



An
Bord
Pleanála

Inspector's Report

ABP-307725-20

Development	Construction of a single storey discount foodstore (with ancillary off-licence sales), and a restaurant/coffee shop.
Location	O'Meara's Garage, Galway Road, Baylough/Bogganfin, Co Westmeath
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	207039
Applicant(s)	Lidl Ireland GmbH
Type of Application	Permission.
Planning Authority Decision	To grant.
Type of Appeal	Third Party
Appellant(s)	Donal Kenny, Akil Hoh and Adenis Morina and others.
Observer(s)	None.
Date of Site Inspection	25 th November 2020.
Inspector	Deirdre MacGabhann

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1.0 Site Location and Description

- 1.1. The 1.18ha appeal site lies to the west of Athlone Town in the townland of Baylough/Bogganfin. It is situated to the north Galway Road (R446), immediately west of the traffic light controlled junction with the R914. This regional road provides access to the M6 at junction 12 approximately 500m to the north of the appeal site. The site lies in a predominantly residential area, with sporadic commercial development along Galway Road. This includes a designated Neighbourhood Centre c.600m to the west of the site at Baylough which includes a Tesco Express, restaurant/bar, takeaway and bookies. Approximately 350m to the north east of the site, on the R914 is a petrol filling station and small Londis supermarket. Approximately 2.5km west of the site, at Monksland/Bellanamullia in County Roscommon is a business/retail centre. Outlets include a SuperValu store.
- 1.2. The appeal site comprises:
- An existing car sales outlet (O'Meara's garage) and its associated curtilage, facing Galway Road,
 - A two storey residential/commercial building (car servicing) to the west of the garage, also facing Galway Road,
 - Land to the rear of these buildings and part of the public open space to the north west of the appeal site, serving the residential properties in St. Joseph's Villas. This land slopes away from the R446, in particular to the north west of the site, and
 - Two no. two storey vernacular residential properties that face the R914.
- 1.3. To the north of the site lies St. Joseph's Villas, a residential development. The development is separated from the appeal site by a block wall which runs along the southern side of the access lane the rear of the properties. The properties lie at a lower elevation than the appeal site.
- 1.4. To the east of the site are predominantly residential properties. These face the R914, with their rear gardens/curtilages abutting the site.

2.0 Proposed Development

2.1. The proposed development comprises:

- Demolition of the existing structures, including 3 no. residential dwellings (1,306sqm), located to the west (1 no.) and east (2 no.) of the appeal site.
- Construction of a single storey discount foodstore, with ancillary off licence sales (2,172sqm gross floor space) and separate restaurant and coffee shop (248sqm). The rectangular foodstore is orientated north/south with the narrow southern elevation facing the public road. The proposed restaurant and coffee shop will be located to east of the foodstore, with the southern elevation also facing the public road.
- Associated advertisement/signage, including totem pole sign at vehicular entrance to the site and to the south east of the site, wall mounted poster panel displays on the retail building and free standing hoarding to south west of site.
- Vehicular and pedestrian access to the site will be provided off Galway Road with provision for 108 surface car parking spaces (including for 2 electric vehicles) and 23 bicycles made within the site.
- Boundary treatments including retention/enhancement of existing boundaries and provision of a retaining wall and retaining structure (along the northern and western boundaries).
- Hard and soft landscaping.
- Lighting and connection to existing services (water supply and public sewer/drain, with roof plant with photovoltaic panels) and ESB substation.

2.2. The ground level of the application site will be raised to match the level of the adjoining road (R446), leaving a maximum difference in ground levels of c.3m between the proposed site and adjoining land, with this difference arising along the north west and western site boundaries (see Proposed Site Plan Drawing No. 01-05 and Site Sections A-G, F and G and Street Elevations, Drawing nos. 05-01, and 05-02, Rev A). Along these boundaries, where the significant change in levels arise, a stepped Green Terramesh vegetated faced soil reinforced slope is proposed, to face the adjoining lands. As part of the development, c.0.1ha to the north west of the site

will be set aside for future residential development, planning permission for which was granted under PA ref. 20/7088. This small residential development of three properties will be connected to an existing permitted development granted under PA ref. 18/7226. This area will be levelled and temporarily treated with hard core/grass or a combination.

2.3. Accompanying the planning application are:

- Planning Report and Retail Assessment.
- Sunlight, Daylight and Shadow Assessment.
- Solar Shading and Glare and Glint Analysis.
- Design Statement.
- Archaeological Desktop Assessment Report.
- Appropriate Assessment Screening Report.
- Noise Impact Assessment.
- Traffic and Transport Assessment.
- Infrastructure Report.
- Road Safety Audit.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 2nd of July 2020, the planning authority decided to grant permission for the development subject to conditions. Most conditions are standard. Site specific conditions include:

- C2 – Applicant to submit proposals for the enhancement of the public realm in the southeastern area of the development which overlooks R446/R914, a Mobility Management Plan to provide a pedestrian and cyclist friendly environment and revised landscaping.
- C3 – Applicant to submit details of an acoustic screen wall along the northern and eastern boundaries of the site.

- C4 – Requires omission of totem pole signage (south east corner of site), billboard and precludes internally or neon signage or any further advertisements without prior agreement.
- C5 – Development charge.
- C13 – Details of lighting system to be submitted.
- C14(ii) – Requires Stage 3 Road Safety Audit upon completion and prior to opening.
- C16 – Requires details on hours of opening prior to operation.

3.2. Planning Authority Reports

Planning Reports (2nd July 2020)

3.2.1. The report refers to the location of the site on the western approach to Athlone, internal reports and observations made, the planning history of the site and relevant national, regional and local planning policy. It considers:

- Land use zoning. The development substantially corresponds to the development objectives for the area. Foodstore located on commercially zoned lands. Car park on residentially zoned lands is not significant/material given the small area of land affected, benefits from regeneration of the area and the community benefit the development would have in the established residential area.
- Compliance with national, regional and local policy. Subject to revisions to car parking layout along the southern and southeastern boundary and links to adjoining residential schemes, complies with national and local planning policy in terms of urban design, regeneration, connectivity with adjoining lands, integration with alternative transport modes, quantitative and qualitative need for the development at this location and use of renewable energy.
- Suitability of location and retail impact. Site is suitable for retail development, having regard to the applicant's Retail Assessment, the previous notification of the site for inclusion in the planning authority's Vacant Sites Register and socio-economic factors highlighted in the area.

- Road safety and traffic impact. Is acceptable in terms of road safety, subject to condition that a Stage 3 Roads Safety Audit to be carried out prior to opening works. No adverse effects from lighting anticipated.
- Sustainable travel. Is acceptable in terms of sustainable travel and subject to conditions in respect of Mobility Management/Access Awareness measures. Car parking provision considered acceptable having regard to car parking standards in Athlone Town Development Plan, which are considered to excessive, and local retail service role of the development.
- Site layout and design. Is considered to be acceptable in terms of site layout and design, having regard to the condition of the existing site, revisions made since the previous application (PA ref. 19/7138), and further alterations to provide an attractive and usable public realm area, conclusions of the Noise Impact Assessment (impact of loading bays on nearby housing) and conditions in respect of boundary treatment and hours of operation of loading bay, Sunlight, Daylight and Shadow Assessment and Glare and Glint Analysis.
- Archaeology and architectural heritage. Considered to be acceptable. Site lies outside of Architectural Conservation Area for Athlone Town and no archaeological features attributed to site.
- Signage. Considers that the proposed advertisement/signage would be unduly prominent. Considers that the matter is addressed by condition.

3.2.2. The report recommends granting permission for the development subject to conditions.

Other Technical Reports

- Fire Officer (undated) – No objections subject to conditions.
- SEE (18th May 2020) – No objections subject to conditions.

3.3. Prescribed Bodies

- None.

3.4. Third Party Observations

3.4.1. There are 17 third party observations on the proposed development on file. 13 no. support the development and 4 no. raise objections to it. Matters raised are:

- **Support for the development.** Development would contribute to rejuvenation of the area, provide convenience shopping in this side of the town, reduce travel across town to existing supermarkets, provide local service for aging population within walking distance and provide employment.
- **Precedent.** Development does not address the refusal reasons for the previous Lidl development on the site (PA ref. 19/7138).
- **Premature.** Development is premature pending adoption of a unitary plan for the Athlone area plan which will establish retail provision/capacity in the town, increase residential and industrial development in the area and provide an associated traffic plan.
- **Zoning.** Development inconsistent with the zoning objectives for the site.
- **Visual impact and residential amenity.** Over development of restricted site. Industrial building in residential area, absence of landscaping. Noise impact on residential property from trucks and forklift trucks and refrigeration units.
- **Residential development.** Residential proposals outside developers control and unsuitable for high quality living.
- **Traffic.** Development would exacerbate traffic congestion in the area. Access to site and internal arrangements would obstruct flow of traffic on the public road and cause a traffic hazard. Customer base is Monksland. Pedestrian and cyclist access to the site not achievable. Inadequate footpaths to provide pedestrian access to the site. Deficiency in car parking provision.
- **Design.** Development is inconsistent with Retail Design Manual and Design Manual for Urban Roads and Streets. Gable end of development faces Galway Road, development ignores building line and does not provide an active streetscape. Surface car parking to front of site. Includes demolition of two long established corner buildings that have defined the Roscommon

Road/Galway Road junction. A similar scheme (PA ref. 20/7040; ABP-307744), demonstrates how such development can be accommodated in the town centre.

- **Retail hierarchy and sequential approach.** All relevant Development Plans and Strategies (Athlone Town Development Plan, Westmeath CDP, Athlone Joint Retail Strategy and Westmeath Retail Strategy) focus on promoting Athlone's Core Retail Area and regenerating Edge of Centre Opportunity Sites. Development is on an out of centre site that is not zoned for retail use and is contrary to RP2 of the AJRS which directs development to the retail core and opportunity sites.
- **Retail impact.** The development comprises 44% of the total retail floorspace in Monksland District Centre and impact on the Centre will be greater than the minus 8.3% predicted. Impact will be made worse if permission is granted for an almost identical scheme in a more suitable location near Golden Island (PA ref. 20/7040; ABP-307744). Development will result in an increase in the already high vacancy rate in Athlone town. Development is removed from retail core, will reduce propensity for shared shopping trips with existing retailers. Athlone Westside Area is already served by multitude of retail food businesses and the wider Athlone area is served by modern and conveniently located food retailers including discount food stores. Impact on existing businesses in the area of the site. No need for further alcohol sales in area.

4.0 Planning History

4.1. The following are relevant to the proposed development:

- PA ref. 19/7138 – Application for foodstore with ancillary off-licence (2,148sqm gross), roof to include photovoltaic panels, demolition of 3 dwelling units, associated signage, surface car and bicycle parking (124 spaces cars; 10 bikes), new vehicular access off Galway Road, pedestrian access, trolley parking, landscaping and boundary treatment. Application made on similar lands to subject site, but with the retail aspect of the development located in an east west orientation towards the west of the site, with car parking to the

front (south) and side (east) of the building. The development was refused by the planning authority on the grounds:

- i. Material contravention of Athlone Town Development Plan 2014, by virtue of the nature, scale and location of the development on land zoned 'proposed residential'. It was also considered that the development was not of a scale that would be permitted under the zoning matrix (local shop).
 - ii. The development would be contrary to national and local guidelines and present a poor unintegrated design solution that would have a negative impact on the character of the area.
 - iii. Proximity of development to the junction of the R446 and R914, travel movements associated with the development, absence of traffic solutions to issues raised in Road Safety Audit and impact on traffic movements and traffic congestion in the area.
 - iv. Absence of Traffic and Transportation Assessment to assess likely impact of the development on the M6 at Junction 12 and the recommended changes to existing junctions as per the Road Safety Audit.
- PA ref. 06/3243 (PL34.225760) – Mixed use development (10,211sqm) in two buildings from 2 to 4 storey in height with basement car parking on lands of 1.43ha at O'Meara's Garage, Galway Road, Athlone. Granted by the Board in 2008, subject to conditions.

4.2. Under PA ref. 20/7088, in respect of land comprising the westernmost part of the appeal site, permission was granted by the planning authority in November 2020 for the construction of three town houses. The three residential units will be integrated with an adjoining residential development (to the west of the site) previously granted under PA ref. 18/7226.

4.3. Under PA ref. 20/7040 and ABP307744 permission was refused by the Board for a commercial development in Athlone Town centre. The development included a discount foodstore.

5.0 Policy Context

5.1. National and Regional Planning Policy

National Planning Framework (GoI, 2018).

- 5.1.1. The National Planning Framework 2018 identifies Athlone as a key regional growth centre (section 2.1 and National Policy Objective 2b). Section 3.2, in respect of the Eastern and Midland region states, *'Due to strategic location and scale of population, employment and services, Athlone has an influence that extends to part of all three Regional Assembly areas. Given the importance of regional interdependencies, it will be necessary to prepare a co-ordinated strategy for Athlone at both regional and town level, to ensure that the town and environs has the capacity to grow sustainably and to secure investment, as the key regional centre in the Midlands'*.

Guidelines for Planning Authorities. Retail Planning Guidelines (DELG, 2005).

- 5.1.2. The Government's Guidelines for Planning Authorities, Retail Planning (2012) recognise the contribution the retail sector makes to the national economy and support its development commensurate with promoting the vitality and viability of town centres. The guidelines require development to follow the settlement hierarchy and to be appropriate to the scale and function of the settlement or part of the settlement in which it is located. Five key objectives, therefore, guide planning authorities in their assessment of retail development, ensuring that development is plan led, promoting town centre vitality through a sequential approach to development, securing competitiveness by enabling good quality proposals to come forward in suitable locations, facilitating a shift towards access by alternative transport modes and delivering quality urban design outcomes.
- 5.1.3. In section 4.11.1 the guidelines state that large convenience stores comprising supermarkets, superstores and hypermarkets should be located in city or town centres or in district centres or on the edge of these centres and be of a size which accords with the general floorspace requirements set out in the development plan/retail strategy. The guidelines define a supermarket as a single level, self-service store selling mainly food, with a net retail floorspace of less than 2,500sqm. There is no distinction in the guidelines between discount stores and other convenience goods stores. A local centre or neighbourhood centre is defined as a

'small group of shops, typically comprising a newsagent, small supermarket/general grocery store, sub-post office and other small shops of a local nature serving a small, localised catchment'.

Retail Design Manual (DELG, 2012).

- 5.1.4. This companion document to the Retail Planning Guidelines promotes high quality urban design in retail development, to deliver quality in the built environment. It sets out 10 principles of urban design to guide decisions on development proposals.

Design Manual for Urban Roads and Streets

- 5.1.5. The Design Manual promotes better place making through appropriate street design.

Eastern and Midland Regional Spatial and Economic Strategy 2019-2031.

- 5.1.6. The Eastern and Midland Regional Spatial and Economic Strategy 2019-2031 supports the sustainable and compact growth of Athlone as a regional driver with a target population of 30,000 by 2031. In order to achieve this growth, the Strategy requires the preparation of a Joint Unitary Urban Area Plan for the regional growth centre prepared jointly by Westmeath and Roscommon County Council (RPO 4.4). In section 6.5, the document recognises the significant contribution the retail sector makes to the economy and employment in the Region and to placemaking. Policies support the preparation of retail strategies and retail development, in accordance with the Retail Planning Guidelines and retail hierarchy for the Region.

5.2. **Development Plans**

Westmeath County Development Plan 2014-2020

- 5.2.1. Policies in respect of retail development, Chapter 3, include an overall objective to sustain and improve the retail profile and competitiveness of the County, through the consolidation and enhancement of town centres and settlements and by improving quality and choice. The plan advocates a plan led approach to development, compliance with the sequential approach, facilitating a shift towards increased access to retailing by alternative transport modes and high quality design in retail developments. Section 3.26 refers to neighbourhood centres and states that the essence of these is that they serve a localised catchment area and are more readily accessed by foot or cycle.

Westmeath County Retail Strategy 2019-2026 (WCRS)

5.2.2. The WCRS 2019-2026 was adopted in 2019 and forms Variation No. 5 Westmeath County Development Plan 2014-2020. The Strategy document reiterates the overall objective for retail development set out in the County Development Plan (above).

Strategic policies include:

- To confirm the retail hierarchy in the County and the county and regional role of Athlone (Objectives 2 and 3),
- To reinforce the centre of towns and villages as the priority location for new retail development, with quality of design and integration/linkage being the key underpinning principles (Objective 6),
- To meet the retail needs of the county's residents as fully as possible within the county to enable a reduction in the requirement to travel to meet these needs and in the interest of achieving greater social inclusion and accessibility (Objective 8), and
- To encourage the re-use and regeneration of derelict land and buildings for retail use with due regard to the Sequential Approach (Objective 10).

5.2.3. In Athlone, the Strategic Policy Framework (section 7.2) guides new retail development, in the first instance, into the town centre, and then into edge of centre sites which are defined as those within 400m of the Retail Core. Only after all the options for town centre and edge of centre sites are exhausted should out of centre locations be considered. It is also stated in section 7.3.1.4 and policy RP16, that shopping needs of existing and growing residential areas in the suburbs should be met via Neighbourhood Centres.

Athlone Town Development Plan 2014-2020 (ATDP)

5.2.4. Strategic aims of the ATDP reflect the broader policy context for the development of the town and include the continued growth and development of the town, respecting the primacy of the town centre and prioritising the improvement and enhancement of the public realm.

5.2.5. The north western part of the appeal site is zoned 'proposed residential' and the eastern part for 'commercial'. Objectives of these zoning policies are:

- Residential O-LZ1: To provide for residential development, associated services and to protect and improve residential amenity. It is stated in the Plan that a range of uses will be permitted in principle in the zone which have the potential to strengthen communities e.g. local shops, creches, schools etc. Local shops are permitted in principle within the zone, Neighbourhood shops are open for consideration and Major shops are not permitted.
- Commercial O-LZ5: To provide for commercial development which does not need to be located in the town centre or retail warehousing zone. Local, Neighbourhood and Major shops are open for consideration in the zone.

5.2.6. Community policies and objectives support the provision of a wide range of community facilities to meet the needs and demands of new and existing communities, especially in areas of the town where there are perceived deficiencies (P-CMT1).

Athlone Joint Retail Strategy 2019-2026 (AJRS), Variation No. 4, ATDP

5.2.7. The Joint Athlone Retail Strategy 2019-2026 (JARS) covers a geographical area that extends to the east and west of the River Shannon and includes Athlone town centre and part of Roscommon County that adjoins the town to the west (including the Monksland/Bellanamullia area).

5.2.8. The Plan's overall objective is to sustain and improve the retail profile of the town. It sets out strategic objectives which include:

- Confirmation of a retail hierarchy for the regional centre, providing clear guidance on where major new floorspace would be acceptable (objective 2).

This includes:

- The core of Athlone (tier 1),
- Monksland (tier 2),
- Existing and proposed neighbourhood centres (tier 4), and
- Local centres tier 5.

Map 3 of the AJRS indicates existing and proposed neighbourhood centres. These include the Baylough site to the west of the appeal site. The plan describes Neighbourhood Centres as '*local level convenience and comparison*'. Policy RP14 seeks to '*sustain and facilitate a network of*

existing and potential neighbourhood centres in existing and growing residential areas in Athlone and its environs to ensure that local needs are better met’.

- To reinforce the core area of Athlone as the priority location for new retail development (Objective 4). In this respect, the strategy document defines the core retail area (Map 4) and provides a sequential approach with development in the core/centre of Athlone, followed by edge of centre sites (400m from Retail Core, 300m of other main centres) and only after these have been exhausted should out of centre locations/sites be considered (strategic policy SRP3).
- To ensure that the retail needs of the population are met as fully as possible within the regional centre, to enable reduction in travel to meet these needs and in the interest of achieving a greater social inclusion and accessibility to shops and services (Objective 5).
- To align new retail development with public transport and non-car accessible modes (Objective 7).
- To encourage and facilitate the re-use and regeneration of derelict and vacant land and buildings for retail and other Regional centre uses (Objective 8).

5.2.9. The Strategy provides an assessment of additional retail floorspace potential, with an indicative requirement for an increase in convenience floorspace of between 3,445sqm and 4,272sqm over the period 2020 to 2026 (Table 7.2). In section 7.4.3, General Retail Policies, it is states that the enhancement of the convenience/food shopping offer across Athlone Regional Centre and its environs is a sustainable objective. *‘Underpinning this is the need to ensure the sustained vitality, viability and attraction of centres at all levels of Athlone and its environs Retail Hierarchy and, as such, new foodstores should be located in the core/central area of Athlone, Monksland and Neighbourhood Centres with all other applications demonstrating that they fully meet the tests of the Sequential Approach’.*

5.2.10. Emphasis is also placed on enhancing the public realm and access by alternative transport modes (Policies RP2 – RP7).

5.3. Natural Heritage Designations

- 5.3.1. The appeal site lies to the south of Lough Ree and to the west of the River Shannon. Both are designated as natural heritage sites. Approximately 600m to the north east of the site Lough Ree is designated as a Special Protection Area (site code 004064), proposed Natural Heritage Area and Special Area of Conservation (site code 000440). Approximately 900m to the south of the site, the Shannon is designated as a proposed NHA/SAC (site code, 000216) and SPA (site code 004096).

5.4. EIA Screening

- 5.4.1. The proposed development is of a type that constitutes an EIA project (involving construction and demolition works) and is a sub-threshold development falling within Class 10(b)(iv), Part 2, Schedule 5 of the Planning and Development Regulations, 2001 (as amended), urban development. However, the development on 1.18ha is well below the threshold set out in the Schedule for this type of development (10ha), is situated on land within an urban area, part of which is already developed, will be connected to existing services and is a type of development which is not likely to give rise to the use of significant natural resources or the production of wastes, pollution or environmental nuisance. Consequently, there is, therefore, no real likelihood of significant effects on the environment or requirement for environmental impact assessment.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. There are three third party appeals made by Tesco Ireland, River Village Traders (Monkstown) and Donal Kenny. These raise the following issues:
- **Precedents.** The development fails to address the previous reasons for refusal for a similar development on the subject site. The scale of the development and its impact on residentially zoned lands has not been reduced. The Board has previously refused permission for (i) a District Centre on land adjacent to Ganly's roundabout (c. 700m north of the appeal site) in 2014 (PL20.242249) on the grounds of impact on Athlone town centre

and traffic and (ii) for developments in Monksland on the grounds of impact on Athlone town centre (PL244373, 245569 and 247243).

- **Material contravention of Development Plan.** Development is situated on land zoned for residential use and materially contravenes a primary objective of the Athlone Town Development Plan 2014-2020. The surface car park is ancillary to the main use and is therefore a retail use (RL3616) and is not permitted in the commercial zoning. A commercial car park is not permitted under the residential zoning objective. A smaller scale development would be more appropriate given the proximity of the commercial lands to residential lands. Undercroft parking would have facilitated parking on the commercial zoned lands.
- Major shops are not permitted in the residential zoning of the site and are only permitted on commercially zoned sites if they do not need to be located in the town centre. Other more suitable sites are available located closer to the retail core. Discount stores are expressly considered large convenience stores under the RPG and do not comprise a local or neighbourhood retail development. The retail floorspace proposed is not local in scale. The proposed goods sales area, 1,160sqm, represents 44% of the total convenience goods floorspace in the Monklands/Bellanamullia area (2,663sqm, Table 3.5 AJRS). Alterations to the zoning should be made through the Draft ATDP/Westmeath County Development Plan. The concurrent planning application for housing on the remaining housing land, by Lidl under PA ref. 20/7088, is a tactical move and no weight should be attached to it (Lidl do not build houses).
- Inability of parties to agree condition no. 2 may result in retail capacity in Athlone being underutilised.
- **Urban Design.** The development provides for poor urban design and is inconsistent with the principles of the Retail Design Manual and Design Manual for Urban Roads and Streets. Development includes parking to the front of the site along Galway Road and Roscommon Road. Development would not integrate with existing streetscape along Galway Road, established building line runs close to adjacent footpath. Development is set back by c.15m from it. Condition no. 2 addresses urban design issues at the

southeastern corner of the site and not elsewhere. Provision of undercroft parking would improve visual prominence and the opportunity for better integration with the streetscape. Development will demolish two long established corner buildings (nos. 1 and 2 Roscommon Road) which have given definition to the Roscommon Road/Galway Road junction.

- **Contrary to the Athlone Joint Retail Strategy.** AJRS directs new foodstore development to the core/central area of Athlone, Monksland and Neighbourhood Centres. All other applications are required to demonstrate they meet the tests of the sequential approach. The applicant dismissed opportunity sites within 300-400m of the centre on the grounds of their availability/need for a joint venture arrangement. No information on file to corroborate these conclusions. The allocation of such quantum of convenience retail at the location will impact on the credibility and viability of scheduled district centres.
- **Impact on Athlone town centre.** The Development, removed from the retail core, will reduce the potential for shared shopping trips, and adversely impact on Athlone town centre. A high rate of vacancy already exists in the town (one of the highest rates in the country). Under PA ref. 20/7040 (ABP 307744) an application was made for a similar discount store and coffee shop as part of a larger scheme (near Golden Island Shopping Centre), indicating that there is interest in accommodating this type of development near the town centre. The development will jeopardise any further interest in accommodating this type of proposal near the town centre.
- **Deficiency in parking provision.** Development will be dependent on car borne shoppers (removed from town centre and other shops). 140 car parking spaces are required by the Development Plan, 108 are provided. More spaces will be lost to accommodate the proposed public plaza.
- **Policy context.** The strategic planning context for Athlone requires the preparation of a joint local area plan, core strategy and traffic management policy. This will include provision for substantial growth and the potential for new road linkages. In the absence of this policy, the Athlone Joint Retail Strategy cannot be relied on and the proposed development contravenes the

Retail Planning Guidelines for Planning Authorities, 2012. No evidence to support the need for a supermarket on the site.

- **Traffic hazard and traffic safety.** Inadequate internal arrangements for the management of traffic, leading to risk of accidents and congestion on the public road. Poor pedestrian connectivity.
- **Public engagement.** Condition no. 2 removes the opportunity for public engagement and should have been addressed through the Further Information process.
- **EIA.** Consistency with environmental impact assessment legislation.

6.2. Applicant Response

- 6.2.1. The applicant responds to the third party appeals made. In the interest of brevity I refer to the arguments made in the Assessment section of this report.

6.3. Planning Authority Response/Observations/Further Responses

- None.

7.0 Assessment

- 7.1. Having examined the application details and all other documentation on file, inspected the site and having regard to relevant national, strategic and local planning policies, I consider that the main issues for this appeal are:

- Precedent.
- Material contravention of Development Plan.
- Consistency with Athlone Joint Retail Strategy and Impact on Athlone Town Centre.
- Urban Design and Condition no. 2 of the Permission.
- Deficiency in parking provision.
- Traffic hazard.

- 7.2. In addition, parties to the appeal raise the following issues which I comment on briefly below:

- Prematurity of development pending a joint local area plan/ unitary plan for Athlone - National and regional planning policies require the preparation of a unitary plan for Athlone, recognising its regional status and influence on different counties. Such a plan may well introduce new strategic land use and transportation policies for the town. However, currently there is no such plan in place or in draft and the adopted and statutory policy context for the development comprises Westmeath County Development Plan 2014-2020 (currently under review) and the Athlone Town Development Plan 2014 – 2020. The ATDP includes, in variation no. 4, the Athlone Joint Retail Strategy which extends to the Monksland/Bellanamullia area. It has been prepared in conjunction with Roscommon County Council and forms part of the Roscommon County Development Plan 2014-2020 (Variation No. 2). I do not consider, therefore, that the proposed development is premature pending the adoption of a joint local area plan for the town.
- Environmental impact assessment – This matter is addressed in section 5.4 of this report.

7.3. Precedent.

- 7.3.1. Parties to the appeal argues that the proposed development fails to address the previous reason for refusal. The applicant argues that the development is smaller than the previous retail development, is redesigned to locate the retail building solely on the land zoned for commercial use and access to the site has been relocated away from the junction with R446/R914. It is also stated that an area of land has been set aside for future residential development which is the subject of planning application.
- 7.3.2. Having regard to the information on file in respect of the previous development under PA ref. 19/7138, and the recent decision by the planning authority grant permission for three terraced houses on land to the west of the appeal site, I would accept that the development has been amended with a view to addressing the previous reasons for refusal under PA ref. 19/7138. I examine below the substantive matter of whether or not the proposed development comprises a material contravention of the ATDP.

7.3.3. A number of planning applications are referred to by the appellants (PL24249, 244373, 245569 and 247243). These comprise applications for District Centres and were proposed in Monksland and at Bogganfin (to the north of the appeal site on the N61). In each case the Board considered the merits of the development having regard to the particular nature, scale and form of the development proposed, its site specific context and planning policy at the time. I do not consider therefore, that they form appropriate precedents for the proposed development, which also merits consideration having regard to its particular nature, scale and form, site specific location and current policy context.

7.4. **Material Contravention of the Development Plan.**

7.4.1. In response to the appeal the applicant argues the planning authority has determined that, considering the zoning objectives of the site, the siting, nature and scale of the development, it does not constitute a material contravention. It is also argued:

- The development site includes a small fraction (0.19ha) of the area of land zoned for residential development in the town (129ha). An application for a residential development on the lands zoned residential to the west of the site has been submitted to the PA.
- The development would not be considered Major retail. It comprises a small supermarket (net sales area 1,450sqm with 1,160sqm for food sales and 290sqm for non-food). Page 89 of the AJRS notes that small supermarkets are appropriate in the context of neighbourhood centres.
- The zoning matrix of ATDP indicates that Neighbourhood shops are open to consideration on Residential and Commercial zoned land. Local shops are permitted in principle on residential zoned lands and open to consideration on commercial zoned land.
- A variety of policies and objectives of the Plan recognise the need to enhance major convenience and comparison retail in the town centre of Athlone and multiple retail objectives seek to ensure retailing outside of the town centre.
- The PA is satisfied that there are no alternative sites to accommodate the development.

7.4.2. The applicant also refers the Board to the socio-economic factors of Athlone west ED and to the disadvantaged status of the area, including low levels of employment and car ownership, compared to Athlone east and Athlone County (see page 28 of Planning Report). It is argued that the proposed development will provide employment, provide a locally accessible service and a focal point for the community, in accordance with policies of the Plan. The appellant also draws the Board's attention to the observations submitted by the public expressing support for the development.

Assessment

7.4.3. As stated in the planning application and statutory notices, the proposed development has a gross retail floor area of 2,172sq and a net sales area of 1,430sqm (Proposed Site Plan, drawing no. L228 01-02). (These figures are underlined as the applicant quotes different figures in response to the appeal, section 3.0 of response). As such it would fall within the RPGs definition of a supermarket i.e. with a net retail floorspace of less than 2,500sqm, and would comprise a smaller supermarket.

7.4.4. The eastern part of the appeal site is zoned for Commercial land uses and retail development, Local, Neighbourhood and Major, is open for consideration in the zone, subject to the proviso that the development does not need to be located in the town centre. The western side of the site is zoned Residential, with Local shops permitted in principle and Neighbourhood shops open for consideration. The car park which is proposed on the Residential lands is entirely ancillary to the retail/café development, and in my view properly forms part of the retail development.

7.4.5. The RPG define a Local Centre or Neighbourhood Centre as '*small group of shops, typically comprising newsagent, small supermarket/general grocery store, sub-post office and other small shops of a local nature serving a small, localised catchment population*'. As a smaller supermarket, I consider that there is therefore scope for the proposed development to be considered as a local or neighbourhood centre, as defined by the RPGs, subject to the proviso that it serves a small, localised catchment. Further, I would consider that it would also be consistent with socio-economic policies of the ATDP which improve the provision of community facilities, in particular in areas with higher levels of deprivation.

7.4.6. In principle, therefore, I would accept therefore that the proposed development is acceptable having regard to the zoning of the site, subject to the proviso that (a) it does not need to be located in the town centre (commercial zoning) and (b) it serves a small, localised catchment (residential and commercial zoning).

7.5. **Consistency with Athlone Joint Retail Strategy and Impact on Athlone Town Centre**

7.5.1. The AJRS adopted in 2019 sets out a retail hierarchy which includes the town centre (tier 1), Monksland (tier 2), existing and proposed neighbourhood centres (tier 4), and local centres (tier 5). The proposed development is situated on a site which is not identified in the AJRS as part of this retail hierarchy. Notwithstanding this, as argued by the appellant, wider policies of the Strategy support the development of convenience stores throughout the urban area, as set out in section 7.4.3 of the AJRS:

'The enhancement of the convenience/food shopping offer across Athlone Regional Centre and its environs is a sustainable objective. Underpinning this is the need to ensure the sustained vitality, viability and attraction of centres at all levels of Athlone and its environs Retail Hierarchy and, and as such, new foodstores should be located in the core/central area of Athlone, Monksland and Neighbourhood Centres with all other applications demonstrating they fully meet the needs of the Sequential Approach'.

7.5.2. I would accept therefore that the AJRS, directs new retail development into defined centres, but also permits the enhancement of convenience shopping in the town outside of these centres subject to the Sequential Approach.

7.5.3. The applicant's Sequential Approach is set out in Appendix 1 of the Planning Report. It is argued that the proposed development does not need to be situated in the town centre, with an 'equitable distribution' of food shopping in suburban areas being an appropriate scenario, and the town centre for higher order shopping, especially comparison shopping. It focuses on the Opportunity Sites identified in the town centre in the AJRS and two sites outside of the centre, one site to the west of the Shannon, south east of the appeal site and one to the south east of the town, adjoining the R446. The alternative sites are discounted on a number of grounds

including lack of availability, requirement for a joint venture arrangement, risk of flooding, inappropriate size and/or inappropriate zoning.

7.5.4. Whilst the Sequential Approach provides a structured rationale for the development, it provides little robust justification for the development of the site outside of the retail hierarchy. For example, with the standard retailing format imposed on each site and no reference to options for the location of the development adjoining existing or proposed Neighbourhood Centres in the recently adopted AJRS. Further, the trade diversion assessment indicates that trade will be diverted from existing retail outlets within the town i.e. 20% of sales from current spend in Monksland (Supervalu) and 70% from the 'Athlone area' which includes two Dunnes stores, Supervalu, Tesco Ireland, Aldi and Lidl, with these stores generally situated to the east of the River Shannon. I would infer from this, that the development will not only serve the local area but a wider catchment to the west of the town, that currently shop in Monksland or the town centre. In addition, given its location in proximity to a major junction with the M6 it is difficult to conclude that the development would serve a '*small, localised catchment population*'.

7.5.5. In addition, whilst the impact of the development on existing stores is predicted to be modest, assuming the predicted uplift in sales turnover is realised (€42-52m for the period to 2026), it nonetheless will have an effect on retail shopping in the town and the potential to affect trade in the town centre and at other centres.

7.5.6. I would be concerned, therefore, that by locating the development outside of the retail hierarchy, it would reduce the demand for development within the town centre and lower order centres and would directly and indirectly erode or undermine the objectives of the AJRS and, therefore, the vitality and viability of the town centre.

7.6. Urban Design and Condition no. 2 of the Permission

7.6.1. The applicant argues that the design and layout of the scheme can be amended, by way of condition no. 2, to provide public realm space towards the south eastern part of the site overlooking Galway and Roscommon Roads and providing a point of pedestrian entry to the site. It is also stated that:

- Layout of the development is considered a substantial improvement on the previous scheme, parking is predominantly to the west side, is broken into

smaller spaces and does not dominate the public domain. Parking to the rear of the site (with the building brought forward) would be impractical given the narrowness of the site.

- The development makes use of a substantial brownfield site.
- Front glazed façade and café will present a dynamic, active frontage to the street.
- Landscaping is provided along the southern boundary of the site.
- similar design granted by the Board under ABP-305815-19 (car parking was provided to the front of the site and considered to be acceptable in the wider context of the development).

7.6.2. The proposed development is brought forward on an existing underutilised/brownfield site and, consistent with policies of the ATDP would facilitate its re-use. Notwithstanding this, the layout is contrived, with the layout driven by the zoning of the site and resulting in the location of buildings, and external equipment, in proximity to the rear gardens of properties along the R914 and St. Joseph's Villas and the loss of two vernacular buildings. I note that under PA ref. 19/7138, the Department of Culture, Heritage and the Gaeltacht considered that the houses formed an important part of the streetscape at the junction of Galway Road and Roscommon Road, appeared on the first edition Ordnance Survey map and with the adjacent buildings contributed to urban grain, historic continuity and visual amenity. The Department requested the planning authority to require retention of these properties.

7.6.3. In contrast to the Retail Design Manual (2012) and DMURS (2019) the development, which follows a standardised format, makes little contribution to urban structure at the location or to public realm. The planning authority has sought to remedy this through condition no. 2 of the permission i.e. for the provision of a public plaza on south eastern part of the site and, in response to the appeal, the applicant has submitted a revised design for the development (Proposed Site Plan, Drawing No. L228 01-02 Rev F). Whilst the proposed amendment would provide an element of 'public space', I do not consider that it would remedy the more significant issues which arise with the layout of the development.

- 7.6.4. With regard to public consultation, I do not consider that alterations proposed under condition no. 2 are likely to be significant or to give rise to deleterious effects on third parties. The lands affected are located on the edge of the site and adjoin the public road and the gable end of a property and the proposed works proposed are confined to hard and soft landscaping to provide a relatively modest public realm plaza. I consider that it is therefore a matter which the planning authority could address by condition.
- 7.6.5. The applicant refers the Board to ABP-305815-19 in which permission was granted for a Lidl supermarket with the store's car park entirely between the store and the main road junction. As stated earlier in this report, this development was determined on its site specific merits and is not directly relevant to the proposed development and its site specific context.

7.7. Deficiency in parking provision

- 7.7.1. The applicant proposes 108 car parking spaces to serve the development. This compares to a requirement for c.140 spaces to serve the development applying the car parking standards set out in Table 12.11 of the ATDP. In their assessment of the planning application the PA considered the level of provision to be acceptable having regard to national planning policy, the location of the site and the objectives of the planning authority to promote active travel patterns in urban areas.
- 7.7.2. Given the location of the appeal site in an area where there is low car ownership and the wider policy framework which seeks to reduce travel by private car and increase use of more sustainable modes, I would accept that the level of car parking spaces provided is acceptable.

7.8. Traffic hazard.

- 7.8.1. The proposed development is situated west of the traffic light controlled junction of the R914 and R446. The appellant raises concerns regarding the management of traffic movements within the site and the risk of congestion on the public road.
- 7.8.2. The applicant's Traffic and Transportation Assessment (March 2020) indicates that the development will give rise to a moderate increase in traffic on the R446 (site access), but otherwise a modest impact on junctions in the vicinity of the site. The

conclusions of the report have been accepted by the PA. However, it would appear from the Assessment that potential trips arriving and departing from the site are arrived at by analysis of existing movements on the local road network. Predicted movements would not therefore take account of trips which are diverted from other locations as a consequence of the development. Modelling of junctions in the vicinity of the site, on the same basis, indicates that these remain within capacity up to 2037. I would have concerns, therefore, that the modelling exercise is not consistent with the Retail Assessment.

- 7.8.3. Within the site, the arrangements for car parking are typical of a supermarket car park. The Stage 1 Road Safety Audit report does make recommendations to remove or reallocate the parking space immediately to the west of the entrance, in order to prevent collisions as vehicles manoeuvre into the space, dropped kerbs alongside the mobility impaired parking bays, additional trolley bays and appropriate regulatory signs at the internal junction, to the north of the site access road to clarify priority of vehicles. These proposals seem reasonable and would prevent significant congestion within the site spilling onto the public road.

8.0 Appropriate Assessment

- 8.1. The application for the development includes an Appropriate Assessment Screening Report. It states that connectivity exists between the appeal site and the River Shannon Callows SAC (site code 000216), Lough Ree SPA (site code 004064) and Middle Shannon Callows SPA (004096). It is not clear from the report how this connection arises as the appeal site is physically removed from these sites and no surface water bodies cross, run alongside or in proximity to the site. The report also refers to mitigation measures as part of the screening exercise. It concludes that no significant impacts, including cumulative impacts, on Natura 2000 sites will arise.
- 8.2. Notwithstanding the above, the appeal site is situated in an urban area and comprises, in part brownfield land and is not connected to any water body. Whilst connectivity may arise from migrating groundwater, with the diluting and attenuating effects of soil and sub-soils, significant impacts on downstream water bodies are unlikely, even if pollution arise on site. With regard to mobile species associated with the European sites, the appeal site lies in an urban area and any species

occurring within the area of it will be habituated to human activity. I consider that it is reasonable to conclude therefore that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site Nos. 000216, 004064 or 004096, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

9.0 Recommendation

9.1. I recommend that permission for the development be refused.

10.0 Reasons and Considerations

1. The proposed development, by reason of its scale and the location removed from the town centre of Athlone and outside of any of the Local and Neighbourhood Centres identified in the retail hierarchy set out in the Joint Athlone Retail Strategy, 2019, would be contrary to the overall objectives of the Retail Strategy for the town and have an adverse impact on the vitality and viability of the existing town centre. In addition, it is considered that the sequential assessment provided with the planning application and the appeal did not comply with the provisions of the Retail Planning Guidelines for Planning Authorities, published by the Department of the Environment and Local Government in January 2005, as it did not establish that there were not more suitable sites within the Retail Hierarchy for additional retailing development, which would not have such adverse impact. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area. Reasons and Considerations
2. By reason of its layout and standardised appearance, it is considered that the proposed development on a prominent site, would be visually unsatisfactory and inappropriate in terms of urban design, integration with the existing urban structure and placemaking. The proposed development would therefore conflict with the provisions of the Athlone Town Plan 2014 in terms of its

objectives to promote quality design in all retail developments, and the design principles set out in the government's Retail Design Manual and would, therefore, be contrary to the proper planning and sustainable development of the area.

Deirdre MacGabhann
Planning Inspector

1st March 2021