and sizes are provided in developments to meet different needs, having regard to demographic and social profile of the town’s population.
- 7.2.9. Indeed, the National Planning Frameworks, under Section 6.6 sets out that there is a projected total requirement to accommodate 550,000 additional households in the country to 2040 (National Policy Objective 32). It also sets out the national core principles to guide the delivery of future housing at every level of governance with this including but not being limited to allowing for a choice in housing location, type, tenure and accommodation in responding to need.

- 7.2.10. While I accept that there is justification of providing 9 no. 2 bedroom dwelling units within the proposed development I am not fully satisfied that this scheme is in the spirit of local through to national planning provisions which essentially seeks to provide a greater mixture and variety of tenure types. I am also not convinced from the documentation on file that there is sufficient assurance given that the mixture of dwelling types and sizes has been developed to reasonably respond to the requirements of different categories of households that may be seeking suitable dwelling units within this locality and within this settlement. It has also not been fully clarified how the overall proposed mixture fits in with the overall breakdown of tenure type within the residential scheme of Glenatore and whether it reinforces an over prevalence of 3 bedroom type properties provided within this scheme or not.
- 7.2.11. Notwithstanding, the Board may consider this is a **new issue** in the context of this appeal case.
- 7.2.12. Despite the concern raised on the matter of mixture of tenure within the scheme sought, as said this appeal site is a brownfield site within an area that despite its edge of settlement character is characterised to the south, east and west by a mixture of apartment, detached, terraced and semi-detached residential developments. In general I consider that this appeal site is suitable for a residential development of the density proposed subject to it being of an appropriate scale, design and layout responding in a positive manner to existing pattern of buildings and spaces that surround it in this edge of settlement location.
- 7.2.13. The development of the main site area would also provide an opportunity to achieve a resolution for a parcel of land that was subject to previous grants of planning permission which collectively are referred to as the Glenatore residential scheme, with the site area contrasting in its visual contribution when compared to the completed buildings and spaces within this scheme. With it being unkempt, under utilised and not positively contributing to its visual setting.
- 7.2.14. There is no information provided on file that would support that the 29 no. units sought and the associated works would put any undue strain on services, facilities and the like in this area. Nor is there any information that would support that the existing access onto Coosan Road would be unable to cater for the additional traffic movements or that it would give rise to any undue public road user hazard or safety

issue. Moreover the design put forward would result in the further realisation of a more compact urban form on what is a brownfield infill site in a manner consistent with planning provisions.

- 7.2.15. For these reasons I consider that the general principle of the proposed development is acceptable and it accords with the proper planning and sustainable development of the area.

7.3. Residential & Visual Amenity Impact

- 7.3.1. As previously noted the development sought under this application relates to a parcel of land within an unfinished residential scheme with evidence of works thereon that is located in an edge of settlement urban area that is adjoined by new and mature existing residential dwelling units and their associated open space to the south, south west, west, north west, part of the northern boundary and along part of the eastern boundary. This site itself in the past formed part of a larger plot of land that has been subject to previous planning applications for dwelling units. I have provided an overview of this under Section 4.1 of this report above.
- 7.3.2. The site is also zoned for proposed residential land uses under the current Development Plan, subject to safeguards. Alongside this there is local through to national support through various planning provisions that support the resolution of unfinished housing schemes like 'Glenatore' to an acceptable outcome.
- 7.3.3. It is therefore reasonable, in my view to determine that these lands zoned for residential uses would have been expected to be subject to an application for residential development.
- 7.3.4. The development of residential schemes with a pattern of development like that surrounding the site often results in houses being developed back-to-back with rear gardens separating structures through to close lateral separation distances to established dwellings rear private space amenity through to rear elevations. This can frequently result in some degree of overlooking at upper floors between near neighbours. The protection of privacy from within the houses is generally afforded by applying adequate separation distances between the rear elevations of opposing houses, widely accepted as being a distance of 22 metres or more under the Development Plan.
- 7.3.5. It is apparent from the layout of the proposed development that in general the required distances are met; notwithstanding, several of the units fall shy of meeting the required

11m minimum depth required for dwelling units like the semi-detached and terrace dwelling units proposed. I am cognisant that this is not deemed to be acceptable by the Planning Authority but it is counter argued by the appellant in the grounds of their appeal that under Section 12.9.8 of the Development Plan there is discretion included for a lesser standard to be deemed acceptable in limited situations where a side garden of equal or greater dimensions can be substituted for rear garden space. Alongside where the building design provides for the achievement of privacy with further consideration given within this section of the Development Plan for infill sites where less than 10m deep is provided subject to the design being of a high standard.

- 7.3.6. Overall I consider that the placement of dwelling units relative to existing and more mature dwelling units adjoining the site does not give rise to any undue overlooking and that the orientation is such that it would not give rise to any undue overshadowing and/or diminishment of daylight on properties in its vicinity due to the layout, built form and separation distances between existing and proposed structures. However, I do consider that despite the revisions that having regard to the significant change in topography between the western area of the site and adjoining established residential development, which consists mainly modest detached single storey dwellings, that the placement of Block K, which is indicated as containing Units 52 to 60, its overall design, the treatment of the changing ground levels, through to the overall height and the solid to void relation of its western elevation, would be visually overbearing upon neighbouring Rindoon properties and the adjoining open space which this proposal also seeks to provide gated pedestrian connection into.
- 7.3.7. This visual overbearance, particularly relative to the Rindoon residential development, is in my view apparent in the revised contextual elevations provided, and the lack of appropriate integration of the design with the established and mature Rindoon estate. The visual overbearance and incongruity would be added too by the continuation of a mixture of retaining walls fronting onto open space together with non-permanent visually poor quality boundary treatments to the rear of the dwelling units in Block K.
- 7.3.8. Altogether this reflects the failure of the design and layout to have appropriate response to achieving a positive built and space integration with neighbouring developments based on the justification that the primary basis of the design of the residential scheme now sought arises from spent foundations relating to expired and outdated previous grants of permission that were not fully implemented.

- 7.3.9. In the intervening years the bar in terms of quality expected for residential development has strengthened so as to achieve best possible outcomes based on moving knowledge of what positive attributes are required to create sustainable, vibrant and successful in the long term residential neighbourhoods.
- 7.3.10. I also in general share the views set out by the Planning Authority's Planning Officer in terms of the overall internal amenity in that for a number of units they are qualitatively lacking with their built forms not successfully integrating with the spaces they adjoin. In particular, in relation to achieving a high degree of passive surveillance over pedestrian pathways, with other qualitative issues with these pathways as they predominantly relate to wayleaves as well as opening onto lands for which no written consents have been provided for the creation of rights-of-way. Moreover, the significant addition of individual trees within the adjoining Rindoon open space is outside of the applicants ownership and for which no consent has been provided for the same. It is not appropriate to propose visual screening to reduce the visual overbearance on land outside of the site to which no consent has been achieved for the same. I also consider that this spotting of trees throughout this adjoining open space are would diminish its amenity value, in particular for recreational activities by occupants within its neighbouring area.
- 7.3.11. Also the poor quality private open space provision for Unit 36 fails to meet the overall design, layout and quantitative standards set out in the Development Plan. In addition to this, this particular unit projects significantly beyond the established building line of properties to the west and the previously permitted building for the previous permitted dwelling unit at this location.
- 7.3.12. Of further concern it is a requirement, under 12.9.18 of the Development Plan, that car parking for detached and semi-detached housing should be within the house site. The design of this scheme fails to do so and in terms of the development sought as part of completing the Glenatore residential estate effectively all of the car parking is delineating the access road, a hammerhead, the western and southern boundaries of the main communal open space serving this scheme. Not only has this created a visually poor edge to the communal open space, it also means that many of the units are remote from the communal provisions of car parking. There is also a lack of clarity given that in totality there is sufficient car parking to meet the already completed dwelling units within this estate and those now proposed. As previously noted in this

report at the time of my inspection part of the site is an existing pocket of car parking that appears to be in use for residents of the completed Glenatore scheme. Moreover, there is also a lack of clarity in terms of bicycle parking provisions and whether this is compliant with local standards set out in the Development Plan.

- 7.3.13. In relation to the pattern of buildings and the hierarchy of spaces proposed in this scheme I raise a concern that the design has little regard to achieving future connectivity and permeability with the undeveloped zoned residential land adjoining it to the north. With the design in terms of its placement of thoroughways creating an introverted design as well as putting forward pedestrian routes over wayleave that lack sufficient passive surveillance resulting in routes that make people feel vulnerable and isolated which is the case for the existing pedestrian linkage from Glenatore to the Coosan Road.
- 7.3.14. The design also puts forward notional alternative road access running alongside dwelling units labelled 58 to 60 and 61 to an existing but substandard accessway that opens onto the main Rindoon estate roads for which no consent has been provided for. I also consider that if consent were in place that this would not be a logical future connection as it has the potential to result in access issues in future should the undeveloped land to the north be residentially developed. At that stage the provision of such an access, with this access located directly opposite existing detached dwellings could jeopardise the future development of this land as its access location would have poor sightlines, poor road alignment and would have the potential to result in vehicle movement conflicts in its immediate vicinity.
- 7.3.15. I am also not satisfied that the design solution has demonstrated adequate bin storage to cater for the 29 no. dwelling units sought under this application; that the waste storage facilities that are proposed are within easy reach of all of the proposed units; and, that where terrace groups are proposed that the limited area to the front of these that these would not be used in an *ad hoc* fashion to meet the waste storage needs of the dwelling units they contain.
- 7.3.16. It would in my view have been more appropriate that the design resolution had regard to its setting and the latent ability of this site to be successfully connected and permeable to existing and potential new residential developments.

- 7.3.17. Whilst I acknowledge the constraints of the site, in particular the changing topographical nature of it and adjoining land as well as the awkward shape of this site I do not consider that the design, layout, the pattern of buildings, the hierarchy of spaces and connections result in the optimum or near optimum qualitative outcome for the residential development of this lands and a development that sits comfortably with the neighbouring Rindoon estate.
- 7.3.18. I therefore generally concur with the Planning Authority in their first two given reasons for refusal as set out in their decision notification. In that I consider that the proposed development, if permitted, would result in a substandard residential environment for future occupants, it would fail to successfully achieve a balance as well as respect for existing established and more mature modest residential development like the single and dormer dwellings to the west that characterise Rindoon residential development as well as result in a visual overbearing impact and visually incongruous form of development as viewed from this adjoining residential development. With these dwellings and their associated open spaces being sited on significantly lower ground levels and with this change of ground levels occurring rapidly between the western boundary of the site and adjoining lands.
- 7.3.19. This development would also fail to provide adequate levels of connectivity and permeability in a manner consistent with local through to national planning provisions. In particular, Guidelines for Planning Authorities on Sustainable Development in Urban Areas, 2009, and the Design Manual for Urban Roads and Streets (Low Res), 2019, as well as Policy P-RDL1 of the plan which seeks to achieve attractive and sustainable development and create high standards of design, layout, and landscaping, for new housing development, it would seriously injure the amenities of the area and of property in the vicinity, and would be contrary to the proper planning and sustainable development of the area.

7.4. **Other Matters**

- 7.4.1. **Completion of works:** During my inspection I observed that minimal works had been carried out within the confines of the site itself with the works that were visible largely consisting of perished foundations. The applicant as part of this application has not supported, by way of a survey prepared by a suitably qualified expert, that these foundations are in any way structurally re-useable. Moreover, due to the limited nature

of the works carried out in the confines of the site, the significant length of time that has passed in between these works and the expiry of any active grant of permission, with the standards and requirements for this type of development including how it relates to its surroundings becoming more robust in between. It is not reasonable in my view that the presence of such limited works is the principle design starting point for any residential scheme on this site and to justify achieving a lesser qualitative design.

- 7.4.2. **Policy P-PM1 of the Development Plan:** The Planning Authority's third reason for refusal considers that the proposed development is contrary to this stated Development Plan policy. This policy requires all new development to draw on the intrinsic qualities of Athlone's urban environment and add to the local distinctiveness as well as sense of place that forms the basis of the town's unique character and urban form.

Arguably the design put forward under this application takes inspiration from the existing Glenatore residential scheme and seeks to update its original design approach somewhat.

An approach that is not entirely inappropriate but arguably the design resolution could have reached a balance between this approach, being more in the spirit of its time through to having appropriate regard to its surrounding site context which includes other mature residential schemes.

In relation to the urbanscape it would form part of, the main impact would arise from the high level of visibility of structures on the higher ground levels of the site relative to properties in its vicinity, in particular properties within the Rindoon estate and as such the proposed buildings have the potential to be highly visually prominent and incongruous within this localised environment.

It would be appropriate that any grant of permission seek agreement of all palettes of materials, finishes, colours and treatments of all the built structures propose with this having the potential to ensure a level of integration with those characterising Athlone's town's unique character.

I do not consider that there is sufficient merit to base a reason for refusal of planning permission in part for the reasons set out in the Planning Authority's third stated reason for the reasons set out above as the design has sought to integrate with the unfinished

housing estate it forms part of, its location is remote and not visible from the main town centre of Athlone, it lies beyond the barrier of a motorway which separates this urbanscape from the main settlement of Athlone as well as helps to define its edge of settlement character with development in this area predominantly dating back to the last number of decades and not before. As such I consider that there is insufficient basis to support that the proposed development, if permitted, would be contrary to policy P-PM1 of the Development Plan.

- 7.4.3. **Section 34(13)/Landownership:** Should the Board be minded to grant permission for the development sought, having regard to the concerns outlined in the assessment above in relation to the lack of demonstrated consent for the carrying out of works on land outside of their legal consent, I recommend the inclusion of Section 34(13) of the Planning and Development Act, 2000, as amended, as a precaution. This section of the act states that the granting of permission does not entitle a person to carry out development and covers the eventuality that the development cannot be implemented for legal reasons.

7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature, extent and scale of the proposed development within a serviced urban area and the distance from the nearest European site, together with the lack of any connectivity between them and the changing nature as well as characteristic of the landscape and environment in between, 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 planning permission be **refused** for the reasons set out below.

9.0 **Reasons and Considerations**

1. It is considered that the proposed development by reason of its design, layout, built form and space relationships between existing as well as proposed dwellings, would result in a visually obtrusive and incongruous insertion in this edge of

settlement urbanscape that would be out of character with its site context, particularly the adjoining residential development at Rindoon, from which the proposed development would be a visually intrusive insertion into adjoining public domain and neighbouring streetscape scenes.

Further, the Board is not satisfied that it has been demonstrated that the design put forward under this application gives rise to an optimum qualitative residential development of this site, in that it would give rise to substandard residential amenities for future occupants due to the scheme not being fully consistent with Section 12 of the Athlone Town Development Plan, 2014 to 2020; and, that the design put forward achieves appropriate levels of connectivity and permeability with established and potential future residential neighbourhoods in its setting.

For these reasons it is considered that the proposed development would result in a substandard residential development, would seriously injure the amenities of adjoining residential property by way of visual overbearance and it would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The "Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas" published by the Department of the Environment, Heritage and Local Government in May, 2009, require a high-quality approach to the design of new housing.

It is the policy of the Planning Authority, as set out in the Athlone Town Development Plan for the area, to ensure that the design and layout of all new housing estates on urban lands have regard to the character of the area and to achieve attractive and sustainable development through better design.

Having regard to the proposed site layout, building to space relationship, dwelling units design through to car parking layout, it is considered that the development would constitute an inappropriate housing scheme, which would not accord with the prevailing character of the its setting, in particular adjoining neighbouring residential schemes that are outside of the partially completed Glenatore residential scheme.

It is considered that the proposed development would, therefore, conflict with provisions of the said guidelines and with Policy P-RDL1 of the plan which seeks to achieve attractive and sustainable development as well as create high standards of design, layout, and landscaping, for new housing development, it would also seriously injure the amenities of the area and of property in the vicinity, and would be contrary to the proper planning and sustainable development of the area.

Patricia-Marie Young
Planning Inspector

18th day of September, 2020.