



An  
Bord  
Pleanála

## Inspector's Report ABP-319063-24

<b>Development</b>	The demolition of existing outbuildings, pub and shop for the construction of 6 houses along with 2 apartments, café and all associated site works.
<b>Location</b>	Cloonbrackna, Castle Street, Roscommon, Co. Roscommon.
<b>Planning Authority</b>	Roscommon County Council.
<b>Planning Authority Reg. Ref.</b>	2332.
<b>Applicant(s)</b>	Pat McCrann.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission.
<b>Type of Appeal</b>	First Party versus decision.
<b>Appellant(s)</b>	Pat McCrann .
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	4 November 2024.

**Inspector**

Stephen Rhys Thomas.

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Appendix 1 – Form 1: EIA - Pre-Screening

Appendix 2 - Form 2 - EIA - Preliminary Examination

## **1.0 Site Location and Description**

- 1.1. The site is located at the northern end of Roscommon Town, at the junction of the Old Circular Road and Castle Street. Further to the north of the site, there is a large roundabout junction associated with the N60, N61 and Castle Street (R366). The site has frontage along Castle Street and along a short portion of the Old Circular Road to the north, and backs onto single storey housing at Essex Grove to the east.
- 1.2. The site comprises a combination of older buildings located to the back of the footpath including a former public house and two vernacular agricultural sheds. The site is level and a well maintained appearance. A group of two storey townhouses adjoins the site to the south, Mccrann's Flats and the rear of these units open out onto the interior of the site.

## **2.0 Proposed Development**

- 2.1. The proposed development is for eight dwelling units and a two storey café/restaurant unit, the detail is as follows:
  - 2 three bedroom townhouses
  - 4 two bedroom townhouses
  - 2 one bedroom apartments
  - A two storey café/restaurant unit
  - The buildings are all two storey and arranged in two blocks fronting onto Castle Street and the Old Circular Road.
  - Houses are provided with rear gardens of at least 45 sqm and apartment units have either a terrace or balcony.
  - Vehicular access is from Castle Street and leads to the rear of the site, where an additional entrance opens onto the Old Circular Road.
  - 11 car parking spaces are proposed.
  - Incidental planting areas are located along the access street and car parking area.
  - Residential floorspace – 715.8 sqm

Commercial floorspace – 243.6 sqm

Permission is also sought to demolish two existing buildings on the site and a public house, former shop, residential building and some cottage ruins. Demolition amounts to 388 sqm.

- 2.2. Further Information was submitted on the 27 October 2023, no significant changes made to the overall design and layout of the proposed development.
- 2.3. Revised public notices were received by the planning authority on the 14 November 2023.
- 2.4. Clarification of Further Information was submitted on the 18 December 2023, no significant changes made to the overall design and layout of the proposed development.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. The planning authority refused permission for four reasons, that can be summarised as follows:

1. The scale, density and overall design concept of the proposed development fails to integrate and does not make a positive contribution to a key entry point to the core of Roscommon Town. Thus, the development contravenes the zoning objective contained in Variation 8 of the LAP. The development would not achieve a high quality design at a prominent focal point site or add to good public realm, and results in an under provision of a unique sense of place and would be injurious to visual amenities.

2. The proposal is overdevelopment of a limited and constrained site. This is due to the number of units and scale of the café unit. The vehicular access and shortfall in car parking spaces, would result in conflicting traffic movements and compromise pedestrian safety. The proposed development would result in poor quality residential amenity, injure existing residential amenity, lead to similar ad hoc development and devalue property in the area.

3. The proposed access and parking layout would lead to conflicting traffic movements and be contrary to the principles of DMURS. The development fails to accord with section 12.24 car parking standards of the Roscommon County Development Plan 2022-2028. The development would give rise to a traffic hazard.

4. The discharge of surface water to the River Jiggy (EPA listed waterbody), lack of nature based surface water management systems on site would be contrary to section 8.5 of the development plan that seeks to integrate climate action.

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

#### **3.2.1. Planning Reports**

The basis of the planning authority decision includes:

##### **First Report**

- The site is subject to two land use zonings, Local/Neighbourhood Centre and Existing Residential. Café use on residential zoning land is not suitable, but given the planning history of the site, a small scale café use would be appropriate.
- The proposed development is out of scale and character with the area, an alternative layout and building design is required for this site.
- Access arrangements are unsatisfactory and the number of car parking spaces should amount to 27, or an alternative figure arrived at by crediting existing uses on site.
- Surface water, on site nature based surface water management systems should be considered.
- Public open space not required as generous private open space arrangements have been provided.
- Built heritage, no issues that have not already been addressed by the applicant's submission of an Archaeological Impact Assessment Report.

In accordance with the Planner's recommendation, a requirement for further information issued.

##### **Second Report**

- The majority of issues have not been addressed to the satisfaction of the planning authority, clarification of further information is required.

#### Third Report

- The majority of issues have not been addressed to the satisfaction of the planning authority, refuse permission.

#### 3.2.2. Other Technical Reports

- Roads Section – no objections.
- Area Engineer – further information required.
- Housing Section – no objections.
- Environment Department – further information and clarification of further information required.
- Water Services – further information regarding Uisce Éireann, no other objections.

#### 3.2.3. Conditions

- Not relevant, permission refused. I note conditions recommended by the other technical departments of the Council.

### 3.3. Prescribed Bodies

**Department of Housing, Local Government and Heritage Development Applications Unit (DAU)** – Archaeology, no objections.

Nature Conservation – Bat survey is required. Conditions recommended.

### 3.4. Third Party Observations

#### 3.4.1. Initial Submission

A single observation received (signed by 13 others), issues relate to overdevelopment of the site, tree damage, car parking and open space standards not met, surface water flooding and frontage to Circular Road.

#### 3.4.2. Post Further Information Submission



Matters already raised are reiterated and disappointment expressed at the applicant's unwillingness to make changes to the scheme.

## **4.0 Planning History**

### **4.1. Site**

PA ref: 16/216 – 3 residential units and a bar/restaurant.

## **5.0 Policy Context**

### **5.1. Development Plan**

#### **5.1.1. Roscommon Town Local Area Plan 2024-2030**

5.1.2. Following consideration by the Elected Members of the Chief Executive's Report on the submissions received on the Material Alterations of the Draft Roscommon Town Local Area Plan 2024-2030, at a special meeting on the 25<sup>th</sup> July 2024, it was resolved to make the Plan. In accordance with Section 20 (4A) of the Planning and Development Act (as amended), this Local Area Plan made under this section shall have effect six weeks from the day that it is made.

5.1.3. As required under Sections 31AO(5) of the Planning and Development Act, 2000 (As Amended) the Planning Authority issued notification of the Plan's adoption to the Office of the Planning Regulator (OPR). The Chief Executive also informed the OPR of the decision of the Authority not to comply with certain recommendations made in the relevant report of the OPR, together with reasons for the decision of the Authority.

5.1.4. On the 4<sup>th</sup> September 2024 the Minister of State for Local Government and Planning issued a 'Notice of Intention to Issue a Direction' to the Planning Authority under Section 31 of the Planning and Development Act, 2000 (As Amended) ('the Act'). The Draft Direction concerns the zoning of two parcels of land. Interested parties are advised that these matters, in accordance with Section 31(6) of the Act, 'shall not have effect', notwithstanding their inclusion in the Plan as adopted by the Council and pending the issuing of the Minister's Final Direction.

- 5.1.5. The appeal site is not located in or adjacent to the two parcels of land mentioned in the draft direction, namely material alteration M45 and material alteration M46.
- 5.1.6. The site is subject to zoning objective Outer Core and highlighted by a dashed blue line on the Land Use Zoning Map to be read in conjunction with section 11.12 Zoning Strategy, single residential unit is open for consideration and, multi-unit residential and retail/commercial are permitted in principle, figure 11.1: Roscommon Town Land Use Zoning Matrix refers.
- 5.1.7. Relevant Chapters include:
- Chapter 4 Population, Housing and Compact Growth
  - Chapter 5 Town Centre and Regeneration
  - Chapter 6 Economic Development
  - Chapter 7 Infrastructure and Transport
  - Chapter 8 Climate Action and Flood Risk Management
  - Chapter 9 Built and Natural Heritage
- 5.1.8. **Roscommon County Development Plan 2022-2028 – Volume I**
- Chapter 3 People, Places and Housing
    - 3.5 Town Centre Living
    - 3.6 Dwelling Mix and Tenure
- Policy objective PPH 3.3 Require the provision of an appropriate mix of house types and sizes in residential developments throughout the county, in order to meet the needs of the population and support the creation of balanced and inclusive communities.
- Chapter 12: Development Management Standards
    - 12.6 Residential Development (Urban)
- 5.2. **Natural Heritage Designations**
- 5.3. The subject site is located 4.1 kilometres to the north west of the Lough Ree SAC (site code 000440) and 7 kilometres north east of the River Suck Callows SPA (site code 004097).

#### 5.4. Environmental Impact Assessment (EIA) Screening

5.4.1. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

(i) Construction of more than 500 dwelling units

(iv) Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

5.4.2. It is proposed to construct a 6 houses along with 2 apartments and a café. The site has an overall area of 0.215 hectares and is located within an existing built up area but not in a business district. The site area is therefore well below the applicable threshold of 10 hectares and far less than 500 residential units. The introduction of a mixed-use development will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site as discussed in section 8.0 of my report below and there is no direct hydrological connection present such as would give rise to significant impact on nearby water courses. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing or commercial development in the area. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Roscommon County Council, upon which its effects would be marginal.

5.4.3. Having regard to: -

- The nature and scale of the proposed development, which is significantly under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands that are zoned “Outer Core” in the Roscommon Town Local Area Plan 2024-2030, and the results of the strategic environmental

assessment of the LAP and County Development Plan, undertaken in accordance with the SEA Directive (2001/42/EC),

- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of residential and commercial development in the vicinity,
- 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).

5.4.4. I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case, appendices 1 and 2 of my report refer.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. The applicant has appealed the planning authority’s decision to refuse permission and can be summarised as follows:

- Reason 1 - The proposed development will integrate with its surroundings and provide a sustainable use of land close to the town centre. Reliance by the planning authority on out-of-date local policy (LAP 2014) is unfortunate and there appears to be no regard had to more recent national guidance. The proposed development accords with the Compact Settlement Guidelines, Apartment Guidelines and the Sustainable Housing Guidelines. The proposed development will increase residential density, provide parking relative to the site’s location close to the town centre and meet local housing needs.
- Reason 2 – In terms of overdevelopment, two similar examples in the locality are advanced: mixed use residential schemes (shop/filling station) and the densities are similar to the subject site (37 dwellings per hectare - dph).

The draft LAP seeks average density of 35 dph within the plan area and it is assumed that town core and outer core density should be higher.

There will be no conflicting traffic movements as circulation will be one way only and pedestrians would have priority. It is noted that the nearby filling station opens onto two roads and no traffic management system is in place for that development.

No evidence is produced to show how the proposed development would devalue property.

- The proposed development provides adequate car parking and accords with recent guidance on parking provision within towns and accessible locations. In addition, the proposed development provides in excess of the SPPR standards for private amenity space, to provide more car parking would erode private amenity.

The access arrangements are ample for one way traffic and space for an Irish Water wayleave. There are other (10) multi way vehicular access points along Castle Street. The proposed access will be similar to others and not result in a traffic hazard.

- The site will not discharge directly to the River Jiggy. The character and nature of the drainage pipe along the Old Circular Road is explained, this is not the discharge destination. It should not be categorised as a river or used as a reason for refusal. That part of the former river channel (now culverted) was in the ownership of the applicant but is now public open space, and the appeal site lands have drained in this direction for years. A rainwater harvesting system on the proposed site will minimise surface water discharging to this and the loading of the site on public surface water infrastructure is imperceptible.

## **6.2. Planning Authority Response**

None.

### **6.3. Observations**

None.

## 7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The planning authority refused permission on zoned land for four reasons to do with scale, density, design, overdevelopment, amenity, traffic and surface water considerations. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, having inspected the site, and having regard to the relevant policies and guidance, I consider that the substantive issues in this appeal to be considered can be grouped as per the reasons for refusal and are as follows:

- Scale, density and design
- Overdevelopment, amenity and pedestrian safety
- Traffic and car parking
- Water Services
- Other Matters

### 7.2. **Scale, density and design**

7.2.1. The planning authority are concerned that that the overall design of the scheme is over-scaled and at too high a residential density to integrate well with the surrounding character of the area. It is the view of the planning authority that the development would not deliver good public realm at a focal point to the entrance of the town and visual amenities would be adversely affected. The former Local Area Plan (LAP) is referenced by the planning authority and a contravention of the zoning objective for the area would result. The applicant disagrees and states that the proposed development is appropriate and follows the guidance provided by Compact Settlement Guidelines for this location in the town.

7.2.2. The site is at present under utilised and vacant. The existing structures on the site have not been in use for some time and though not unattractive, they are buildings of their time and nearing dilapidation. The surrounding area has been developed and I note new apartment and retail development across the road (Knights Court) as well as a two storey townhouse building immediately south of the site. The proposed

development ties in well with this building to the south. A very low density residential estate containing single storey houses is located to the east of the site, Essex Grove. I also note that the site is located on lands that are zoned Outer Core, single residential unit is open for consideration and, multi-unit residential and retail/commercial are permitted in principle, figure 11.1: Roscommon Town Land Use Zoning Matrix refers. I am satisfied that the proposed development for 6 houses along with 2 apartments and a café can all be considered at this location subject to meeting all of the other relevant planning parameters of the LAP.

7.2.3. Looking at the detail of the first reason for refusal, the issue of scale has been raised by the planning authority. In this instance I note that the existing buildings on site are two storey, adjacent development along the street to south and new development across the road are all two storey. Apartments at Knights Court across the road and to the west are three storey. In terms of the overall scale of development in terms of height, there is nothing out of the ordinary and the proposed scheme would fit seamlessly into the prevailing height typology in the area. In terms of site coverage, the proposed houses are provided with large rear gardens and a landscaped car parking court is positioned to the rear. A large landscaped area to the front of the apartment/café block is located adjacent to the junction of Castle Street and the Old Circular Road. From a site coverage perspective, I do not consider that there is an excessive degree of development proposed for this edge of town centre site. The design concept of the proposed development has been considered in the context of existing urban styled elevations with pitched roofs, all are fairly standard approaches to a town like Roscommon. The use of render and stone finish is not out of character with the area, a condition requiring further engagement with the planning authority on the selection of finish materials is not necessary. Window proportions are not unusual and there is nothing especially out of character in terms of the layout of this scheme. I am satisfied that the proposed development is the best use of an urban location and provides high levels of private amenity space at a location close to social and commercial activities of the town.

7.2.4. The planning authority also consider the residential density of the development to be too high, but the applicant argues that new residential density guidance seeks to address this matter and the proposed density is acceptable. The development provides a residential density of 8 residential units across 0.215 Hectares and that



amounts to a residential density of 37 dwellings per hectare. The current LAP has been prepared in the context of the Sustainable Residential Development and Compact Settlements Guidelines, policy objective RN 3 refers. This means that the residential density ranges provided in the LAP are in accordance with national guidelines and I am satisfied that an assessment of the proposed development against the objectives of the current LAP is acceptable. The current LAP states that flexibility with density levels will enable the delivery of appropriate residential schemes, at a scale which allows their successful integration and assimilation into their settings. In that context higher density developments with an average of 40 dwellings per hectare are pursued in the LAP, section 4.2.2 Housing Yields refers. With the proviso that quality housing developments, in a compact form, close to town centre services and amenities will be the resultant outcome. In this instance I am satisfied that the proposed development meets all these requirements and returns a residential density wholly appropriate for the area and the policy objectives of the LAP.

- 7.2.5. The planning authority are also concerned that the proposed development will impact upon a prominent focal entry point to the town. I see that the current LAP does not highlight this site for any particular importance in terms of visual amenity or to provide for a specific focal gateway entrance feature. The proposed development is of a scale commensurate with its surroundings and will provide an urban edge to this large site and a point that will present a good degree of urban enclosure and this is sufficient to provide a positive addition to this part of Roscommon town.
- 7.2.6. In summary, I am satisfied that the proposed mixed use scheme has been designed at a scale and density that integrates well with the surroundings. The development complies with all the relevant standards of the recently adopted LAP and will provide a beneficial urban edge to the town. There is nothing over-scaled about the scheme and I am satisfied that the layout provides a logical extension of the built form at the edge of Roscommon town.

### **7.3. Overdevelopment, amenity and pedestrian safety**

- 7.3.1. The planning authority have raised the issue of overdevelopment in the second reason for refusal. I have already outlined in the preceding section of my report why I consider the density and design of the scheme to be appropriate. The concept of

overdevelopment is similar to that of density and design, however, in this instance the planning authority raise issues about the final layout of the scheme and the impact for amenity and pedestrian safety. The applicant disagrees and refers to the draft LAP and its residential density advice for Roscommon town. In terms of pedestrian safety the applicant states that due to a one way traffic system pedestrian safety will not be compromised but prioritised.

- 7.3.2. Amenity – The proposed development will provide 6 conventional dwelling houses each with their own rear garden space, each in excess of 45 sqm and these exceed the minimum requirements set out in table 5.1 of the compact settlement guidelines. The two apartments are either provided with at least a minimum of a 5 sqm balcony or ground floor terrace/garden. I am satisfied that each residential unit has been provided with at least the minimum amount of private amenity space and in most cases much more. The private amenity spaces are well laid out and I note that the planning authority had no significant concerns about the rear garden and terrace spaces or the lack of public open space. In relation to the residential amenity currently enjoyed by adjacent property, I am satisfied that adequate separation distances have been provided. Single storey residential development to the east is located at more than 22 metres from the rear of proposed two storey houses, adverse overlooking will not result. In addition, a large agricultural barn/shed will be removed to provide car parking spaces, I anticipate no impacts from overshadowing or loss of light to residents of Essex Grove. The proposed development will align with existing housing to the south along Castle Street and present a new street edge, I anticipate no perceptible impacts to residential or visual amenity as a result.
- 7.3.3. The proposed housing design is similar to existing housing in the area and the courtyard layout has been designed to protect existing residential amenity and provided high levels of residential amenity for future residents. With reference to public open space, I note that the development will provide incidental open space at the junction of Castle Street with the Old Circular Road. In addition, I see that the LAP identifies that the park at Roscommon Castle extends to over 14 acres and provides a range of amenities including a sculpture trail, outdoor gym, playground, amphitheatre and an abundance of landscaped areas. This park is located just over 300 metres from the subject site and I am satisfied that public open space amenities are of a very high standard, they are well maintained and an asset to be availed of

by residents in the area. A detailed landscaping plan was prepared, drawing P102 refers and this plan should be implemented.

7.3.4. Pedestrian Safety – The planning authority are concerned that pedestrian safety will be compromised by conflicting traffic movements through the site on account of the provision of two entrance points, north and south. This matter is addressed in detail in the following section of my report. In summary, I am satisfied that given the constrained nature of the proposed access laneway, low manoeuvring speeds and incidental landscaping, pedestrian safety will not be compromised.

7.3.5. Property value - No evidence is produced to show how the proposed development would devalue property. Having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

#### **7.4. Traffic and Car Parking**

7.4.1. The planning authority states that the proposed access and parking layout would lead to conflicting traffic movements and be contrary to the principles of Design Manual for Urban Roads and Streets (DMURS). The development fails to accord with section 12.24 car parking standards of the Roscommon County Development Plan 2022-2028, thus the development would give rise to a traffic hazard. The applicant states that the proposed development provides adequate car parking and accords with recent guidance on parking provision within towns and accessible locations.

7.4.2. The proposed development will deliver eight residential units and a corner site café within the outer town core area. The scheme provides a layout that presents an urban edge to the back of the footpath and a central laneway from which car parking is provided. The development sets out 11 car parking spaces and some bicycle parking. The current county development plan would require 12 residential car spaces and in the region of 20 restaurant/café (gross floor area 243 sqm) car spaces, a total of 32 car parking spaces, table 12.1 refers. However, the county development plan states that a reduction in the standard of car parking provision in town centre areas will also be considered. Additionally, where a realistic and achievable smarter travel plan can be implemented, a reduction in car parking space

requirements may be considered. In this instance, I am satisfied that the outer town core location lends itself to a reduction in the provision of car parking spaces and I do not anticipate that the development as proposed would contravene the plan with respect to car parking provision. A suitable condition should be attached in order to prepare a mobility management plan for the overall development and provide opportunities for electric vehicle charging.

7.4.3. In terms of traffic hazard, I note the urban location of this site, where the speed limit of 50kph apply. The primary concern around traffic safety is to do with a two way access from one street to another. The Area Engineer's report seeks a two way single entrance shown on a revised layout, this was not submitted to the planning authority. The applicant points out that the vehicular through access would be one way only, but it is not readily obvious in what one-way direction things are to be, an appropriate condition should rectify this. I am satisfied that in this urban context a one-way vehicular entrance from Castle Street to the Old Circular Road or vice versa would not result in a traffic hazard. As for pedestrian safety and convenience it would be appropriate for this site to provide a direct linkage between Castle Street and the Old Circular Road. I see nothing unusual about the layout design that would result in a direct conflict between vehicle and pedestrian. However, the use of best practice design principles set out in the Design Manual for Urban Roads and Streets (DMURS) should be applied to the layout as proposed. I would prefer to see this detail represented in a drawing, with elements such as raised tables at junctions and different colours and textures as appropriate. In any event this is a very short laneway with car parking, landscaping and rear garden entrances and I would expect that vehicle speeds would be very low as they manoeuvre in and out of parking spaces.

7.4.4. Given the forgoing, I am satisfied that the proposed development of eight residential units and a café is adequately provided with bicycle and car parking, will not represent a traffic hazard on account of the urban location of site and the limited length and geometry of the access laneway. With the attachment of a condition to do with DMURS and that through traffic shall be one-way only, the proposed development would not pose a risk to pedestrians.

## **7.5. Water Services**

- 7.5.1. The planning authority refused permission because the discharge of surface water to the Jiggy river (Environmental Protection Agency -EPA- listed waterbody), and the lack of nature based surface water management systems on site would be contrary to section 8.5 of the development plan that seeks to integrate climate action. The applicant explains that site will not discharge surface water to the Jiggy river and that rainwater harvesting has been incorporated to the overall design.
- 7.5.2. Firstly, I note that the Water Services section of the Council and the Area Engineer raise no significant concerns about discharging surface water as proposed. No issues are raised in relation to flood risk. The structural integrity and capacity to accept additional flows at the adjacent culverted Jiggy (Hind) river is queried. However, the Environment section of the Council has a number of queries regarding the surface water outfall of the development and the Jiggy river in particular, particular concern is directed towards the EPA listed waterbody status of the river. According to the EPA mapping website, the Jiggy (Hind) river returns a poor status for the years 2016-2021. However, in this context I have no submission from Inland Fisheries Ireland regarding the proposed development or any other agency highlighting issues to do with waterbodies in general.
- 7.5.3. The applicant refers to their intention to retain as much surface water on site through rainwater harvesting, permeable surfacing and that appropriate hydrocarbon interceptors will be used. From my observations of the site, the Jiggy river does not run open through the site instead it is culverted for some distance from Castle Street eastwards, to the west the river is open and very slow moving with flow direction very difficult to determine. It is common practice to separate foul and surface water on the site, the applicant demonstrates that this is to be the case. In addition, the applicant proposes to use rainwater harvesting methods and industry standard petrol interceptors. In any case it would not be unusual for urban developments to avail of the existing water services infrastructure.
- 7.5.4. Drawing number P300 shows the proposed drainage layout, with separate foul and surface water sewers shown. Both of these new sewers all flow towards and meet at a central point on the site that coincides with the existing 225mm foul sewer that bisects the site. The connection point is detailed as New Manhole 01. The Jiggy river runs in a culvert through the northern portion of the site, in an area of green space, the parapet wall of the former bridge is still in place along Castle Street. From my

examination of the drawings submitted by the applicant there is no direct outfall to the culverted river to the north of the site. All directional flows on the drainage layout drawing lead to the mid portion of the site away from the Jiggy to the north. From the information I have available to me I can see that there is no direct connection from this site to the culverted Jiggy to the north and no intention to connect into same is illustrated on any drawings. The applicant has undertaken to separate foul and surface water on the site, and this has been achieved, details to protect the existing culvert should be sought by condition. The installation of petrol interceptors, normal on any urban site, is acceptable to me. I anticipate no adverse impacts to the Jiggy river, if all of these steps are taken, a suitable condition can ensure compliance.

- 7.5.5. Wastewater – I note that the applicant submitted a confirmation of feasibility from Uisce Éireann that states the development is feasible without upgrades. A sewer runs through the site and further agreements are necessary between any developer and Uisce Éireann. I am satisfied that these matters can be addressed by condition.

#### **7.6. Other Matters**

- 7.6.1. Planning Conditions - Given the forgoing, I am satisfied that permission should be granted for the development as proposed and amended by supporting further information submitted during the application process. In addition to the conditions listed out in previous sections, general conditions to do with residential mixed use developments should be attached, such as service cables, estate name, social/affordable housing provision, public lighting, construction phase of development, management company and shopfront design. There are some matters that are not addressed in the preceding sections, and I address below any conditions that should be attached if the Board are minded to grant permission:
- 7.6.2. Archaeology – the applicant has submitted an Archaeological Impact Assessment Report that concludes that no further archaeological interventions are necessary. I note that the Department of Housing, Local Government and Heritage Development Applications Unit (DAU) raised no objections to the development from an archaeological perspective. Given that the site is already disturbed, the likelihood of extant remains are low, however, an appropriate condition should be attached to address matters to do with archaeological remains should they appear during construction activity.

- 7.6.3. Waste Management Plan – the applicant prepared a Waste Management Plan and the development should proceed in accordance with this plan, attach relevant condition.
- 7.6.4. Nature Conservation – the Department of Housing, Local Government and Heritage Development Applications Unit (DAU) submitted an observation with regard to nature conservation, no issues were raised with regards to designated sites. The matter of bats was raised, and that permission should not be granted until a Bat Survey has been prepared. The applicant prepared a Bat Survey Report prepared by ASH Ecology and Environmental in accordance with the relevant guidelines. Bat passes were observed and the potential for bat roosting was noted as being low or negligible. However, bat boxes and bird boxes are suggested and that lighting be designed to be bat/wildlife friendly and that demolition of the buildings on site take place out of nesting/roosting season. An appropriate condition should be attached to ensure that these measures are carried out as relevant.

## **8.0 Appropriate Assessment (AA)**

- 8.1. Lough Ree SAC (site code 000440) is located 4.1 kilometres to the south east of the site. I have considered the mixed use development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The subject site is located 4.1 kilometres to the north west of the Lough Ree SAC (site code 000440) and 7 kilometres north east of the River Suck Callows SPA (site code 004097). The proposed development comprises the demolition of existing outbuildings, pub and shop for the construction of 6 houses along with 2 apartments, café, all on a site of 0.215 Hectares. No nature conservation concerns were raised in the planning appeal.
- 8.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- The nature of works that are small scale, comparable with the adjacent development character on a brownfield site in Roscommon town.

- The comparatively long distance of the appeal site from the nearest European site and lack of meaningful connections because the site avails of existing municipal water services infrastructure.

8.4. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## **9.0 Recommendation**

9.1. Having regard to the above assessment, and based on the following reasons and considerations, it is recommended that permission be granted subject to conditions.

## **10.0 Reasons and Considerations**

Having regard to the zoning objective Outer Core and the provisions of the Roscommon Town Local Area Plan 2024-2030, and the scale and nature of the proposed development, it is considered that the proposed development would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic and pedestrian safety and visual amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **11.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 27<sup>th</sup> day of October 2023, and 18<sup>th</sup> day of December 2023 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 measures contained in the submitted Bat Survey Report shall be implemented. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

Reason: In the interest of wildlife protection.

3. (a) The internal street network serving the proposed development shall be one-way only for motorised vehicles and junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

(b) Footpaths shall be dishd at road junctions in accordance with the requirements of the planning authority. Details of all locations, DMURS measures and materials to be used shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development.

(c) All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points.

Reason: In the interest of amenity, sustainable transportation and of traffic and pedestrian safety.

4. 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.

Reason: In the interests of visual and residential amenity

5. Drainage arrangements including the attenuation and disposal of surface water, protection during construction of existing sewer infrastructure on site, shall comply with the requirements of the relevant Section of the Council for such works and services. Prior to the commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement. Reason: In the interest of public health and surface water management.

6. (a) Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

(b) Sewers that run through the site shall be adequately protected and separation distances provided to allow access and maintenance.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

7. If, during the course of site works any archaeological material is discovered, the Planning Authority shall be notified immediately. The developer is further advised that in this event that under the National Monuments Act, the National Monuments Service, Dept. of Housing, Heritage and Local Government and the National Museum of Ireland require notification.

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

8. The proposed shopfront shall conform to the following requirements:

(a) Signage shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individual mounted lettering;

- (b) Lighting shall be by means of concealed neon tubing or by rear illumination;
- (c) No awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission; and
- (d) External roller shutters shall not be erected and any internal shutters shall be of the 'open-lattice' or 'perforated' type and shall be coloured to match the shopfront colour.

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

9. Public lighting shall be provided in accordance with a scheme acceptable to the planning authority. The scheme shall include lighting along pedestrian routes through the site. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

10. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

11. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday 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.

12. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be

adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

13. The Waste Management Plan submitted with the planning application 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 shall be implemented in full. Thereafter, the proposed waste facilities shall be maintained and waste shall be managed in accordance with the plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment and the amenities of properties in the vicinity.

14. The landscaping scheme shown on drawing P102, as submitted to the planning authority on the 23<sup>rd</sup> day of February, 2024 shall be carried out in full. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

15. 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 public open spaces, 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.

16. Prior to the opening/occupation of the development, a Mobility Management Plan (MMP) shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport (where available), cycling and walking by residents/occupants/staff employed in the development. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

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

17. Proposals for an estate/street name, house 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 house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

18. 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 transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an

exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall 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 for the area.

19. (a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class

or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

20. 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.

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Stephen Rhys Thomas  
Senior Planning Inspector

19 November 2024



## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP-319063-24		
<b>Proposed Development Summary</b>	The demolition of existing outbuildings, pub and shop for the construction of 6 houses along with 2 apartments, café and all associated site works, all on a site of 0.215 Hectares.		
<b>Development Address</b>	Cloonbrackna, Castle Street, Roscommon, Co. Roscommon.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓
		<b>No</b>	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			
<b>No</b>	✓		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>			<b>Conclusion</b>
			No EIAR required
<b>Yes</b>	✓	10. Infrastructure projects, (b)(i) Construction of more than 500 dwelling units. And	Urban development, mixed use comprising the provision of 6
			Proceed to Q.4

		(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.	houses along with 2 apartments and a cafe, all on a site of 0.215 Hectares, outside the town centre.	
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4. Has Schedule 7A information been submitted?		
No	✓	Preliminary Examination required
Yes		Screening Determination required

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix 2

### Form 2

#### EIA - Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP-319063-24	
<b>Development Summary</b>	The demolition of existing outbuildings, pub and shop for the construction of 6 houses along with 2 apartments, café and all associated site works, all on a site of 0.215 Hectares.	
<b>Examination</b>		
	<b>Yes / No / Uncertain</b>	
<b>1.</b> Is the size or nature of the proposed development exceptional in the context of the existing environment?	<b>No</b>	
<b>2.</b> Will the development result in the production of any significant waste, or result in significant emissions or pollutants?	<b>No</b>	
<b>3.</b> Is the proposed development located on, in, adjoining or have the potential to impact on an ecologically sensitive site or location?	<b>No</b>	
<b>4.</b> Does the proposed development have the potential to affect other significant environmental sensitivities in the area?	<b>No</b>	
<b>Comment (if relevant)</b>  Screening determination <b>not required</b> . Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.		
<b>Conclusion</b>		
<b>Based on a preliminary examination of the nature, size or location of the development, is there a real likelihood of significant effects on the environment **?</b>		
There is no real likelihood of significant effects on the environment	EIAR not required	✓

There is significant and realistic doubt in regard to the likelihood of significant effects on the environment	Screening Determination required	No. ✓	
	Sch 7A information submitted?	Yes	No ✓
There is a real likelihood of significant effects on the environment	EIAR is required (Issue notification)	No. ✓	

**Inspector** \_\_\_\_\_ **Date:** \_\_\_\_\_

**DP/ADP** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where EIAR/ Schedule 7A information is being sought)