

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Westmeath County

Planning Register Reference Number: 14/6134

An Bord Pleanála Reference Number: PL 25M.245270

APPEAL by Ardmore Hills Residents Association care of Sean Lucy and Associates Limited of 23E Lough Sheever Corporate Park, Mullingar, County Westmeath against the decision made on the 9th day of July, 2015 by Westmeath County Council to grant subject to conditions a permission to Frank Bell and Son care of O'Halloran and Rooney Architects and Interior Designers of 3 The Beehives, Ballinderry, Mullingar, County Westmeath in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Revision of previously granted development (planning register reference number 10/5107) to consist of the removal of units numbers 12-54 inclusive and the provision of 70 number new units consisting of 12 number detached four bed units, with 32 number three bed semi-detached units and 26 number four bed semi-detached units. Permission also sought for revision of position of previously granted crèche and all associated site works at Ardmore Hills, Marlinstown, Mullingar, County Westmeath, as amended by the revised public notices received by the planning authority on the 1st day of December, 2014 and by An Bord Pleanála on the 5th day of November, 2015.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the policies and provisions contained in the Mullingar Local Area Plan 2014–2020 and the policies and provisions contained in the Ardmore/Marlinstown Local Area Plan 2009-2023 together with the residential zoning objective relating to the site and the extant permission for a housing development under planning register reference number 10/5107 granted by Westmeath County Council on the 6th day of May, 2011, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed 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 submitted to the planning authority on the 1st day of December 2014, the 9th day of March 2015, the 22nd day of April, 2015 and the 12th day of June, 2015 and the further information submitted to An Bord Pleanála on the 5th day of November, 2015, 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. No more than 43 number dwellings and the crèche facility shall be constructed prior to the completion of a footpath and cycleway along the Ardmore Road to the written satisfaction of the planning authority.

Reason: In the interest of road safety.

3. The development hereby permitted shall not be carried out until the open space (indicated in Area 2) and fronting houses 1-10 shall have been laid out and landscaped as public open space.

Reason: In the interest of residential amenity.

4. Prior to the commencement of development, a phasing programme shall be submitted to, and agreed in writing with, the planning authority. No elements of the development shall be constructed independently, except under the agreed phasing proposal. The development shall thereafter be completed in accordance with the agreed phasing details.

Reason: In the interest of orderly development.

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

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

6. No development shall be occupied until the roads and services to the dwelling including public lighting have been provided and are fully operational.

Reason: In the interest of residential amenity.

7. All first floor side elevation windows to the dwellings shall incorporate obscure glazing, except where these windows face onto a roadway or public open space. The south-west facing windows to units 29, 44 and 60 and the first floor north facing windows of units 30 and 45 shall be obscurely glazed. The obscure glazing shall not apply to any bedrooms at first floor level but only bathrooms and windows serving non habitable rooms. Details shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

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

Reason: In the interest of visual amenity.

9. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This scheme shall include the following:

- (a) a plan of not less than 1 in 500 showing-
- (i) existing trees, hedgerows and shrubs specifying which are proposed for retention as features of the site landscaping,
 - (ii) the measures put in place for the protection of these landscape features during the construction phase,
 - (iii) the species variety number and size and locations of all proposed trees and shrubs which shall comprise predominantly of native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder,
 - (iv) details of screen planning,
 - (v) details of roadside/street planting,
 - (vi) hard landscaping works, specifying surface materials, furniture, play equipment and finishing levels,
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (c) A timescale for the implementation including details of the phasing.

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.

10. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

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

Reason: In the interests of amenity and public safety.

12. All rear gardens shall be bounded by block walls, 1.8 metres in height, capped and rendered, on both sides, to the written satisfaction of the planning authority.

Reason: In the interest of residential and visual amenity.

13. 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 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 names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.

Reason: In the interests of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

14. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

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

Reason: In the interest of public health.

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

17. The crèche facilities shall operate in accordance with “Childcare Facilities: Guidelines for Planning Authorities” issued by the Department of the Environment and Local Government in June, 2001. The number of children to be accommodated within the crèche shall not exceed 20 at any time on any day.

Reason: To ensure that childcare facilities are provided in association with residential units in the interest of residential amenities.

18. No signage, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations, 2001 or any statutory provisions amending or replacing them, shall be displayed or erected on the crèche facility unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

19. The proposed childcare facility shall not operate outside the period of 0800 hours to 1900 hours Monday to Friday inclusive unless otherwise agreed in writing with the planning authority.

Reason: In the interests of visual amenity.

20. The external play area associated with the crèche shall be securely fenced with all door/gates adequately secured. Details of the outdoor play area and materials shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of public safety.

21. The permission shall expire seven years from the date of this Order.

Reason: Infrastructural works required under condition number 2 may not be completed within the lifetime of the five year permission.

22. The developer shall pay to the planning authority a financial contribution of €98,698 (ninety-eight thousand, six hundred and ninety-eight euro) 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. The application of any indexation required by this condition 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.

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.

23. The developer shall pay the sum of €153,821 (one hundred and fifty-three thousand, eight hundred and twenty-one euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, as amended, in respect of the provision of a footpath and cyclepath routes along the Ardmore Road. This contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

24. The developer shall pay to the planning authority a financial contribution of €97,920 (ninety-seven thousand, nine hundred and twenty euro) in respect of the Clonmore Road link and Robinstown link road, Mullingar in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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. The application of any indexation required by this condition 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.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.