



An
Bord
Pleanála

Inspector's Report

ABP-314726-22

Development

Demolition of 2 No. single storey dwelling houses and 1 No. domestic garage. Construction of a 4 storey block of 20 No. apartments to accommodate 4 No. 1 bedroom and 16 No. 2 bedroom units along with the construction of a semi basement car park with provision of 19 car parking spaces, amenity space, communal open space, bicycle parking, bin storage and all ancillary site works. Construction of a stand-alone 3 storey block of 6 No. 1 bedroom apartments and all ancillary site works

Location

Brideswell Street, Dublin Road,
Athlone, Co Westmeath

Planning Authority

Westmeath County Council

Planning Authority Reg. Ref.

21646

Applicant(s)

John Killian

Type of Application

Permission

Planning Authority Decision

Grant with Conditions

Type of Appeal	Third Party
Appellant(s)	Bernadette Donnelly
Observer(s)	None
Date of Site Inspection	26 th of April 2023
Inspector	Caryn Coogan

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1.0 Site Location and Description

- 1.1. The subject site, 0.241Ha, is located on Brideswell Street (Dublin Road), less than 1km east of Athlone town centre. The site is irregular in configuration and includes two dwellings along the streetscape.
- 1.2. Bridewells Street (Dublin Road, R446) forms the southern site boundary. The landuse in the immediate area is mixed use. To the west of the site there is a large Electrical Store and to the east of the site there is a carpet outlet.
- 1.3. There are two detached dwellings fronting the site onto Brideswell Street, both are single storey units. They are positioned above the level of the road. The ground levels rise considerably across the site. This is a notable feature of the site with a steep embankment forming the rear boundary, which according to the appeal file, is a cut out esker. There is perpendicular parking to the front of both houses along Brideswell Street. The eastern dwelling would appear to be in office use. In addition, the eastern dwelling is positioned on a higher ground level than the western dwelling, illustrating the rise in ground levels west to east across the site along with the rise south to north. The site configuration is complex.
- 1.4. On the eastern axis of the site there is an access road which serves one dwelling on the subject site and a bungalow to the northeast (rear) of the site, owned by the third party appellant. The dwelling to the rear has an unusual configuration, it is perpendicular to Brideswell Street and the two dwellings on the subject site. Its orientation is east, and the western site boundary backs onto the subject site. Currently there is dense screening along the common boundary which provides screening between the properties, including a large evergreen tree which is evident from the streetscape. I would consider this dwelling to be backland development. The access to same shares a right of way with the subject site.
- 1.5. In the vicinity of the site, there is a broad range of commercial outlets providing a full range of goods and services. To the east of the site on approach to the centre of Athlone town, there is a concentration of residential units, including a four storey apartment block with retailing on the ground floor. This block is within 200metres of the subject site. There is also a four-five storey apartment complex south of the subject site adjacent to the local Aldi store.

2.0 Proposed Development

2.1. The proposed development involves the following :

- Demolition of the 2No. single storey dwellings and domestic garage;
- Construction of a four storey block of apartments, 4No. 1 bedroom and 16No. 2 Bedroom units;
- A semi-basement carpark with 19No. spaces, amenity space, communal space, bicycle parking, bin storage
- All ancillary site works
- A stand alone 3 storey block of apartments with 5No. 1 bedroom apartments.

2.2 The proposed development has sought to utilise the difference in levels across the site so that the building is 3-4 storeys at street level but reads as a 2-3 storey building to the rear. The carparking is within an undercroft in the proposed development enabling open space provision within the development.

2.3 Revised Proposals by way of Further Information on 3rd of August 2022

- A reduction in the overall scheme by 1 unit to 25No. units
- Daylight/ Overshadowing and Overlooking Report;
- Refuse Storage
- Alterations to façade specification
- Revised Boundary treatment;
- E Charging points
- Construction and Environment Management

Revised notices submitted on the 11th of August 2022,

2.4 Documentation submitted with the application includes:

- A full set of detailed drawings
- Traffic Assessment prepared by Killian Consulting Engineering Nov. 2021
- Architectural Design prepared by Killian Consulting Engineering

- Drainage Report (No. 210009-KCE-RP-C-00-0001) prepared by Killian Consulting Engineering
- Daylight and Overshadowing Report
- Screening for Appropriate Assessment.
- Construction Management Plan

3.0 Planning Authority Decision

3.1. Decision

Westmeath Co.Co. granted planning permission for the proposed development subject to 10No. conditions, with noted conditions summarised as follows:

2. First Occupation Control to avoid the apartments been purchased by corporate entity. *(as per letter dated 23/09/2022 from planning authority to applicant, the condition was deleted as it was considered to be a clerical error)*
3. Revised proposals for eastern boundary to include a 1.8m high plastered and capped wall, western boundary to include raising the existing stone and ornamental trees to be provided inside of the proposed brick wall and associated railing along the southern elevation.
4. Omit the cladding feature surrounding the first floor window on the southern elevation and the balcony glass feature to be obscured.
5. Construction works limited to 07.30-18.30 Monday to Saturday.
6. Landscaping
7. Part V
8. Waste Management during Construction and Operational phases.
9. Security Bond of €150,000
10. Development Contributions

3.2. Planning Authority Reports

3.2.1. Planning Reports

1st Report (08/02/2023)

- The site is within an 'established residential' zoned area within walking distance of the town centre, 3No. large secondary schools, a primary school and 1.5km from the third level campus.
- Westmeath Cuntly Development Plan Policy 7.31 aims to facilitate higher densities and building heights at suitable locations. Department policy also encourages greater building heights on town centre brownfield sites. The proposal complies with national policy objective 33.
- There are two blocks laid out around a communal open space area. Block A s 4 storeys facing Bridewell Street, the fourth floor is set back form the front building line. The applicant should be asked to address the BRE Guide Site Layout Planning for Daylight and Sunlight. The application forms a prominent, underutilised serviced urban site.
- The strong red brick finish is considered to be inappropriate at this location. And a buff finish would have a lesser visual impact.
- There is 468sq.m. of public open space (19.5%) of the site area.
- The development is sub threshold EIA
- AA Report Required.
- Further information was requested.

2nd Planning Report (1st of September 2022)

- The applicant has utilised the 25 degree test to do the BRE Site Layout for Daylight and Sunlight, the design of Block B has been amended and an apartment omitted. The results of the test conclude a worst-case scenario where there is an impact and will only occur if the existing mature trees/hedging is removed along the eastern site boundary.
- The windows on the northern and eastern elevation have been altered to address overlooking. There are letterbox windows at first floor level, and the

steeping back of the elevation to the rear of the site, resulting in a smaller footprint on the site allows for greater separation distance between blocks and to the boundaries of the site. Block B has been redesigned to include 5No. apartments.

- There is no hydrological connectivity between the subject site and a Natura 2000 site.
- Revised refuse storage facilities to cater for both blocks separately.
- The original total brickwork façade has been replaced by brickwork on the ground floor level and render finish to the first and second floors.

3.2.2. **Other Technical Reports**

District Engineer: No objections General Conditions, Roads Conditions, Surface water and Water conditions

Fire Officer: Further Information

Environment Section : No objection subject to conditions.

EHO : No objections

3.3. **Prescribed Bodies**

Department of Heritage, Local Government There will be no impact on the Holy Well National Monument WM029-021000.

3.4. **Third Party Observations**

The appellant, Ms Bernadette Donnelly objected to the proposed development, with the following concerns:

- Loss of light and overshadowing
- Adversely impact visual amenity
- Traffic
- Noise and disturbance
- Devaluation of her property

4.0 Planning History

5.1 *Planning Reference 05/3115*

Planning permission refused for 2 No. apartment buildings, demolition of single storey dwelling and to construct a 3 storey mixed commercial/ residential building with a roof garden, and carpark.

5.2 *Planning Reference 03/4254.*

Planning permission refused for 2 No. apartment buildings, demolition of single storey dwelling and to construct a 2No. apartment buildings over four floors containing 24No. apartments in total.

5.0 Policy Context

5.1. National Planning Framework

3.2 Eastern and Midland Region

The Eastern and Midland part of Ireland will, by 2040, be a Region of around 2.85 million people, at least half a million more than today. The Region's most significant place-making challenge will be to plan and deliver future development in a way that enhances and reinforces its urban and rural structure and moves more towards self-sustaining, rather than commuter driven activity, therefore allowing its various city, metropolitan, town, village and rural components to play to their strengths, while above all, moving away from a sprawl-led development model

4.5 Achieving Urban Infill/ Brownfield Development

The National Planning Framework targets a significant proportion of future urban development on infill/brownfield development sites within the built footprint of existing urban areas. This is applicable to all scales of settlement, from the largest city, to the smallest village. This means encouraging more people, jobs and activity generally within our existing urban areas, rather than mainly 'greenfield' development and requires a change in outlook. In particular, it requires well-designed, high quality development that can encourage more people, and generate more jobs and activity within existing cities, towns and villages. This is provided that development meets

appropriate standards to achieve targeted levels of growth. It also requires active management of land and sites in urban areas.

National Policy Objective 1c Eastern and Midland Region: around 320,000 additional people in employment i.e. 1.34 million in total.

National Policy Objective 2b The regional roles of Athlone in the Midlands, Sligo and Letterkenny in the North-West and the Letterkenny-Derry and DroghedaDundalk-Newry cross-border networks will be identified and supported in the relevant Regional Spatial and Economic Strategy.

National Policy Objective 11 *In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.*

National Policy Objective 13 *In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.*

National Policy Objective 32 *To target the delivery of 550,000 additional households to 2040.*

National Policy Objective 33 *Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.*

National Policy Objective 35 *Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.*

5.2. Regional Planning – The Eastern and Midland Regional Spatial and Economic Strategy (Relevant Extract included in Appendix)

Key priorities are to promote the continued sustainable and compact growth of Athlone as a regional driver, with a target population of 30,000 up to 2031, providing for an enhanced public realm and regeneration in the town centre along with significant employment growth linked to the further development of Athlone Institute of Technology (AIT) and building on the town's existing strong economic base and enterprise clusters.

Residential Development:

Vital to the growth of Athlone as a Regional Centre is the provision of high quality, well designed housing development that ensures a mixture of housing types and meets the needs of a variety of households. This is essential to support all of the residents of Athlone, including the current and future employment base thus strengthening the economic potential of the settlement.

Regeneration: Future development required to achieve the vision for Athlone includes the regeneration of underused, vacant or derelict lands in the town centre, to facilitate population growth and to strengthen the retail and commercial functions of the Regional Centre.

RPO 4.8: Support the regeneration of underused town centre and brownfield / infill lands along with the delivery of existing zoned and serviced lands to facilitate significant population growth and achieve sustainable compact growth targets of 30% of all new homes to be built within the existing built-up urban area.

5.3. Development Plan

6.3.1 Westmeath County Development Plan 2021-2027

2.7.1 Settlement Hierarchy for Westmeath 2021-2027

Table 2.4: Settlement Hierarchy for Westmeath

Settlement Typology	Description	Settlements	Population 2016
Regional Growth Centre	Regional Growth Centres are large towns with a high level of self-sustaining employment and services that act as regional economic drivers and play a significant role for a wide catchment area.	Athlone*	21,349

Table 2.6: Proportional Intervention (Pi) Scenario C.

	Settlement Tiers	Settlement	Census	Interpolated forecast of population					
			C2016	Pi2021	Pi2026	Pi2027	Growth Rate 2016-2027	Growth Rate 2021-2027	Pi2031
I	Regional Growth Centre	Athlone	21,349	24,233	27,116	27,693	30%* **	14%***	30,000
		Athlone (Roscommon*)	4,737	4,847	5,423	5,539			6,657
		Athlone (Westmeath)	16,612	19,386	21,693	22,154			23,343

2.9 Regional Growth Centre – Athlone

The NPF sets the policy parameters for the Eastern and Midlands Region to better manage the growth of Dublin as a city of international scale supported by the growth of the three key Regional Centres of Athlone, Dundalk and Drogheda. These settlements also form the upper two tiers in the settlement hierarchy presented in the RSES. Regional Growth Centres, as they are referred to in the RSES, are ‘large towns with a high level of self-sustaining employment and services that act as regional economic drivers and play a significant role for a wide catchment area’. Athlone’s strategic location in the centre of Ireland is acknowledged in the strategy, with reference made to its position as a key node between Dublin and Galway on the

River Shannon. During the last census period (2011-2016), Athlone grew by 4.5% to reach a total population of 21,349 (including growth recorded in Roscommon). The population of Athlone within Westmeath’s boundary stood at 16,612. This represents 18.7% of Westmeath’s total population.

Core Strategy Policy Objectives	
It is a policy objective of Westmeath County Council to:	
CPO 2.2	Support the continued growth of Athlone, with a focus on quality of life and securing the investment to fulfil its role as a key Regional Growth Centre and economic driver in the centre of Ireland, with a target population of 30,000 up to 2031.
CPO 2.17	Support the regeneration of underused town centre and brownfield / infill lands along with the delivery of existing zoned and serviced lands to facilitate population growth and achieve sustainable compact growth targets of 30% of all new housing to be built within the existing urban footprint of targeted settlements in the County.

Section 7.6.1 Compact Urban Centres

The National Planning Framework (NPF) and the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy (EMRA-RSES) identifies ‘Compact Growth’ as the means to deliver sustainable growth in our urban settlements through consolidation, rather than the continued sprawl of urban development into the countryside, at the expense of town centres and smaller villages. Westmeath County Council is committed to delivering compact growth through active land management together with the positive regeneration of urban areas and settlements. To facilitate population growth, a significant proportion of urban development will be accommodated on infill/brownfield sites through the redevelopment and regeneration of underused, vacant or derelict town centre and urban lands. It is an objective of the Council to facilitate the continuous regeneration and redevelopment of existing built up areas as equally attractive and as viable as greenfield development to create more desirable places in which people can live and work. Further, it is a priority of the Council to enable infill and appropriate brownfield redevelopment in order to maximise the efficient use of existing infrastructure and services and promote a positive modal shift towards sustainable transport use.

There are many relevant policies:

CPO 7.26 Support and facilitate the ambitious regeneration of underused town centre and brownfield/infill lands along with the delivery of existing zoned and serviced lands.

CPO 7.29 Facilitate the delivery of sustainable, compact, sequential growth and urban regeneration in the town core of Key Towns by consolidating the built footprint through a focus on regeneration and development of identified key town centre infill/brownfield/back land sites promoting sustainable higher densities.

CPO 7.31 Facilitate higher and increased building heights at suitable locations and in accordance with settlement hierarchy in line with ‘Specific Planning Policy Requirement’ (SSPR) 1 of the ‘Urban Development and Building Heights Guidelines for Planning Authorities’ (2018). In this regard, the locations for increased building height will be informed by a buildings height study and identified as part of the UAP and LAP to be prepared for Athlone and Mullingar respectively.

6.3.2 Athlone Town Development Plan 2014-2020

The following policies are relevant to the current proposal:

- P-SR2 To encourage and promote the development of underutilised infill and backland development in the town subject to development management criteria being met.

3.8 RESIDENTIAL DENSITY

The DEHLG Guidelines on ‘Sustainable Residential Development in Urban Areas’ (2009) outline sustainable approaches to the development of urban areas. The Guidelines promote increased densities in appropriate locations where there is necessary infrastructure, compliance with open and private space, undue impact on amenities and is in keeping with the character of the area. Densities and detailed residential layouts are prescribed in many of the Local Area Plans in the town. In particular, the Cornamagh Local Area Plan makes provision for lower and medium density housing. Outside the Local Area Plans in the town, the following densities will apply:

In Town Centre & Brownfield sites and at Strategic Locations - 35units per hectare

Inner Suburban – Site Specific

Outer Suburban/ Greenfield – 30—35 units per hectare

6.4 Government Guidelines

6.4.1 Sustainable Urban Housing: Design Standards for New Apartments : Guidelines for Planning Authorities (2022)

2.4 Central and/or Accessible Urban Locations

Such locations are generally suitable for small- to large-scale (will vary subject to location) and higher density development (will also vary), that may wholly comprise apartments, including:

- Sites within walking distance (i.e. up to 15 minutes or 1,000-1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions;
- Sites within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m) to/from high capacity urban public transport stops (such as DART or Luas); and
- Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/from high frequency (i.e. min 10 minute peak hour frequency) urban bus services. Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities | 13 Apartments and Statutory Development Plans | 2 The range of locations outlined above is not exhaustive and will require local assessment that further considers these and other relevant planning factors.

Intermediate Urban Locations Such locations are generally suitable for smaller-scale (will vary subject to location), higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (will also vary, but broadly >45 dwellings per hectare net), including:

- Sites within or close to i.e. within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m), of principal town or suburban centres or employment locations, that may include hospitals and third level institutions;
- Sites within walking distance (i.e. between 10-15 minutes or 1,000- 1,500m) of high capacity urban public transport stops (such as DART, commuter rail or Luas) or within reasonable walking distance (i.e. between 5-10 minutes or up to 1,000m) of high frequency (i.e. min 10 minute peak hour frequency) urban bus services or where such services can be provided;

- Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) of reasonably frequent (min 15 minute peak hour frequency) urban bus services. The range of locations is not exhaustive and will require local assessment that further considers these and other relevant planning factors.

Specific Planning Policy Requirement 2 For all building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha: • Where up to 9 residential units are proposed, notwithstanding SPPR 1, there shall be no restriction on dwelling mix, provided no more than 50% of the development (i.e. up to 4 units) comprises studiotype units; • Where between 10 to 49 residential units are proposed, the flexible dwelling mix provision for the first 9 units may be carried forward and the parameters set out in SPPR 1, shall apply from the 10th residential1 unit to the 49th; • For schemes of 50 or more units, SPPR 1 shall apply to the entire development; All standards set out in this guidance shall generally apply to building refurbishment schemes on sites of any size, or urban infill schemes, but there shall also be scope for planning authorities to exercise discretion on a case-by-case basis, having regard to the overall quality of a proposed development.

Apartment Floor Area:

Specific Planning Policy Requirement 3

Minimum Apartment Floor Areas:

- Studio apartment (1 person) 37 sq.m
- 1-bedroom apartment (2 persons) 45 sq.m
- 2-bedroom apartment (4 persons) 73 sq.m

5.4. **Natural Heritage Designations**

There are 13No. Natura 2000 designated sites within 15km of the application site. There is no hydrological or ecological link between the application site and the following closest sites:

River Shannon Callows SAC 000216 (878m south-west)

Middle Shannon Callows SPA 004096 (878m south west)

Lough Ree SAC 000440 (2.3km north-west)

Lough Ress SPA 004064 (2.4km north-west)

Crosswood Bog SAC 002337 (2.7km east)

Cam Park Bog SAC 002336 (5.3km east)

5.5. EIA Screening

The proposed development is sub-threshold when examined against the Planning and Development Regulations 2011 as amended.

Article 103(1) of the 2001 Planning and Development Regulations requires where a Planning Authority considers that a sub-threshold development is likely to have significant effects on the environment, it shall request the applicant to submit an EIAR. As specified by Article 103 (1), (2) and (3) and Schedule 7 of the Planning and Development Regulations 2001 as amended, it is considered that the proposed development would be unlikely to have significant effects on the environment and will therefore not require an EIAR. Refer to EIA Screening Appended to the end of this Report.

6.0 The Appeal

6.1. Grounds of Appeal

The appellant is Bernadette Donnelly who owns the property (a single storey dwelling to the northeast of the subject site). Her brother lives in the property. She objected to the planning application on issues relating to height, loss of light, overshadowing, traffic congestion and visual amenities. The proposal will devalue her property because nobody wants a house overlooked on two sides and overshadowed by apartment blocks. The density is 103.7 units per hectare which is considered to be a gross overdevelopment of the site.

6.2 The site is located at the eastern edge of Athlone town centre, on the eastern approach to the town. The lane to the east of the site accesses the appellant's property. A design study is required of the streetscape to provide for a planned approach to the development. The immediate uses are commercial. The only residential development in the vicinity of the proposed development is the appellant's

house. The street becomes more residential further east and west. The site is over 1.1km to the town centre.

6.3 The local and national planning policies associated with the development and the area are quoted. It is noted the Joint Urban Area Plan (UAP) has not been prepared yet.

6.4 There were changes made to the development following receipt of the further information. There were amendments to the footprint of the building, window changes, and one apartment has been omitted from Block B. These changes are significant and the development should have been re-advertised.

6.5 ***Principle of the Development***

- The site is zoned as Residential in the Athlone Town Development Plan 2014-2020. The following objective applies:

Section 13.2.1. O-LZ1 To provide for residential development, associated services and to protect and improve residential amenity. The priority of the Councils is to improve the quality of existing residential areas and to protect their amenities and to strengthen the provision of local community services and amenity.

It is acceptable the residential use complies with the zoning objective of the site. The development is not designed to protect or improve existing residential amenities of her single storey property. The proposed development will completely overbear her property on two sides, the south and west, resulting in a negative impact to her property. Fewer units could have been sought on the site which is an out-of-town centre site, with less units and a reduced plot ratio. The proposal contravenes the zoning objective for the area.

6.6 ***Overdevelopment***

- Density Within a small plot, 0.241ha there are 26 units proposed which represents a density of 108units/ ha, this was reduced by further information by one apartment, equalling 103/7units/ ha. There appears to be no justification for this other than to meet the residential population projections of the National Planning Framework and the Eastern and Midland Regional Plan relating to Athlone town. The reference to another 4storey development on

Brideswell Street, Ardri, south-west of the site, does not have a density of over 100units/ ha. The proposed density is similar to Dublin City Centre density and not associated with the periphery of Athlone town.

The site is located in an Intermediate Urban Location as per Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2022). The site is 1100m from the town centre which is a 14minute walk. The Town Centre is not defined in the Athlone Town Development Plan 2014-2020. The site is located outside of the historic core as defined by Map 5.1 of the Plan. At these locations in accordance with Section 2.4 of the Guidelines, apartment developments should be no more than 45units/ ha. The 103units/ ha clearly exceeds this.

The proposed development is not close to any public transport node, the train station is 1.3km from the site. As this is not a town centre site, a density of 35-50 units/ hectare is more appropriate at this location. The proposed development represents a gross overdevelopment of the site.

- Plot Ratio: The plot ratio of the proposed development is 1.13:1. Section 12.9.6 sets out suitable plot ratios for Athlone with Table 12.2 outlining indicative plot ratios for the town. For Inner Suburban where the site is located a plot ratio of 0.5-1.0 is recommended. The proposed plot ratio clearly exceeds the threshold and is overdevelopment of the site.
- Core Strategy: It is expected in the Athlone Joint Urban Area Plan that sufficient land will be zoned and serviced to accommodate the targeted increase up to 30.000 persons by 2031, an increase of 8000 persons on the current levels. Much of the current zoned landbank under the current Athlone Town Development Plan 2014-2020 has not been developed. It makes little planning sense to grant100 units per hectare on a small brownfield out of centre site when there are already sufficient zoned lands to cater for the projected expansion. The result of overdevelopment will impact on the lives of the future residents in that they have to live in minimum floor areas with minimum open space provision. This is unnecessary when there is ample zoned land to cater for the expansion at 35units per hectare. The

development of half the number of units on the subject site would have been acceptable at 50Units/ ha, and a more appropriate density for the location.

- *Building Heights* : The proposed development comprises of two blocks of apartment buildings, one of which is four stories and the other is 2/3 stories. Chapter 12 of the Athlone Town Development Plan 2014-2020 sets out guidance relating to assessments for tall buildings. The planning authority has designated 3No. sites for buildings over 3 storeys high. The site was not deemed to be suitable, and it therefore contravenes the development plan.

6.7 Carparking and Traffic

- *Carparking*: according to Table 12.11 of the Athlone Development Plan 2014-2020, there are 33No. spaces required to cater for the proposed development based on the requirements of one space per apartment, and 1 visitor space per 3No. apartments. There are only 19No. spaces proposed. This will result in haphazard parking, congestion and a traffic hazard in the vicinity of the site. The occupant in the third-party dwelling is the appellant's brother who is elderly. He requires unrestricted access to his dwelling.
- *Traffic and Pedestrian Safety*: The appellant has a right of way to her dwelling off Brideswell Street which is located within the subject site. Access to the new basement carpark is via the access onto Brideswell Street, there will be traffic safety implications associated with the access, and conflict with the apartment residents accessing and egressing from the basement carpark. The proposed development will result in a serious traffic hazard.
- *Right of Way* : The access/ right of way cannot be obstructed to her house, both during construction and the operation of the site.
- *Cycle Facilities*: There are no cycle lanes along the public road to facilitate bicycles, and there are facilities within the proposed development for the storage of bicycles. While the provision of cycle parking is proactive in terms of promoting sustainable transport it seems fruitless if there are no safe cycling facilities along the street where the proposed development is located.

6.8 Residential Amenities

- There will be a significant negative impact to the appellants property as a result of the proposed development. The proposed apartments are just 5.6m from the western façade of the house and 12metres from the southern façade. There is potential to overlook the third-party property from third floor balconies. The appellant's single storey dwelling will be hemmed in on two sides.
- The planning authority has not taken into consideration the precedent the proposal will set. It will also result in noise and disturbance which will have a serious impact on the appellants property.
- The proposed development should be refused because it will have a negative impact on residential amenities by reason of overbearing, noise and general disturbance as a result of the construction works. There will be overlooking from third floor balconies. It will contravene zoning objective O-LZI of the Athlone Town Development Plan 2014-2020 as it fails to protect and improve residential amenity of the appellants property and the council did not prioritise the protection of their amenities. The density of 103.7 units per hectare is gross overdevelopment of the site which can be described as a Intermediate Urban Location as defined in Section 2.4 of the Sustainable Urban Housing : Design Standards for New Apartments Guidelines for Planning Authorities. The Guidelines recommend densities of 45No. units per hectare at such locations.

6.9 Car Parking and Traffic Safety

Carparking: There are 19No. spaces proposed to serve 25No. apartments. As per Table 12.11 of the Athlone Town Development Plan 2014-2020, there is one parking space required per 1- and 2-bedroom apartments, and 1 visitor space for every three dwellings. That implies 33No. spaces, therefore there is a shortfall of 14No. spaces.

- If there is inadequate carparking, parking will occur haphazardly and cause congestion and a traffic hazard. The appellant's brother who lives in the

subject house is elderly and requires unrestricted access to his residence in case of an emergency situation.

- The existing laneway will provide access to Block 2, this will result in traffic implications for present and future residents. Access to the basement carpark is to be via Brideswell Street directly adjacent to the laneway, creating conflict with access to and from the basement carpark and the laneway traffic.
- There is no safe cycle routes along the streets, therefore it seems fruitless to provide cycle bays.

6.10 Applicant Response

- There is a current housing crisis and the proposed development is a small scale apartment scheme in the designated centre of Athlone which is brownfield and complies with planning policy is being delayed by a third party appeal without merit.
- The appeal site is within walking distance of 3 primary schools and a third level campus (1.5km). It is 1km from Athlone train station.
- The planning authority encouraged an increase in density.
- There is no basis for the statement the proposed development is a gross overdevelopment of the site. National Policy NPO 35 requires increased densities in settlements. The appeal site is located in the town centre. The proposal accorded with the Design Manual for Quality Housing 2022 through building increased heights and density.
- Westmeath County Development Plan policies seek to facilitate higher and increased density heights at sustainable locations.
- The third-party appeal ignores best practice planning guidelines on density.
- The plot ratio accords with the provisions of the Athlone Plan for town centre/ brownfield site.
- Buildings of 3 to 4 storey are not considered to be 'tall buildings'. National policy on building heights supersedes the outdated Athlone Town Development Plan which was adopted in 2014. A section drawing illustrates

the height of the building relative to the appellants dwelling, and due to the difference in finished floor levels there is not a significant difference in height.

- There are only letterbox windows above eye level on the eastern side of the proposed apartment Block B. There is sufficient separation distance between the proposed balconies and the appellants property to ensure there will be no overlooking. The scheme was reduced down to 25No. units to reduce the potential for overlooking. The elevation was stepped back to increase the separation distance.
- The appellants dwelling has sufficient space around it to ensure the occupant's amenities are protected. The house is a backland dwelling, and there is a large commercial premises to the south-east, there is no reason to suggest the dwelling will be 'hemmed in'.
- A noise disturbance will be temporary in nature during construction and should not be a reason for preventing a high quality urban residential development.
- Westmeath Co. Co. agreed with the applicant for 19No. carparking spaces and 60No. cycle spaces. These spaces were considered sufficient and there was no objection from the Roads Design Office.
- The development has been designed to meet standards set out in the DMURS in terms of geometry and visibility sightlines in terms of site access. The proposed access is wider than the existing laneway and having regard to the provision of a dedicated access separate from the existing laneway will improve access to the appellants property.
- The appellants right of way will not be interfered with in any way as part of the proposed development.
- The applicant has no control over the provision of cycle lanes in Athlone, however the applicant has a duty to cater for alternative modes of transport.

6.12 Planning Authority Response

There was no further response from the planning authority.

7.0 Assessment

7.1. I have reviewed the proposed development and the correspondence on the file. I note the Planning Authority was satisfied that the proposed development accords with the policies, objectives and residential standards of the Westmeath County Development Plan 2021-2027 and the Athlone Town Development Plan 2014-2020 as amended and extended. I am satisfied that the proposed development is acceptable in principle, in accordance with the zoning objective of the site. Having examined the application details and all other documentation on file and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal by both the Third Party and responded to by the First Party. I am satisfied that all other issues were fully addressed by the Planning Authority and that no other substantive issues arise. The main issues in the appeal are as follows;

- Density
- Building Height
- Overlooking
- Daylight, Sunlight and Overshadowing
- Parking Provision
- Access/ Amenities
- Design
- Boundary Treatment
- Site Notice

These issues are address accordingly below.

7.2. Density

7.2.1 The third party owns a single storey dwelling to the northeast of the subject site. The proposed development involves the demolition of two detached dwellings, and the construction of two apartment blocks containing 25No. apartments (as per revised proposals submitted on 3rd of August 2022).

- The revised proposals represent a density of 103.7 units per hectare, with 25 units on 0.241 Ha.
- The third party appellant states the proposed density is more suitable to Dublin City Centre than the a peripheral location in Athlone town.
- The appellant cites *Section 28 Sustainable Urban Housing: Design Standards for New Apartments for Planning Authorities* stating the site is within an 'Intermediate Urban Location', whereby such locations are for smaller scale residential developments with a density no more than 45 dwellings per hectare. These would include sites within reasonable walking distance of the principal town, within 1-1.5km of public transport stops, or a high frequency bus service.
- According to the appellant the site is 1100m from the town centre, a 14minute walk. It is also submitted the 'Town Centre' is not defined in any part of the Athlone Town Development Plan 2014-2020.
- The appellant references the *Design Manual for Quality Housing (DHLGH 2022)* stating the prescribed densities to be minimum density of 50 dwellings per hectare in city and town centre locations with 35-50 units on all other developable lands.
- The appellant considers the proposed density represents gross overdevelopment of the lands.

7.2.2 The planning authority in its assessment referenced the Westmeath County Development Plan 2021-2027. This Plan is more up to date with current National and Regional Planning Policies than the Athlone Town Development Plan which was adopted in 2014. The planning authority considered the site to be in a Town Centre location.

7.2.3 I note the town centre of Athlone has been progressing eastwards over the past 30 years due to the development of such infrastructure at the Golden Island Shopping Centre, the M6 motorway, and the expansion of Athlone College. Brideswells Street (Dublin Road) is also evolving. There are four storey apartment blocks within 100metres west of the site. The site is flanked by large commercial developments. Clearly the site, 0.241 ha, is underutilised with two detached bungalows on it for an

urban site. The subject site is a brownfield site. The two existing buildings on the streetscape, are visually no addition to the streetscape of Brideswell Street.

In addition, to the south of the subject site, beyond frontline development on the street, there is a development of 4-5 storey apartment blocks overlooking Aldi. . Comparisons are drawn by the appellant between these existing apartment developments and the proposed development, claiming the density is much lower on adjacent sites where the buildings are 4-5 storeys. I examined these sites, and the lower density can be attributed to extensive surface carparking associated with both schemes on relatively flat sites. However, the design of the proposed development takes advantage of the subject site's constraints i.e. different ground levels, to incorporate a basement carpark.

The appellant further claims that that proposed development does not comply with the *Sustainable Urban Housing Guidelines: Design Standards for New Apartments*, whereby the density should be more in line with 35-50units per hectare at an 'Intermediate Urban location'. At 103 units per hectare the appellant suggests the development is gross overdevelopment of the site.

The *National Planning Framework* in particular NPO 35 requires increased densities through a range of measures including increased building heights. The *Sustainable Urban Housing Guidelines 2022* identifies types of locations in towns suitable for apartment development. The subject site is within reasonable walking distance of the town centre and employment locations and services. The site is 670m from Athlone's Retail core, 1km from Athlone train station and 1.5km from the third level institution. The proposal was revised to include 25No. units within 2No. apartment blocks creating an overall density of 103units per hectare. The revised design and building envelop creates a compact and consolidated building form on the site. The development will cater for much needed community needs in the form of one and two bedroomed apartments. The higher density is acceptable close to shopping and community facilities and employment. The subject site is within the heart of such facilities and within walking distance of the train station and town centre. It is my view that the density of the proposed development is acceptable at this location. I consider the site falls within an "Accessible Urban Location" as per the *Sustainable Urban Housing: Design Standards for New Apartments (2022)*. It is situated within proximity to significant employment districts such as the Athlone's large retail hub

and cluster of businesses and restaurants/ shops. This classification supports higher-density development. It promotes sustainable living by reducing the need for extensive commuting, curbing travel demand, and encouraging alternative modes of transportation, including cycling.

7.2.4 The appellant claims the proposed development is overdevelopment due an excessive plot ratio. The plot ratio was calculated at 1.13:1 which is between the 1.0-2.0 for Town Centre/ Brownfield sites. The site is an infill brownfield site close to the town centre. Under current urban planning policies, the plot ratio is appropriate and in line with national and county planning policies. The subject site is located on the edge or the core business district of the town alongside a large retail hub, and amidst commercial and neighbourhood centre. On balance, I consider the proposed plot ratio appropriate to the location.

7.2.5 The immediate area to the south and west of the site ,McCormack Centre and Ankers Court, is undergoing a transition and densification process, as evident with 4-5 storey apartment blocks in close proximity. This indicates a trend towards increased development intensity and higher densities, making the proposed density in line with the evolving character of the area. I am satisfied the proposed density is appropriate at this location.

7.3. **Building Height**

7.3.1 The proposed apartment blocks are legible as a four-storey unit (Block A) from the streetscape, including the third floor setback front building line. Due to the slope of the site, Block B reads as a three-storey unit reducing down to a two storey unit along the eastern site boundary. The appellant has submitted that Chapter 12 of the Athlone Town Development Plan 2014-2020 sets out guidance relating to assessments for tall buildings. In the Plan, the planning authority has designated 3No. sites for buildings over 3 storeys high, and the subject site is not included. The site was not deemed to be suitable, and it therefore contravenes the development plan.

7.3.2 The Planning Report on file, referenced a more up to date planning policy that has superseded the Athlone Town Development Plan 2014-2020, by citing National Planning Objective 13 from the National Planning Framework stating:

National Policy Objective 13 *In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.*

Having examined the section drawings submitted by way of further information, the first noticeable feature is the difference existing and proposed in ground levels across the site and the abutting appellants residential curtilage. Of note:

Structure	Floor Level (mm)	Ridge Level (mm)
BLOCK A	40900	53050
BLOCK B	44200	52850
APPELLANT'S DWELLING	45690	51004

The planning authority stated the topography of the site was a significant factor in the design and height of the development having regard to the significant rise in levels from south to north. Also of note is the rear boundary of the site is the base of an esker, it's an embankment.

7.3.3 The two salient elevations relating to this appeal are the northern and eastern boundaries abutting the third-party property. In particular, the context, the setback, boundaries and visual bulk are important to consider. The appellant's dwelling is a low-profile bungalow positioned at a ground level of 45.69m with a ridge height 5.4metres. There is mature screen planting along the common boundaries with the subject site which is effectively protecting the privacy of the dwelling.

Block A, is located on the site's streetscape i.e. the southern site boundary. It comprises of a four-storey front elevation addressing Brideswell Street. It has a flat roof profile and measures 12.6m high with the third floor set back from the front building line to reduce the overall visual impact. The front elevation width is 30.36m

meters as viewed from the south. The ground floor provides access to the basement carpark (19No. spaces), access to 3No. one bedroom apartments, 60 No. bike spaces and the refuse storage area. Each of the first and second floors consists of 6 no. two-bedroom units, while the fourth floor contains 4 no. two bedroom apartments and 1No. one bedroom apartment.

Block B apartment block is to the rear of Block A, is a graduated to a two/ three storey structure, positioned adjacent to the appellant's dwelling. The eastern elevation of Block B is 6metre in height and along the western elevation, it is 8.26m. Block B as per the revised further information, contains 5No. one bedroomed units. The eastern section drawing illustrates the three-storey rear elevation of Block A which is split level reading as three storey at the rear elevation mirroring the height and three storey legibility of Block B.

7.3.3 In my opinion, the proposed height of both blocks is not excessive, and they will not appear out of context along the streetscape. The site coverage and visual bulk are acceptable within the neighbouring setting. The monolithic impact the proposal may have created is greatly reduced by providing two separate blocks on the entire site area, which creates a visual break when approaching the appellants dwelling along the access laneway, and when viewing the proposed development from within the appellant's property.

7.3.4 The existing streetscape at this location lacks continuity and makes a poor architectural statement on approach to the town centre along the Dublin Road. The proposal will enhance the area in visual terms and may encourage similar developments in the area.

7.4. **Overlooking/ Overbearing**

The third-party appellant is concerned about the loss of existing residential amenities because the lack of separation distance between the existing dwelling and proposed development. It is submitted the apartment building is only 5.6metres from the western façade of the appellant's dwelling, and under 12metres from the southern façade. The appellant is very concerned about overlooking from the third storey block. It is also submitted there should be a minimum of 22metres from opposing main windows. In addition, the appeal submission states the proposed development

will be overbearing when viewed from her property and her property will be hemmed in on two sides.

The planning authority asked the applicant to address the third-party concerns regarding overlooking and overbearing in the further information. In order to address the concerns, the following revisions were made to the original proposal and submitted to the planning authority for consideration on 22nd of August 2022:

- Windows have been altered along the northern and eastern elevations. At first floor level the design includes letterbox windows at a high level to prevent overlooking of the adjoining dwelling.
- The third-floor level of Block A has been stepped back to reduce the visual impact and perception of overlooking.
- Block B has been reduced in footprint, allowing for greater separation distance between both blocks and the site boundaries.
- Block B has also been reduced from 6No. apartments to 5 No. apartments creating a two storey building envelop along the eastern site boundary, and the Block has been stepped back from the eastern site boundary to improve daylight levels to the private amenity area associated with the dwelling to the northeast.

Block B is positioned 5metres from the common eastern site boundary with the appellants dwelling. There are no opposing windows therefore the 22metre separation guideline does not apply. The nearest point of opposing building lines is 9metres rising to 11metres. The appellant's dwelling is positioned at a slight angle on the property close to its rear site boundary. It does not have the benefit of an 11metre deep rear garden. The rear garden is only 4metres at its closet point to the common boundary. Therefore, it is unreasonable for the appellant to expect the layout to provide 22metres separation distance between opposing windows.

The appellants dwelling has an unusual configuration and this should not dictate the formatting of any future development on neighbouring sites. It is a form of backland development which is orientated perpendicular to contiguous developments along Brideswell Street. The dwelling faces a large commercial premises to the east. There is ample mature screening around the private curtilage of the dwelling to ensure the

privacy is maintained at the property. I note a 1.8metres block wall is to be provided along the common boundary with the appellant's dwelling. I would not agree with the appellant's assertion the dwelling would be hemmed in on two sides, because there are adequate separation distances provided between the existing and proposed buildings. Furthermore, the difference in existing and proposed height of Block B is only 1 metre which is not significant, and there is a difference in ground level between Block A and the appellant's dwelling, which greatly reduces the overall visual impact when viewed from the property.

As regards the potential of overlooking from the northern elevation of Block A. The block does partially back onto the gable end of the dwelling. This would not impact on the privacy of the dwelling as the bulk of the private open space area associated with the dwelling is to the north of the site. It would overlook the parking area to the front of the dwelling. However, this is normal for an urban and suburban residential setting. There is oblique overlooking of private areas and front curtilages in most urban scenarios.

There was a Shadow Analysis carried out in response to the Further Information. The shadow casts for the proposed development were carried out for the following dates:

- March 21/ September 21 (Equinox)
- June 21st (Summer Solstice)
- December 21st (Winter Solstice)

In my opinion, the difference in shadowing between existing and proposed is not significant, it will not seriously injure the amenities of the existing bungalow. The existing private amenity space associated with the bungalow is 208sq. Following completion of the proposed development, the area receiving 2hours of sunlight will be reduced from 153 sq.m. to 147sq.m. which is a minor reduction.

On balance, I consider the proposed development is acceptable and the design has incorporated effective measures to reduce the perception of overlooking and overbearing.

7.5. Daylight and Sunlight

7.5.1 The submission documents include a report regarding Daylight and Overshadowing. The planning authority requested this report and the subsequent analysis indicated the proposed development would not significantly impact the daylight and sunlight amenities of the adjacent property.

7.5.2 Section 3.2 of the *Urban Development and Building Height Guidelines (2018)* states that the form, massing, and height of proposed developments should be carefully modulated in order to maximise access to natural daylight, ventilation, and views, and minimise overshadowing and loss of light. The guidelines state that "appropriate and reasonable regard" should be taken of quantitative performance approaches to daylight provision outlined in guides such as the BRE "Site Layout Planning for Daylight and Sunlight" (2nd edition) and BS 8206-2: 2008, "Lighting for Buildings – Part 2: Code of Practice for Daylighting." If a proposal is unable to fully meet all the requirements of the daylight provisions, this must be clearly identified, and a rationale for any alternative, compensatory design solutions must be provided. The Planning Authority or An Bord Pleanála should then apply their discretion in regard to these solutions, taking into account local factors such as specific site constraints and the balancing of this assessment against the desirability of achieving wider planning objectives, which may include comprehensive urban regeneration and effective urban design and streetscape solutions.

7.5.3 The Building Research Establishment (BRE) guidelines recognise the importance of preserving daylight in surrounding buildings when designing new developments. According to the BRE guidelines, rooms in adjacent dwellings that require daylight, such as living rooms, kitchens, and bedrooms, should be considered when assessing the impact of the new development.

In terms of daylight into the proposed apartments, a separate document is reference '*BS 8206-2:2008; Lighting for Buildings -Part 2 Code of Practice for Daylighting*'.

The living area of the apartments has been treated as the main room with the design constraint been the kitchen placed at the back of the space. The kitchen will have daylight from the adjoining dining/ living area. The kitchen area is classified as 'non habitable transient space'. The habitable rooms of each apartment and the adjoining bungalow were assessed and the findings were:

- Across the proposed development, all of the tested rooms are achieving Average Daylight Factors (ADF) above the BRE and BS 8206-2:2008 guidelines when Living/ Kitchen/ Dining spaces are assessed as whole rooms against the 2% ADF target.

7.6 Carparking

- 7.6.1 There are 19No. spaces carparking proposed to cater for 25No. apartments. The carpark is on the ground floor of Block A with direct access from Bridewell Street. The appellants claim there is a shortfall of 14No. spaces and there should be 33No. spaces provided in line with the development plan requirements.
- 7.6.2 The applicant states the carparking issue was discussed with the engineers in the planning authority and 19No. carparking spaces and 60No. bicycle spaces were deemed to be acceptable to cater for the development.
- 7.6.3 According to CPO 16.36 and Table 16.2 Carparking Standards of the *Westmeath County Development Plan 2021-2027* there is one space required per dwelling and one space for every three dwellings. This refers to dwellings only and there is no mention of apartments. By these calculations, the appellant is correct in stating the requirement is 33No. spaces. However, there are 60No. bicycle spaces, which compensates for the shortfall of carparking spaces. Having regard to the location in a built-up area close to services and employment, it is anticipated, not all of the residents will use a car and they will walk or cycle to work. There is convenient access to local amenities within walking distance of the site.

7.7 Access/ Amenities

Access: The proposed access to the apartment units is directly off the Dublin Road by means of a simple T junction. The access is designed to meet the standards set out in the DMURS documents in terms of geometry and sight lines. The site access incorporates pedestrian and cyclist priority within the bellmouth where it connects to an upgraded public footpath. There is a separate access been retained to the appellant's dwelling. The appellant's right of way along the existing access lane will not be interfered with in any way.

Traffic: There was a Traffic Assessment carried out by the applicant using the TRICS 2021 (b) trip rate database. The projected daily traffic levels that would be

expected from 26No. apartments was tabulated, and it was shown the proposed development would not generate significant trips during a typical day or at AM/ PM peak times. The proposal is likely to have no material impact on the operation of the adjacent road network. In addition, the applicant indicated a Mobility Management Plan would be prepared within 6months of completion of the development.

Cycle Facilities: There are 60No. bicycle spaces proposed within the development, there are located within the basemen carpark. The appellant considers there is a conflict to this proposal when there are no cycle paths along the street. The provision of cycle lanes is beyond the control of the appellant. However, it is within the appellant's responsibility to provide alternative sustainable form of transport to the car. In my opinion, this is the correct planning approach on an urban brownfield site.

Open Space: Within the site there is 468sq.m. of landscaped areas, with 98sq.m. to the front of the site creating a public space along the streetscape scape. The bulk of the open space area is located between the two blocks, which will be overlooked by the apartments. It is a mixture of hard and soft landscaping. The open space area to the rear of the site should receive morning and evening sun. I anticipate the main central area will receive satisfactory levels of sun without undue overshadowing.

7.8 Design

7.8.1 Originally the proposed development included an entirely red brick façade. The planning authority considered the external material finish would not assimilate effectively into the streetscape because of its scale and massing. The further information included a revised design comprising of:

- Brickwork on the ground floor only
- White render finish on the first and second floors
- Balconies with clear glazing
- Limestone front door
- Zinc Cladding on the third floor which is setback to break up the massing of the façade.

7.8.2 The revised design is contemporary in appearance and finish. There are front pockets of open space areas to the front of the building where trees can be planted.

The fenestration design breaks up the massing of the structure and it is clearly defined and proportionated to the building height and width, creating a very balanced design along the streetscape. The horizontal emphasis of the building is counterbalanced by the vertical emphasis of the fenestration and accesses at ground floor level.

Block B is discreet and creates a small building envelop to the rear of Block A. There are only 5No. one bedroom apartments in Block B and it has the footprint of a normal two storey dwelling.

7.9 **Boundary Treatment**

- (i)** The streetscape boundary (southern) treatment consists of a low brick wall with railings divided up by piers. The planning authority has recommended a condition to include tree planting along the streetscape boundary which I would agree with. In my opinion, a number of trees aligning the front of the building will enhance the new block of apartments, the streetscape and improve the carbon footprint of the proposal.
- (ii)** The eastern site boundary alongside the carpet centre consists of a stepped down wall across the ascending gradient. This wall is capped and plaster, and low in profile. It shall be retained as it. To the rear of the third-party appellant's dwelling a 1.2m masonry wall is proposed with a 1.8m timber panel and post fence on top of the low wall. Condition No. 3 (a) of the planning authority's decision specified this should be a 1.8m plastered and capped boundary wall in lieu of the timber fence. I would agree with the planning authority.
- (iii)** The existing northern site boundary, which is a steep embankment, shall include an Alfrarock retaining wall and landscaping on the upper slope.
- (iv)** The existing western site boundary wall is a solid boundary treatment, however it requires enhancement and refurbishment. A condition should be attached to raise the existing wall to 1.8metre along.

7.10 Site Notice

There were revised notices submitted on 11th of August 2022 regarding the revised proposals submitted. The planning authority deemed the public notices to be satisfactory.

7.11 Appropriate Assessment

As part of the further information request, the applicant was required to submit an AA Screening to be carried out by a suitably qualified person. There are no habitats of biodiversity value within or adjacent to the application site. There are no drains or streams present within or adjacent to the application site.

There are 13No. Natura 2000 designated sites within 15km of the application site. There is no hydrological or ecological link between the application site and the following closest sites:

River Shannon Callows SAC 000216 (878m south-west)

Middle Shannon Callows SPA 004096 (878m south west)

Lough Ree SAC 000440 (2.3km north-west)

Lough Ressa SPA 004064 (2.4km north-west)

Crosswood Bog SAC 002337 (2.7km east)

Cam Park Bog SAC 002336 (5.3km east)

There are no individual elements of the proposed project that are likely to give rise to significant negative effects on the listed sites within 15km of the application site.

There is no hydrological connectivity between the site and the designated sites. The proposed development individually or in combination with other plans or projects, will not have a significant effect on any European sites. Therefore, it is not necessary to proceed to Stage II of the Appropriate Assessment process.

8.0 Recommendation

8.1. Following a site inspection, and a review of the appeal file, I recommend the Board uphold the planning authority's decision to grant planning permission for the proposed development.

9.0 Reasons and Considerations

Having regard to the provisions of the Westmeath County Council Development Plan 2021-2027 and the zoning of the site, the National Planning Framework issued by the Department of Housing, Planning and Local Government in February, 2018, the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in May, 2009, the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December, 2018, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in December 2022 and the overall scale, design and height of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual and residential amenities of the area, and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and the further information received on 11th of August 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The permitted development is for 25No. units only as per the revised design submitted by way of further information submitted on 11th of August 2022.

Reason: In the interests of clarity.

3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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

Reason: In the interest of public health

5. Prior to commencement of development, the developer shall enter into a water and/or wastewater connection agreement(s) with Uisce Eireann.

Reason: In the interest of public health.

6. Proposals for an apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility.

7. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

8. The internal road serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interests of amenity and of traffic and pedestrian safety.

9. The communal parking area serving the residential units shall be provided with functional electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

10. The developer shall ensure that the car parking spaces for the residential units must be sold off with the units and not sold separately, or let, to avoid non-take up by residents. The developer shall also give an undertaking in this regard, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of public safety and the proper planning and sustainable development of the area.

11. Prior to the occupation of the development, a Mobility Management Strategy (travel plan) shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carsharing by residents and staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. This strategy shall include site specific measures to discourage overspill parking in Peter Place.

Reason: In the interest of encouraging the use of sustainable modes of transport.

12. The landscaping scheme shall be carried out within the first planting season following substantial completion of external construction works.

Reason: In the interests of residential and visual amenity.

13. All necessary measures shall be taken by the developer to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

14. All service cables associated with the proposed development, such as electrical, telecommunications and communal television, shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

15. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any apartment.

Reason: In the interests of amenity and public safety.

16. Prior to commencement of development, the Applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

17. (i) There shall be a 1.8metre block wall with a nap plaster finish provided along the western site boundary.
- (ii) A 1.8m block wall with nap plaster finish shall be provided along the common boundary with the dwelling to the northeast of the subject site.

Reason: In the interest of privacy and residential amenity.

18. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) Location of the site and materials compound(s), including areas identified for the storage of construction refuse;
 - (b) Location of areas for construction site offices and staff facilities;
 - (c) Details of site security fencing and hoardings;
 - (d) Details of on-site car parking facilities for site workers during the course of construction;
 - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - (f) Measures to obviate queuing of construction traffic on the adjoining road network;
 - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
 - (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
 - (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
 - (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

(l) Means to ensure that surface water runoff is controlled such that no silt or other pollutants enter local surface water sewers or drains. A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. Reason: In the interest of amenities, public health and safety.

19. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

20. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

21. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

22. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the Local Authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

23. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the Authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Caryn Coogan
Planning Inspector

10/10/2023

A. CASE DETAILS

An Bord Pleanála Case Reference (314726-22)		
Development Summary	Demolition of 2No. dwellings and the erection of two blocks of apartments containing 25No. apartments at Brideswell Street, Dublin Road, Athlone.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	EIA not required
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?		An Appropriate Assessment Screening Report was submitted with the application..
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA		SEA and AA were undertaken in respect of the Athlone Town Development Plan 2014-2020

B. EXAMINATION	<p>Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
<p>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</p>		
<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>There is a clear consistency in the nature and scale of development in the surrounding area, primarily comprising suburban housing estates low to the south, east and north. The proposed development would provide for a new residential development at an outer urban location that is not regarded as being of a scale or character significantly at odds with the surrounding pattern of development.</p>	<p>No</p>
<p>1.2 Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?</p>	<p>The proposed residential development has been designed to logically address the alterations in</p>	<p>No</p>


	topography on site, resulting in minimal change in the locality, with standard measures to address potential impacts on surface water and groundwaters in the locality.	
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Construction materials will be typical for an urban development of this nature and scale.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard construction practice measures outlined in the Outline CEMP, Outline CMP and Construction and Demolition Waste Management Plan (CDWMP) would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Construction activities will require the use of potentially harmful materials, such as fuels and other similar	No

	<p>substances and give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature, and with the implementation of the standard measures outlined in the Construction Environmental Management Plan, Construction & Demolition Waste By Product Management Plan , the project would satisfactorily mitigate the potential impacts. Operational waste would be managed through a waste management plan to obviate potential environmental impacts. Other operational impacts in this regard are not anticipated to be significant.</p>	
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>Operation of the standard measures listed in the Construction Environmental Management Plan, Construction & Demolition Waste By Product Management Plan will satisfactorily mitigate emissions from spillages during construction and</p>	<p>No</p>

	operation. The operational development will connect to mains services and discharge surface waters only after passing through fuel interceptors and SUDS. Surface water drainage will be separate to foul services within the site.	
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature, and their impacts would be suitably mitigated by the operation of standard measures listed in the Construction Environmental Management Plan.	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within the Construction Environmental Management Plan would satisfactorily address potential risks on human health. No significant operational impacts are anticipated for	No

	the piped water supplies in the area.	
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No significant risk is predicted having regard to the nature and scale of the development. Any risk arising from demolition and construction will be localised and temporary in nature. The site is not at risk of flooding.	No
1.10 Will the project affect the social environment (population, employment)	Development of this site would result in an increase in population in this area. The development would provide housing that would serve towards meeting an anticipated demand in the area.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	No
2. Location of proposed development		
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan	The nearest European sites are listed in Section 8 of this report and other designated sites are referenced in the application AA Screening Report & NIS. Protected habitats or habitat suitable for substantive habituating of the site by protected species were not found on site during ecological surveys. The	No

	proposed development would not result in significant impacts to any protected sites, including those downstream	
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?	The proposed development would not result in significant impacts to protected, important or sensitive species	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No evidence of archaeological features on the site	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No such features are in this outer-urban location, with the site separated from agricultural areas by intervening urban lands and road infrastructure	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	The development will implement SUDS measures to control surface water run-off. The development would not increase risk of flooding to downstream areas with surface water to discharge at greenfield runoff rates. No surface water features in the vicinity of the site.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	No
2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which	The site is served by a local road network. There are sustainable transport options available for future	No

cause environmental problems, which could be affected by the project?	residents. No significant contribution to traffic congestion is anticipated to arise from the proposed development.	
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	The site is in close proximity to a third level college and schools. However there is no negative impact anticipated as a result of the proposal.	No
3. Any other factors that should be considered which could lead to environmental impacts		
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No
3.3 Are there any other relevant considerations?	No	No
C. CONCLUSION		
No real likelihood of significant effects on the environment.	Agreed <input type="checkbox"/>	EIAR Not Required
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	
D. MAIN REASONS AND CONSIDERATIONS		
<p>Having regard to</p> <ul style="list-style-type: none"> the nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i), 10(b)(iv) and 14 of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2022; 		

- the location of the proposed residential units, creche on lands zoned within the Athlone Town Development Plan 2014-2020 202 as 'Residential' with a stated objective 'to provide for residential development and to protect, provide and improve residential amenities',
- the nature of the existing site and the pattern of development in the surrounding area;
- the availability of mains water and wastewater services to serve the proposed development;
- the location of the development outside of any sensitive location specified in Article 299(C)(1)(a)(v) of the Planning and Development Regulations 2001, as revised;
- the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and;
- the features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project Construction and Demolition Waste and By-Product Management Plan, the Preliminary Construction Environment Management Plan, the Operational Construction and Environmental Management Plan. It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____