

An  
Bord  
Pleanála

**Board Direction**  
**BD-019204-25**  
**ABP-320139-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14/03/2025.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the provisions of the Westmeath County Development Plan 2021-2027, the nature and scale of the development to be retained and the proposed development, it is considered that, subject to compliance with the conditions set out below, the development to be retained and the proposed development would be appropriate in terms of the proposed use, scale and layout, would not adversely impact on the residential amenity of neighbouring properties by reasons of overlooking, overshadowing, overbearing, nor impact on the character or visual amenity of the area and would be acceptable in terms public health. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 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 20<sup>th</sup> day of May 2024, 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 use of the proposed structure shall be as two no. community dwellings for persons with an intellectual or physical disability or mental illness only. No change of use shall take place without the prior permission of the Planning Authority, whether or not such change of use would otherwise constitute exempted development as defined in the Planning and Development Act 2000, as amended and Planning and Development Regulations 2001, as amended.

**Reason:** In the interests of the proper planning and development of the area.

3. Prior to the occupation of the development, the developer shall enter into a legal agreement with the Planning Authority specifying that the entire development, on the site that this permission refers to, shall be held in single ownership and shall not be subdivided, sold or let. This agreement shall be registered as a burden against this site in the Land Registry within three (3) months of commencement of development.

**Reason:** To protect the residential amenity of the area and to ensure that the water supply and wastewater disposal can be adequately maintained in the interest of public health.



4. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The brick colour/finish to be used shall be the same as that used on the adjoining existing development.

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

5. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** In the interests of sustainable drainage.

6. That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.

**Reason:** To protect the amenities of the area.

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

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

8. (a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on 20<sup>th</sup> May 2024 and shall be in accordance with the standards set out in the document entitled "Wastewater Treatment Manuals, Treatment Systems for Small Communities, Business Leisure Centres and Hotels (PE 10 – 500)" Environmental Protection Agency, 1999.

(b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled "Wastewater Treatment Manuals, Treatment Systems for Small Communities, Business Leisure Centres and Hotels (PE 10 – 500)" Environmental Protection Agency, 1999.

(c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.


**Reason:** In the interest of public health and to prevent water pollution.



9. 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.

**Board Member**

  
Declan Moore

**Date:** 18/03/2025