



Development	Development of 7 no. residential units around a courtyard with associated site works.
Location	St Mary Square & Link Road, Athlone, Co Westmeath
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	2560464
Applicant(s)	Tom Fitzgerald
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Tom Fitzgerald
Observer(s)	None
Date of Site Inspection	16 th March 2026
Inspector	Elaine Power

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Appendix 1: EIA Pre-Screening

Appendix 2: EIA Preliminary Examination

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1.0 Site Location and Description

- 1.1. The proposed development is located on a backland site in Athlone Town centre. The site is bound to the north by the rear of a terrace of buildings fronting onto St. Marys Square, which comprises a mixture of uses and architectural designs. To the south it is bound by a small car park, which serves a B&B / tourist accommodation that fronts onto Sean Costello Street. To the west it is bound by a retail unit and to the east it is bound by a private link road, which provides access to a multi-storey car park and a small shopping centre complex containing a number of commercial, retail and residential uses.
- 1.2. The site is irregular in shape and has a stated area of 0.07ha. It is currently overgrown. It slopes steeply with a 4m level difference between the northern boundary and the southern (rear boundary). The sites eastern boundary comprises a low-level brick wall with a security metal fence.
- 1.3. The site is located to the rear of a protected structure (RPS 158) which fronts onto St. Mary's Square and is described as a three-bay two-storey house. This structure is currently in use as a gift shop. The site is also located within the boundary of the Athlone Architectural Conservation Area.

2.0 Proposed Development

- 2.1. The proposed development comprises alterations to an existing house on St. Mary's Square, including the removal of the garage and the part of a kitchen, to form an archway and pedestrian laneway to provide access to 7 no. residential units. The residential units comprise 2 no. 2-bed, duplex units, 5 no. studio apartments in 2 no. blocks ranging in height from 1 – 3 storeys. The works include boundary modifications, demolition of small rear shed, drainage and underground services connections, associated new small sheds / bike stores and all associated landscaping and siteworks

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for 3 no. reasons which are outlined below:

1. The proposal as presented is considered to be over development of a constrained site and results in substandard design approach that would, adversely impact upon existing built form by reason of its visual dominance, overlooking, inadequate separation distances and ad-hoc design approach which fails to have regard to the character and context of the area and to Protected Structure (RPS No. 158) located immediately adjoining the northern boundary of the site. The development is contrary to the policy P-PM1 of the Athlone Town Development Plan 2014-2020, which requires ‘new developments to draw on the intrinsic qualities of Athlone’s urban environment and add to the local distinctiveness and sense of place that forms the basis of the town’s unique character and attractive urban form” and would therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the design and layout of the proposed development, including, inadequate private open space areas, refuse storage, bicycle parking, poorly designed fenestration arrangement serving bedrooms, and the absence of adequate emergency vehicle access, resulting in the failure to provide a high-quality urban design for this visually prominent location as required by Urban Design Manual, a Best Practice Guide (Dept Heritage and Local Government 2009), it is considered that the proposed development fails to comply with the design guidance and Key Indicators of Quality Design and Placemaking as required under Policy and Objective 4.2 of the ‘Sustainable and Compact Settlement Guidelines for Planning Authorities’, (2024), and fails to appropriately conform with policies P-RLD1, P-RLD7, P-POS1, and P-SR7 of the Athlone Town Development Plan 2014-2020 and as such is contrary to the proper planning and sustainable development of the area.
3. The proposed development as presented, would constitute a piecemeal form of development that fails to consider a coordinated and integrated approach to the redevelopment of the wider area, thereby prejudicing the future development potential of adjoining lands. The proposed development would therefore be contrary to the proper planning and sustainable development of the area. The proposed development, represents a piecemeal design approach that

With regard to reason number three it is noted that the final sentence is not complete.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planners report dated 14th November 2025 raised a number of concerns regarding the proposed development. The report acknowledges that the development of the application site is challenging having regard to the varying surrounding site levels and context of the site. However, it is considered that the proposed layout and overall urban design form proposed does not comply with current policy standards in respect of design standards and represents overdevelopment of a constrained site, which lacks design merit, and reflects a poorly considered and overly dense design solution.

Serious concerns are raised regarding potential adverse impacts upon the ACA. The development result is a visually disjointed design form, lacking design context, cohesion and quality streetscape that would result in a visually dominant and bulky design form sited within a constrained site which fails to have regard to existing built form and would run contrary to policy P-PM1 which requires that *'new developments to draw on the intrinsic qualities of Athlone's urban environment and add to the local distinctiveness and sense of place that forms the basis of the town's unique character and attractive urban form.'*

It is also considered that the proposed development presents a piecemeal design approach that fails to have regard to the wider, holistic regeneration of the wider area that is necessary in terms of delivery quality and futureproof developments.

It is recommended that permission be refused for the 3 no reasons outlined above

3.2.2. Other Technical Reports

Chief Fire Officer. Report recommended that additional information be sought regarding How the design of the studio apartments complies with Section 1.6.2.3.3 requirements of Technical Guidance Document B, Volume 1, 2024 (Open-Plan Flats with a Travel Distance of Less Than 9 m).

District Engineer: Report dated 5th November 2025 recommended that additional information be sought regarding the following:

1. Consent from the owner of the link road and a drawing showing proposed sightlines.
2. Details of proposed public lighting.
3. Submit a Construction Management Plan.

4. Submit a condition survey of the existing neighbouring properties, footpath and road.
5. Submit a detailed foul drainage design and drawings.

3.3. **Prescribed Bodies**

Irish Rail: No comments as the proposed development does not affect the railway.

3.4. **Third Party Observations**

A third party submission was received from the owner of the residential property adjacent to the appeal site which raised concerns regarding a potential negative impact on their existing residential amenity and on the setting of their property which is a protected structure (RPS No. 158) and regarding the lack of car parking provided within the site.

4.0 **Relevant Planning History**

Reg. Ref. 25/60099: Permission was refused in 2025 for alteration to existing house on St. Mary's Square and the construction of 7 no. residential units. The 2 no. reasons for refusal related to (1) overdevelopment of a constrained site and substandard design approach which does not comply with the Athlone Town Development Plan and (2) poor quality urban design for this visually prominent site and non-compliance with the Compact Settlement Guidelines and the Athlone Town Development Plan.

Reg. Ref. 22/578: Permission was refused in 2023 for 2 no. houses. The reason for refusal considered that the applicant had not demonstrated sufficient legal interest in relevant land to provide necessary access and infrastructure to serve the proposed development.

5.0 **Policy Context**

5.1. **Athlone Town Development Plan 2014 – 2020 (expired)**

This plan has expired. The Athlone Joint Urban Area Plan 2024-2030 is currently being prepared.

The appeal site is zoned as Mixed Use with the associated Objective O-LZ3 *to provide for, protect and strengthen the vitality and viability of town centres, through consolidating development, encouraging a mix of uses and maximising the use of land, to ensure the*

efficient use of infrastructure and service in the now expired plan. A dwelling is permissible under this zoning objective.

5.2. **Offaly County Development Plan 2021 - 2027**

Athlone is not zoned in the Offaly Development Plan 2021-2027.

In accordance with the NPF and RSES the Core Strategy sets a population target for Athlone of 30,000 by 2030, comprising a growth rate of 40.5% from its 2016 population base of 21,349.

The following policies and objectives are considered relevant.

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.

CPO 3.7: Apply higher densities to the higher order settlements of Athlone and Mullingar to align with their roles as Regional Growth Centre and Key Town, subject to good design and development management standards being met.

CPO 10.65: Allow for the reduction in car parking standards in suitable locations in order to encourage a modal shift away from the private car to more sustainable forms of transport, such as public transport, cycling and walking.

Policy CPO 14.39: Promote development that positively contributes to the character and appearance of the Architectural Conservation Area. New development or alterations to existing building(s) in an ACA shall respect the special character of the ACA and reflect the historic architecture in terms of scale, design and materials used. Regard shall be had to any guidance contained in the Statement of Characters prepared for ACAs.

Chapter 16 sets out Development Management Standards. Section 16.3 states that new residential developments should deliver high quality architectural design and layout. In this

regard, the Councils standards on mix of dwelling types and density should be considered as part of any proposal. The following are considered relevant.

Policy CPO 16.21: In general, 15% of gross site area should be provided for multifunctional open spaces at suitable locations within new residential schemes. These open spaces should be easily accessible to all residents and provide for both passive and active uses for persons of all abilities regardless of age or mobility and including design measures and features incorporating sensory design aids, and landscaping, where feasible.

Where public open space cannot be provided or where it is not appropriate to provide this, a contribution in lieu of provision towards public open space or recreational facilities in the wider area may be required. This will take the form of a contribution on a per capita basis towards capital investment in creating and/or upgrading parks and spaces and revenue costs for the maintenance of these spaces for a 20-year period.

Recreational/amenity facilities (indoor or outdoor) of a more intensive nature in tandem with larger developments may be considered as part of the delivery of open space requirements, within a specified timeframe. Such provision will be at the sole discretion of the Planning Authority and considered in the wider context of the site area.

CPO 16.24: Increased residential density within Athlone Regional Centre and Mullingar (key town) in principle where the subject lands are:

- within walking distance of the town centre, or
- are adequately serviced by necessary social infrastructure and public transport and/or
- designated regeneration sites and development lands which comprise in excess of 0.5ha, subject to quality design and planning merit in ensuring compact growth and the creation of good urban places and attractive neighbourhoods.

Policy CPO 16.59: In the assessment of applications for development within an Architectural Conservation Area, the following considerations will be taken into account:

Guidelines contained within the Architectural Heritage Protection Guidelines for Planning Authorities (2011) (DAHG), or any update made thereto.

Development Works within an ACA

Proposals for development within an ACA that involves a new building, reuse or change of use and extensions will generally be required to:

- Conserve and enhance the character and appearance of the ACA;
- Respect the scale, massing, proportions, design and materials of existing structures;
- Retain important exterior architectural features that contribute to the character and appearance of the ACA.

Demolition Works within an ACA

The demolition of a building within an ACA will generally not be permitted unless the Council is satisfied that the structure or building does not contribute positively to the character or appearance of the ACA or the building /structure is beyond viable renewal.

5.3. Natural Heritage Designations

The appeal site is not located within or immediately adjacent to a designated site. The nearest to the appeal site are listed below.

- River Shannon Callows SAC (000216) located c. 500m south west
- Lough Ree SAC (000440) located c. 1.8km north west
- The Middle Shannon Callows SPA (004096) located c. 500m south west.
- Lough Ree SPA (004064) located c. 1.8km north west
- River Shannon Callows pNHA (000216) located c. 500m south west
- Lough Ree pNHA (000440) located c. 1.7km north west

6.0 EIA Screening

6.1. I refer the Commission to Appendix 1 and 2 of this report.

6.2. The proposed development has been subject to preliminary examination for environmental impact assessment. Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of First Party Appeal

This is first party appeal against the Planning Authority's decision to refuse planning permission. The main grounds of the appeal are summarised below.

Principle of Development

- The Planning Authority have not provided a consistent approach to the development at the site. The applicant has addressed the previous reasons for refusal on the site, and the Planning Authority has raised new concerns.
- In response to the previous refusal the proposed buildings have been reorganised to create a large urban space, which allows separation distances to be maximised.
- Reasons for refusal one and two are the same as the previous reasons for refusal. However, the design and layout are different.
- Concerns are raised regarding the wording of condition no. 3 which appears to be incomplete.
- The proposed design is reflective of the established pattern of development and would fit seamlessly into to the urban form of the town and would improve it.

First Reason for Refusal

- The proposed density of 100upa is in line with recommended density of 50 – 150upa in town centres of over 1,500 persons.
- The design is not substandard.
- There is no visual dominance. The scheme is consistent with its context.
- There is no overlooking due to the provision of screening on windows / private open spaces.
- Separation distances are appropriate for the urban context.
- It is unclear how the design is ad-hoc. It is reflective of its context.
- The proposed pedestrian archway and laneway reflect the historic access arrangements for buildings on the southern side of St. Marys Square.

- The proposed access onto the link road would enhance the streetscape.
- The proposed development would provide a positive intervention and active use onto St. Marys Square.

Second Reason for Refusal

- The open space provision is in excess of the minimum requirements.
- All units have the necessary refuse storage.
- Bicycle parking is provided within the site.
- It is unclear how the fenestration is poorly designed.
- A 3.7m wide access is available for emergency access. Access from the link road is for emergency use only.
- Disagree that the scheme does not achieve a high quality urban design. The proposed scheme would develop an overgrown derelict site, linking to St. Marys Square, consistent with adjoining architecture and would encourage the further development of the adjoining corner site of St. Mary's Square. Thereby completing the square and beginning the strengthening of the urban form of the routes leading to it.
- Disagree that the scheme fails to comply with the design guidance and key indicators of quality design and placemaking as required under Policy and Objective 4.2 of the Compact Settlement Guidelines or fails to appropriately comply with the provisions of policies P-RLD1, P-RLD7, P-POS1 and P-SR7 of the Athlone Town Development Plan.

Third Reason for Refusal

- This approach fails to address the reality of land ownership. Large tracts of land in urban areas can rarely be assembled as a single development.
- Disagree that the development is piecemeal just because it is one site in the overall context.
- The best way to remedy urban dereliction is to allow the process to begin so it can contribute to urban consolidation.

- The decision fails to address the responsibility of local authorities to assist and encourage the improvement and development of towns like Athlone.
- The proposed development would contribute positively and would begin the upgrade of this part of Athlone, which was damaged by the nearby multi-storey car park / shopping centre development.

7.2. Planning Authority Response

None

7.3. Observations

None

8.0 Assessment

8.1. Having examined the appeal details and all other documentation on file, including all of the submissions received in relation to the appeal, the report of the local authority and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Piecemeal Development
- Design Approach
- Access and Car Parking
- Built Heritage

8.2. *Principle of Development*

8.2.1. The appeal site is not zoned in the Offaly County Development Plan 2021-2027. It was zoned Mixed Use in the now expired Athlone Town Development Plan 2014-2020. The Athlone Joint Urban Area Plan 2024-2030 is currently being prepared and when published will provide a zoning objective for the site.

8.2.2. In accordance with the NPF and RSES the Core Strategy of the Offaly County Development Plan sets a population target for Athlone of 30,000 by 2030, comprising a growth rate of 40.5% from its 2016 population base of 21,349. This is supported by Policy CPO 2.2 to

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.

8.2.3. It is noted that, as the LAP has expired, the site is not currently zoned. However, having regard to the previous mixed use zoning objective, under which residential uses were permissible, the existing pattern of development and the provisions Policy CPO 2.2 of the Development Plan, to significantly increase the population of Athlone, I am satisfied that that the proposed use is acceptable in principle and should be assessed on its merits.

8.2.4. The Planning Authority's first and second reason for refusal raised concerns that the proposed development does not comply with policies and objectives of the Athlone Town Development Plan 2024-2020. In particular the first reason for refusal considered that the proposed development was contrary to the Policy P-PM1 which requires '*new developments to draw on the intrinsic qualities of Athlone's urban environment and add to the local distinctiveness and sense of place that forms the basis of the town's unique character and attractive urban form*' and the second reason for refusal considered that the proposed development fails to appropriately conform with policies P-RLD1 and P-RLD7 which require new developments to be of high quality design and layout, Policy P -POS1 which requires a high standard of public and private open space and P-SR7 which promotes energy efficiency during the construction and operational phase taking account of topography, orientation and surrounding features. The information available on the Planning Authority's website (www.westmeathcoco.ie) which I accessed in March 2026 indicates that this plan expired in 2020 and there is no evidence of the plan being extended beyond this date. Therefore, while the concerns of the Planning Authority are noted with regard to the design and layout of the scheme, my assessment is based on the policy, objectives and standards set out in the current Westmeath County Development Plan, 2022-2028.

8.3. ***Piecemeal Development***

8.3.1. The Planning Authority's third reason for refusal considered that the proposed development would constitute a piecemeal form of development that fails to consider a coordinated and integrated approach to the redevelopment of the wider area, thereby prejudicing the future development potential of adjoining lands. It is noted that the final line of this reason for refusal is incomplete. However, this appears to be a typographical error, and I am satisfied that the reason for refusal is clearly provided and relates to piecemeal development.

- 8.3.2. Section 7.6.1 of the Development Plan states that *development proposals on backland sites should be prepared using the principles of master planning to ensure that large areas of land, often in multiple ownership, are appropriately planned and developed in a sustainable manner.* It further states that *piecemeal development of individual plots will generally not be permitted unless it is satisfactorily demonstrated that the development will not jeopardise the comprehensive redevelopment of surrounding lands.*
- 8.3.3. The appeal site has a stated area of 0.07ha. It is located on a backland site in Athlone Town Centre and generally bound by buildings fronting onto St. Marys Square, Pump Lane and Sean Costello Street. To the east it is bound by, and has frontage onto, a private road referred to as 'link road' in the submitted documentation. To the south of the appeal site, the rear gardens / open space of properties fronting onto Sean Costello Street are also bound to the east by the private link road.
- 8.3.4. The historic OSI mapping within the applicants Architectural Conservation Report (page 4) indicates that the appeal site originally formed 3 no. separate plots of land, associated with properties fronting onto St. Mary's Square. The site appears to currently form 2 plots of land, in this regard the rear garden of the existing house fronting onto St. Mary's Square, that is included within the red line boundary, and an adjacent site to the rear of 2 no. commercial buildings and the vacant toilet block, with frontage onto the private link road to the east of the site, which is currently vacant and overgrown. Therefore, the appeal site does not form an individual plot of land.
- 8.3.5. To the south (rear) of the appeal site is a small commercial car park associated with a B&B that fronts onto Sean Costello Street. Further south of this site are 3 no. additional plots of land which appear to be the rear gardens of 3 no. residential properties fronting onto Sean Costello Street. In my opinion, these are the sites that the Planning Authority considered the applicant failed to provide a coordinated and integrated approach to the redevelopment of the wider area, thereby prejudicing the future development potential of adjoining lands. While the comprehensive redevelopment of backland sites in urban areas is welcomed there is no planning history relating to these sites to the south indicating that they are likely to be redeveloped in the short term. Having regard to the residential nature of 3 no. of the sites and the use of the site immediately south of the site as a car park serving a B&B it is my opinion that they are unlikely to be redeveloped in the short term. It is also noted that these adjacent lands are outside of the applicant's control.

- 8.3.6. The proposed layout includes an area of open space adjacent to the boundary with the commercial car park to the south, which could potentially facilitate pedestrian access to this site if it was to be developed in the future. I am satisfied that the proposed development would not jeopardise the comprehensive redevelopment of surrounding lands and is, therefore, in accordance with Section 7.6.1 of the Development Plan. In addition, the adjacent sites to the south are limited in size, with a combined area of c. 0.1ha. Therefore, their development would not result in the significant redevelopment of the wider area.
- 8.3.7. The appeal site is bound to the west by a retail unit, which is located to the rear of a property on St. Marys Square and also has direct frontage onto Pump Lane. In my opinion this site is not a backland site. Again, there is no planning history indicating that this site is likely to be redeveloped in the near future.
- 8.3.8. In conclusion I am satisfied that the appeal site is of a sufficient size to allow for an appropriate urban development. I do not agree with the Planning Authority that the proposed development would result in a piecemeal development that fails to consider a coordinated and integrated approach to the redevelopment of the wider area and in my view this should not form the basis of a reason for refusal. It is also my opinion that the proposed development would be in accordance with Policy CPO 2.2 to support the continued growth of Athlone to fulfil its role as a Key Regional Growth Centre and Policy CPO 2.17 to support the regeneration of underused town centre and brownfield / infill lands to facilitate population growth and achieve sustainable compact growth.

8.4. ***Design Approach***

- 8.4.1. In my opinion the first and second reasons for refusal both relate to the design of the scheme. The first reason for refusal relates to concerns of overdevelopment and substandard design and the second reason for refusal considered that the design and layout results in a poor-quality urban design. This section of my report provides an assessment of the proposed design approach and Section 8.6 below, assesses the impact of the proposed development on built heritage.

Density

- 8.4.2. It is proposed to construct 7 no. residential units, and to retain the modified house, on a 0.070 ha site in Athlone Town Centre. This equates to a density of 114 units per ha. The Development Plan does not set out prescriptive density standards. However, Policy CPO

3.7 seeks to apply higher densities to the higher order settlements including Athlone and Policy CPO 16.24 of the Development Plan sets out a number of criteria for increasing density which includes *inter alia* sites within walking distance of the town centre. Given the sites location within the town centre, I am satisfied that in accordance with the provisions of Policies CPO 3.7 and CPO 16.24 the appeal site is suitable for increased density.

8.4.3. Table 3.4 of the Compact Settlement Guidelines states that it is a policy and objective that in the centres and in urban neighbourhoods of Regional Growth Centres, residential densities in the range 50 dph to 150 dph (net) shall generally be applied. Athlone is identified as a Regional Centre in the Development Plan and the RSES, therefore, this density range is considered appropriate at this urban location. It is noted that the proposed density (114 upa) is at the higher end of the density range. However, having regard to the sites town centre location and its proximity employment, services and amenities it is my opinion that the proposed density is appropriate.

Design and Layout

8.4.4. The Planning Authority's first and second reason for refusal considered that the proposed development resulted in a substandard design and layout with specific concerns raised regarding visual dominance, overlooking, inadequate separation distances, ad-hoc design approach, inadequate private open space areas, refuse storage, bicycle parking, poorly designed fenestration arrangement serving bedrooms and the absence of adequate emergency vehicle access.

8.4.5. The appeal site has a stated area of 0.07ha and is a backland site in Athlone Town Centre. Section 16.2 of the Development Plan recognises that the development of infill, brownfield and backland sites in urban areas presents greater design challenges in comparison to similar development proposals on greenfield sites and further states that having regard to this and to assist in enabling their development, the application of policies and development standards shall allow for a degree of flexibility, focusing on design led and performance based outcomes, rather than applying absolute requirements in all cases.

8.4.6. The proposed development comprises the demolition of an existing garage and part of a kitchen of an existing house, fronting onto St. Mary's Square, to provide pedestrian access to this backland site. It is proposed to retain the existing house and construct 7 no. residential

units accessed from the new 3.5m wide pedestrian access to the rear. The site is steeply sloping towards the south (rear), with a c. 3.7m level difference between the site's northern boundary and southern boundary. The information submitted indicates that it is proposed to lower the overall level the site, to provide a relatively flat site to accommodate the development. Having regard to the topography and the relatively limited size of the site (0.07 ha) this is considered a reasonable approach.

- 8.4.7. The proposed residential units are provided in 2 no. blocks, referred to in the submitted documentation as the 'Main Building' and the 'Small Building'. The proposed buildings are separated by a central courtyard. The buildings range in height from single to 3-storeys. They have a traditional design approach with gable ended pitched roofs. The drawings submitted indicate that the predominate external material of the proposed buildings is a light grey brick. The use of a high-quality material, such as brick, is welcomed.
- 8.4.8. The 'Small Building' sits at the sites southern (rear) boundary with the commercial car park / B&B that fronts onto Sean Costello Street and at the sites western (side) boundary with a two-storey retail unit fronting onto Pump Lane. The building is located c. 2.2m from the rear elevation of the existing house to the north and fronting onto St. Mary's Square. This block accommodates 3 no. studio apartments, in a part single (3m), part 2-storey (6.9m) building.
- 8.4.9. The 'Main Building' sits at the sites southern (rear) boundary with the commercial car park. The building is located c. 1.6m from the sites eastern (side) boundary with the private link road and c. 4m from the site's northern boundary with a commercial premises and a disused public toilet block fronting onto St. Mary's Square. This block is 3 storeys (11.4m) in height and accommodates 2 no. 2-bed duplex units with 2 no. studio apartments below. The ridge of this building is slightly higher (0.4m) than the ridge of the existing 2-storey commercial building fronting on St. Mary's Square.
- 8.4.10. As it is proposed to lower the site to accommodate the development the 2-no. ground floor studio units in the Main Building would be lower than the finished level of the existing road (private link road) and the 3-storey building would appear 2 - 2 and a half -storeys in height. The drawings submitted indicate that planting would be provided immediately adjacent to the ground floor residential units and that a sloping boundary treatment c. 1m in height would be provided along the link road. If permission is being granted a condition should be

attached that the final details of the proposed boundary treatment with the link road be agreed with the Planning Authority.

8.4.11. The Planning Authority's first reason for refusal considered that the proposed scheme would be visually dominate. Having regard to the relatively limited height and scale of the 'Small Building' there would be relatively limited views of this building from the surrounding properties and streets. The 'Main Building' would be highly visible from the private link road to the east of the appeal site. The 'Main Building' is located to the south (rear) of the single storey toilet block and, therefore, would also be highly visible from St. Mary's Square. It is noted that the site is located within the Athlone Architectural Conservation Area (ACA). However, having regard to the urban context, including the buildings to the north of the appeal site, fronting onto St. Mary's Square, which comprise a variety of architectural styles and the a multi-storey car park on the opposite side of the private link road, which is outside of the ACA and to the design and the layout of the scheme it is my opinion that it is an appropriate design response to this infill site in the town centre and would not be visually dominate at this town centre location.

8.4.12. The first reason for refusal also raised considered that the development would result in a substandard design. The proposed development comprises 2 no. 2-bed duplex units and 5 no. studios. The Apartment Guidelines (2025) set out a number of minimum standards for room sizes and widths and storage space. It is noted that the studio units and the 2-bed (3-person) duplex units reach and exceed these minimum standards.

Unit Mix

8.4.13. SPPR1 of the Apartment Guidelines (2025) does not restrict the housing mix provided in apartment developments, subject to compliance with the Planning Authority's Housing Need and Demand Assessment (HNDA). The HNDA (Appendix 1 of the Development Plan) indicates that 1 and 2 person households will form the largest overall cohort over the plan period, amounting to a combined total of 55.1% of all households by 2027. I am satisfied that the proposed housing mix is in accordance with the HNDA and it is noted that the Planning Authority raised no concerns in this regard.

Separation Distances

- 8.4.14. The first reason for refused also considered that there was inadequate separation distances. There is a separation distance of c. 12m between the private open space areas of the proposed residential units and a separation distance of c. 16m between windows, which is in accordance with minimum separation distances set out in the Compact Settlement Guidelines.
- 8.4.15. It is noted that the separation distances to the sites northern, southern and western boundaries are significantly reduced. The 'small building' at the western portion of the site is part single storey part 2-storey. The single storey element contains Unit 5 and is located c. 2.3m from the rear elevation of the existing house to the north. Due to the level difference within the site the roof of Unit 5 is c. 1m above the ground floor level of the existing house. It is proposed that the roof of Unit 5 would provide rear amenity space for the existing dwelling on site. The 2-storey element of the 'small building' is located c. 8m from the rear elevation of the existing dwelling. There are no windows on the side elevation of the 2-storey element, which opposes the existing house. Therefore, there would be no overlooking from the proposed development. The 'small building' sits at the sites southern and western boundaries with adjoining commercial properties. It is noted that the first floor would be visible from adjoining sites, however, as there are no windows proposed on the southern or western elevations of the 'small building' I am satisfied that there would be no overlooking.
- 8.4.16. The side elevation of the 'Main Building' is located c. 4m from the sites northern boundary and c. 9m from the rear elevation of the disused toilet block that fronts onto St. Mary's Square. The scheme includes windows on the northern elevation of the Main Building to serve Unit 1 at ground floor level and Unit 3 at first and second floor level. It is noted that both of these units are triple aspect. To ensure that the proposed development does not impede the future redevelopment of the site to the north it is recommended that a condition be attached that the windows on the northern elevation of Unit 3 at first and second floor level be permanently fitted with obscure glazing. Due to the level difference and the boundary treatment, I am satisfied that the window on the northern elevation of Unit 1 would not result in any undue overlooking.
- 8.4.17. The provision of the central courtyard ensures that there are no windows directly opposing the protected structure or the adjoining commercial building (printing shop). Therefore, there

would be no overlooking of these commercial premises and no impact on the windows on the rear elevation of the protected structure.

8.4.18. Due to the design of the buildings, the relatively limited height of the development and the topography of the site I am satisfied that the proposed development would not overlook any existing commercial building and would not negatively impact on the development potential of these adjacent sites. I am also satisfied that while the proposed buildings may be visible from the surrounding properties and from the public road that they would not result in an overbearing impact.

8.4.19. In my opinion the layout of the scheme has been well considered by the applicant. I have no objection to the proposed separation distances and considered them acceptable for an infill and backland site in a town centre.

Daylight, Sunlight and Overshadowing

8.4.20. The applicant has not submitted a Daylight, Sunlight and Overshadowing Assessment. SPPR3 (i) of the Apartment Guidelines requires that a minimum of 25% of units within a development shall be required to be dual aspect. Units 1, 2, 3 and 4 (57%) are dual aspect with an east and west orientation and additional obscure glazing on the northern elevation of Units 1 and 3 and the southern elevation of Unit 2. Units 5, 6 and 7 are single aspect east facing units. These units front onto the proposed courtyard. Having regard to the orientation of the blocks, the separation distances between the proposed blocks, within the development and the provision of dual aspect units. I am satisfied that the proposed units would receive adequate daylight and sunlight for an urban infill site and would not have a significant impact on access to daylight and sunlight for any existing property and would not unduly overshadowing any existing property.

Private Open Space

8.4.21. The Planning Authority's second reason for refusal considered that the design and layout results in inadequate open space areas. Private open space is provided in the form of private balconies and terraces. The provision of private open space to serve each unit is in accordance with the minimum standards set out in the Apartment Guidelines, of 4sqm for a studio and 6sqm for a 2-bed (3 person) apartment. Therefore, I have no objection to the quantity of private open space proposed.

8.4.22. It would appear from the OSI mapping provided with the application that the western portion of the site, which accommodates the 'Small Building', originally comprised the rear garden of the existing house to be retained. The house to be retained has 3 no. bedrooms. The proposed development would result in c. 54.7sqm of private open space to serve the existing house, in this regard a rear patio area (c. 20sqm) and a garden at roof of Unit 5 (34.7sqm), which is immediately adjacent to the patio area. Due to the level difference within the site, the garden at roof level of Unit 5 to serve the existing house is located c. 1m above the patio level. It would be accessed by steps from the patio. Policy CPO 16.20 sets a private open space standard of 25sqm for an inner urban infill dwelling. It is acknowledged that the house to be retained is not a new dwelling. However, the provision of private open space (54.7sqm) significantly exceeds the standard for a new dwelling. Therefore, I am satisfied that sufficient private open space is provided for the existing dwelling.

8.4.23. The drawings submitted indicate that the garden provided at roof level of Unit 5 would be screened at its eastern with 1.8m high timber screen. The southern boundary would be a wall, which is the northern elevation of Unit 7. It is also proposed to provide a timber fence at the sites western boundary, with the existing retail unit appear. While the level difference between the appeal site and the surrounding sites is noted, to prevent undue overlooking of the retail unit to the west it is recommended that a condition be attached to any grant of permission that the western boundary treatment of the garden, at the roof of Unit 5, be a minimum 1.8m high wall. This would also ensure that the proposed development would not impede any potential future redevelopment of the site to the west.

Communal Open Space

8.4.24. The Apartment Guidelines (2025) also set out standards for communal open space. In this regard 4sqm per studio and 6sqm per 2-bed (3 person) apartment. Therefore, there is a requirement of 32sqm of communal open space to serve the proposed development. The scheme incorporates a central courtyard with an area of c. 140sqm, which is significantly in excess of the standard set out in the Apartment Guidelines (2005). It noted that the courtyard also accommodates bike storage and refuse storage and would be constructed to allow for emergency vehicular access. I am satisfied that there is sufficient space within the courtyard to accommodate these uses without negatively impact on the quantum of communal open space available for residents. Having regard to the orientation of the site and the design and layout of the proposed development it is my opinion that the courtyard would receive

adequate daylight and sunlight for an urban infill site. While the concerns of the planning authority are noted it is my opinion that the quantity and quality of the courtyard would provide a high level of amenity for future occupants.

Public Open Space

8.4.25. Policy CPO 16.21 of the Development Plan requires that in general 15% of the gross site area be provided for multifunctional open spaces. It further states that where public open space cannot be provided or where it is not appropriate to provide this, a contribution in lieu of provision towards public open space or recreational facilities in the wider area may be required. Having regard to the infill nature of this urban site it is my opinion that it is not appropriate to provide public open space within the site. Therefore, if permission is being contemplated it is recommended that a condition be attached that a financial contribution be paid in lieu of public open space. It is also noted that there is a large area of public open space (Burgess Park) located adjacent to the River Shannon, c. 200m southwest of the appeal site. Therefore, I am satisfied that there is sufficient public open space within the wider area to serve the proposed development.

Bicycle Parking

8.4.26. The second reason for refusal raised specific concerns regarding bicycle parking. Bicycle parking standards are set out in Table 16.3 of the Development Plan and require 1 no. bicycle parking space per bedspace and 1 no. visitor bicycle parking space per 2 housing units. This standard is reflective of SPPR 4(i) of the Compact Settlement Guidelines which state that a general minimum standard of 1 cycle storage space per bedroom should be applied and that visitor cycle parking should also be provided.

8.4.27. The proposed 5 no. studio units and 2 no. 2-bed (3 person) units generate a requirement for 15 no. bicycle parking spaces, 11 no. to serve the units and 4 no. visitor spaces. The ground floor plan indicates that 7 no. spaces are provided within the courtyard, which is a shortfall of 4 no. spaces. In my opinion additional cycle parking spaces could be accommodated within the courtyard and within the ground floor terraces of Units 1, 2, 5 and 6 and that the requirement for additional cycle parking could be addressed by way of condition.

Waste Management

8.4.28. The second reason for refusal raised specific concerns regarding refuse storage. The ground floor plan indicates that separate refuse / bin storage areas are provided for each residential unit. I have no objection to the locations of the proposed bin storage areas and consider that they are sufficient in size to serve each of the residential units and should not form the basis for a reason for refusal. Notwithstanding this, having regard to the concerns raised by the Planning Authority it is recommended that a condition be attached to any grant of permission that an Operational Waste Management Plan be submitted to the Planning Authority prior to commencement of development.

Conclusion

8.4.29. Having regard to the above, that the quantum of development and the design and layout of the scheme is in accordance with the provisions of the Development Plan and the Compact Settlement Guidelines. It is my view that the proposed development successfully integrates into the streetscape and would support the consolidation of the urban environment and represents a reasonable response to its urban context. Therefore, I do not agree with the Planning Authority that permission should be refused on the basis of overdevelopment or the design approach to the scheme.

8.5. Access and Car Parking

8.5.1. The second reason for refusal also raised concerns regarding the absence of adequate emergency vehicle access. In the appeal the applicant states that emergency access would be provided via the private link road to the east of the site.

8.5.2. The proposed scheme does not include any car parking. Policy CPO 16.36 of the Development Plan requires that planning applications have regard to the maximum car parking standards set out in Table 16.2. Table 16.2 permits a maximum of 1 no. space per residential unit. Section 16.4.1 of the Development Plan states that while it is generally required to comply with the car parking standards a reduction within the designated town centres of Athlone and Mullingar will be considered. In addition, Policy CPO 10.65 of the Development Plan allows for a reduction in car parking in suitable locations in order to encourage modal shift towards more sustainable modes. Having regard to the town centre location, the relatively limited number of residential units and the backland nature of the site I have no objection to no car parking being provided to serve the proposed development. I

am also satisfied that this is in accordance with Policy CPO 10.65 and Section 16.4.1 of the Development Plan.

- 8.5.3. The main pedestrian access to the site is proposed from St. Mary's Square via a new 3.5m wide archway. The proposed scheme includes a secondary 4m wide 'emergency, refuse, etc' access from the link road to the east of the appeal site. This is a private road and a letter of consent from the owner of the road to provide access to the proposed development has not been submitted with the application. However, it is noted that the link road provides access to a multi-storey car park and a small-scale shopping centre and retail units with apartments. The link road also provides a connection between St. Mary's Square and Sean Costello Street and is an established access route without any gates or barriers.
- 8.5.4. Section 5.13 of the Development Management Guidelines for Planning Authorities advise that the planning system is not designed as a mechanism for resolving disputes about rights over land and that these are ultimately matters for resolution in the Courts. Section 34(13) of the Planning and Development Act 2000 (as amended) states, 'a person shall not be entitled solely by reason of a permission under this section to carry out any development'. As issues in relation to rights over land are ultimately civil / legal issues it is considered that the issue of emergency access from the private link road should not form the basis of a refusal of permission.
- 8.5.5. In the case where emergency vehicular access is not available from the private link road it is my view that the pedestrian access to the site from St. Mary's Square, which is 3.5m in width, could be used to provide access to the site for emergency vehicles. It is also noted that the apartments are located c. 35m from St. Mary's Square and in some instances emergency vehicles could access the site from St. Mary's Square. Therefore, I am satisfied that adequate emergency access the site is feasible.
- 8.5.6. The description of the development states that this secondary access would also be used for waste trucks etc. In the interest of clarity, given the private nature of this road and the frequency with which refuse trucks would be required to access the site it is my view that it is not appropriate to provide refuse access, or any vehicular access, to the site from a private link road. I am satisfied that this could be addressed by way of condition. As noted above, it is my recommendation that a condition be attached to any grant of permission that an Operational Waste Management Plan be agreed with the Planning Authority. This document should specify that waste would be collected from St. Mary's Square only.

8.6. **Built Heritage**

- 8.6.1. The appeal site is located within the boundary of the Athlone Architectural Conservation Area (ACA), as identified in the now expired Athlone Town Development Plan 2014-2020. Chapter 11 of the expired LAP states that the Athlone town centre ACA retains the medieval form of the town and has a variety of styles and types of buildings ranging from the castle, domestic houses, civic buildings and churches, commercial premises and shop units.
- 8.6.2. Section 14.6 of the Development Plan notes that in urban settings there are many areas of architectural significance, several of which have been designated Architectural Conservation Areas (ACAs), including the walled town of Athlone. Therefore, it is my view that the appeal site is located within an ACA.
- 8.6.3. Policy CPO 14.39 of the Development Plan seeks to promote development that positively contributes to the character and appearance of the ACA and new development shall respect the special character of the ACA and reflect the historic architecture in terms of scale, design and materials used. In addition, Policy CPO 16.59 of the Development Plan states that works within an ACA will generally be required to (1) conserve and enhance the character and appearance of the ACA (2) respect the scale, massing, proportions, design and materials of existing structures and (3) retain important exterior architectural features that contribute to the character and appearance of the ACA.
- 8.6.4. The proposed development includes the demolition of an existing garage and part of a kitchen, to form an archway and pedestrian laneway to serve 7 no. residential units. The elements to be demolished are modern and do not contain any features of architectural merit. Therefore, I have no objection in principle to their demolition. Notwithstanding this, the garage to be demolished is immediately adjacent to a protected structure (RPS 158). The protected Structure is described in the RPS, Appendix 8 of the Development Plan as a three-bay two-storey house. This structure is currently in use as a gift shop. Having regard to the protected status of the adjacent building it is recommended that if permission is being contemplated that a condition be attached that the demolition works be carried out by a suitable professional to ensure that there is no impact to the structural integrity of the protected structure.
- 8.6.5. The layout of the scheme has been designed to ensure that the proposed buildings do not directly oppose the protected structure, and I am satisfied that the proposed buildings would have no physical impact on the protected structure. Any visual impact on the protected

structure would be limited to the setting of the rear of the protected structure, from within the appeal site. Having regard to the relatively limited height and scale of the proposed development, the urban context and the separation distances between the protected structure and the proposed buildings and the established pattern of development in Athlone Town Centre, I am satisfied that any impact on the character and setting of the protected structure would be negligible.

8.6.6. As noted above, it is unlikely that the 'small building' would be visible from the surrounding streets while the 'main building' would be highly visible. The buildings immediate adjacent to the appeal site are generally single to 2-storeys in height and comprise a mixture of uses and architectural designs. In my opinion, the scale, massing, proportions, design and the proposed external materials of respect the existing buildings. While the 'main building' would be visible I am satisfied that it would not have a negative impact on the character and appearance of the ACA and I do not agree with the Planning Authority that this should form the basis for a reason for refusal.

8.6.7. The appeal site is also located within a zone of archaeological potential. As it is proposed to lower a portion of the site it is recommended that a condition be attached that archaeological monitoring be carried out during the excavation period.

9.0 **AA Screening**

9.1. I have considered the appeal in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended.

9.2. The proposed development is located on an urban backland site in Athlone Town Centre. It comprises minor works to an existing dwelling and the construction of 7 no. residential units and all associated site works. The closest European Sites, that form part of the Natura 2000 Network are the River Shannon Callows SAC (000216) and The Middle Shannon Callows SPA (004096) both located c. 500m southwest and Lough Ree SAC (000440) and Lough Ree SPA (004064) both located c. 1.8km northwest.

9.3. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

9.4. The reason for this conclusion is as follows:

- The location of the development in a serviced urban area.
- The urban nature of intervening habitats.
- The nature and extent of the proposed development.
- The absence of any surface water feature in the vicinity of the appeal site and the distance from nearest water body.
- The distance to the nearest European Site, and
- The lack of a direct hydrological or ecological pathway to a European Site.

9.5. I conclude, 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.

9.6. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 is not required.

10.0 **Water Framework Directive**

10.1. I refer the Commission to Appendix 3 of this report.

10.2. The appeal site is located in the urban area of Athlone Town Centre. The Shannon (Upper) _120 is located c. 260m west of the appeal site. This waterbody has a Poor Status and is At Risk. The groundwater body underlying the site is IE_SH_G_110). The groundwater has a Poor Status and At Risk.

10.3. No water deterioration concerns were raised.

10.4. The development comprises alterations to an existing house on St. Mary's Square, including the removal of the garage and the part of a kitchen, to form an archway and pedestrian laneway to provide access to 7 no. residential units.

10.5. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface and / or groundwater water bodies either qualitatively or quantitatively.

10.6. The reason for this conclusion is as follows

- The urban location.
- The nature and extent of the development.
- The absence of any surface water feature in the vicinity of the appeal site and the distance from nearest water body.
- The location of the appeal site outside an area at risk of flooding.

10.7. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment

11.0 Recommendation

It is recommended that permission be granted subject to conditions.

12.0 Reasons and Considerations

Having regard to the sites town centre location, to the existing pattern of development in the area and to the nature and scale of the proposed development it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of built heritage and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 proposed development shall be amended as follows: -

- a) the windows on the northern elevation of Unit 3 at first and second floor level shall be permanently fitted with obscure glazing.
- b) the western boundary treatment of the garden at the roof of Unit 5, shall be a minimum 1.8m high wall.

Revised drawings showing compliance 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 residential and visual amenity

3. The proposed vehicular entrance from the Link Road to the east of the site shall be for emergency vehicle access only.

Reason: In the interest of clarity.

4. A schedule of all materials to be used in the external treatment of the development to include a variety of high-quality finishes, such as brick and stone, roofing materials, windows and doors shall be submitted to and agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

5. Prior to commencement of development the applicant shall submit for the written agreement of the planning authority details of the number and location of bicycle parking spaces to be provided within the scheme.

Reason: In the interest of residential amenity and to promote sustainable travel.

6. Prior to commencement of development a comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority. 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 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.

7. Prior to commencement of development the applicant shall submitted an Operational Waste Management Plan for the written agreement of the Planning Authority. This Plan shall contain details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste from St. Mary's Square only. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste in the interest of protecting the environment.

8. A conservation expert shall be employed to manage, monitor and implement the demolition works on the site and to ensure adequate protection of the adjacent protected structure. In this regard, all permitted works shall be designed to cause minimum interference to the adjacent building.

Any required repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011.

Reason: To ensure that the integrity of this protected structure is maintained.

9. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

- a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation including hydrological and geotechnical investigations relating to the proposed development,
- b) All ground reduction should be subject to a programme of archaeological monitoring, under licence, by a suitably qualified archaeologist.
- c) where archaeological material is shown to be present, avoidance, preservation in situ, or preservation by record (excavation) may be required. Works may be halted pending receipt of advice from the National Monuments Service, Department of Housing, Local Government and Heritage who will advise the applicant / developer with regard to these matters.
- d) on completion of monitoring of ground reduction and any archaeological excavations arising, the archaeologist shall submit a written report to the planning authority and to the Department of Housing, Local Government and Heritage for consideration.
- e) In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

10. Proposals for a naming / numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and unit numbers, shall be provided in accordance with the agreed scheme. The proposed names 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 place names for new residential areas.

11. 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.

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

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

13. Drainage arrangements including the attenuation and disposal of surface water, 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.

14. Site development and building works shall be carried out only between the hours of 0700 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

15. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP

shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records including for waste and all resources pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of public safety and residential amenity.

16. 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 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.

17. a) Prior to the commencement of 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 housing unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential 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 housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units 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 residential units, in which case the planning authority shall confirm in writing

to the developer 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.

18. In accordance with Policy CPO 16.21 of the Westmeath County Development Plan 2021 – 2027 the developer shall pay a financial contribution to the Planning Authority towards public open space or recreational facilities in the wider area may in lieu of public open space. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. Details of the application of the terms of the contribution 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: To ensure an appropriate level of public open space.

19. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Elaine Power

Senior Planning Inspector

7th May 2026

Appendix 1: EIA Pre-Screening

Case Reference	ACP-500372-WH-25
Proposed Development Summary	Alterations to an existing dwelling and the construction of 7 no. residential units.
Development Address	St. Mary's Square and Link Road, Athlone, Co. Westmeath.
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	10 (b)(i): Construction of more than 500 dwelling units 10 (b)(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. 15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Appendix 2: EIA Preliminary Examination

Case Reference	ACP-500372-WH-25
Proposed Development Summary	Alterations to an existing dwelling and the construction of 7 no. residential units.
Development Address	St. Mary's Square and Link Road, Athlone, Co. Westmeath.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The proposed development comprises minor alterations to an existing house, including the demolition of an existing garage and part of a kitchen to provide a pedestrian access to the site from St. Mary's Square and the construction of 7 no. residential units. The nature and scale of the development is similar to the character of the surrounding area and the established pattern of development.</p> <p>Having regard to the relatively limited nature and scale of the proposed development I am satisfied that it would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents.</p> <p>The site is not at risk of flooding.</p> <p>There are no Seveso / COMAH sites in the vicinity of this location.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The proposed development is an underutilised site in Athlone Town Centre. This site is not located on, in or adjacent to any ecologically sensitive site and does not have the potential to impact any such sites.</p> <p>The site is located to the rear of a protected structure (RPS 158) which fronts onto St. Mary's Square and is described as a three-bay two-storey house and is currently in use as a gift shop. The site is also located within the boundary of the Athlone Architectural Conservation Area.</p> <p>Having regard to the location of the site and the nature and scale of the development I am satisfied that there is no potential to significantly affect environmental sensitives in the area, including protected structures.</p>

<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the characteristics and urban location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment.</p>
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Conclusion

Likelihood of Significant Effects	Conclusion in respect of EIA
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>
<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p>	
<p>There is a real likelihood of significant effects on the environment.</p>	<p>EIAR required.</p>

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3: WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Bord Pleanála ref. no.	PL-500372	Townland, address	St. Mary's Square and Link Road, Athlone, Co. Westmeath.
Description of project		The proposed development comprises minor alterations to an existing house, including the demolition of an existing garage and part of a kitchen to provide a pedestrian access to the site from St. Mary's Square and the construction of 7 no. residential units.	
Brief site description, relevant to WFD Screening,		Site is a vacant backland site in the urban area with a stated area of 0.07ha. It is currently vacant and overgrown. There are no water features within or adjoining the site.	
Proposed surface water details		Surface water would be discharged to the public network, at St. Marys Square to the north of the site. The proposed scheme would incorporate SUDS measures, which allow for infiltration to ground via permeable paving.	
Proposed water supply source & available capacity		It is proposed to connect to the public network. The applicants correspondence from Uisce Eireann, which was submitted with the application, states that a connection is feasible without any upgrades.	
Proposed wastewater treatment system & available capacity, other issues		<p>It is proposed to connect to the public network. The applicants correspondence from Uisce Eireann, which was submitted with the application, states that a connection is feasible without any upgrades.</p> <p>The Uisce Eireann Wastewater treatment capacity register indicates that there is capacity at Athlone WWTP (green status).</p>	

Others?	N/A
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Step 2: Identification of relevant water bodies and Step 3: S-P-R connection							
Identified water body	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body.	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)	Mitigation Measures Proposed	Is mitigation sufficient, will there be any residual impacts?
River Waterbody	The Shannon (Upper) _120	Poor Status	At Risk	Hydro-morphological, Peat	Surface Water run-off. The foul network is treated at Athlone WWTP which ultimately discharges to The River Shannon, downstream of the appeal site.	<u>Surface Water</u> Standard construction practices. SuDS measures include them incorporation of grit and petrol/oil interceptors. <u>Wastewater</u> No mitigation measures proposed	No residual risk. I am satisfied that the preventative measures will reduce any possible effects to a non-significant level. <u>Wastewater</u> No residual risk.
Groundwater Waterbody	Inny IE_SH_G_110	Poor Status	At Risk	Under review	Infiltration to groundwater.	Standard construction practices. SuDS measures include them incorporation of grit	No residual risk. I am satisfied that the preventative measures will reduce any possible

						and petrol/oil interceptors.	effects to a non-significant level.
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