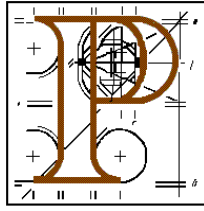


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Westmeath County

Planning Register Reference Number: 16/6071

An Bord Pleanála Reference Number: PL 25M.246683

APPEAL by Daracom Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin against the decision made on the 6th day of May, 2016 by Westmeath County Council to refuse permission.

PROPOSED DEVELOPMENT: An amendment to an existing planning permission planning register reference number 97/1169 and An Bord Pleanála appeal reference number PL25.108055 approved (32 number dwellings) on a 1.6425 hectare site located to rear of house numbers 26-29 'The Court' and to the rear of house numbers 07-10 'The Grove' and adjacent to house numbers 23-24 'Gleann Petit Drive', Lakepoint, Dublin Road, Mullingar, County Westmeath. The development will consist of 38 number new houses in four designs providing 12 number two storey three bed bedroom semi-detached houses, 22 number two storey four bedroom semi-detached houses, two number two storey four bedroom plus study semi-detached houses and two number two-storey four bedroom plus study detached houses, an extension of Gleann Petit Drive roadway to give access and amend existing road, turning bays and footpaths, a new pedestrian access to 'The Grove and The Court', all landscaping including garden and boundary walls, and for all services on and under land.

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 residential and open space zonings of the site in the Mullingar Local Area Plan 2014-2020, to the planning history of the site and to the existing and permitted pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Having regard to the nature and scale of the proposed development, to the existing and permitted pattern of development in the vicinity of the site, the quantum and configuration of existing and proposed open space provision the limited extent to which the proposed access road serving the development will traverse lands zoned Open Space in the Mullingar Local Area Plan 2014-2020 and to the compensatory Open Space provision required under condition number 3 (a) below, the Board considered that the proposed development would not materially contravene Objective O-LZ7 of the Mullingar Local Area Plan 2014-2020.

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 This permission authorises 37 residential units only.

Reason: In the interests of clarity.

3. Prior to commencement of any development on site the developer shall submit details of the following for the written agreement of the planning authority:-

- (a) the omission of House number 38 and the incorporation of the area of this site into the public open space area associated with the overall development,
- (b) the redesign of Houses numbers 36 and 37 having regard to the omission of House number 38. The redesign shall have regard to dual aspect and overlooking of open space, details of all amendments shall be agreed in writing with the planning authority,
- (c) the provision of rendered and capped boundary walls to the west of House number 1 and number 37 to a maximum height of 1.1 metres,
- (d) 1.8 metres high rendered and capped rear boundary walls to every house, and
- (e) dividing walls or post and panel type fences between rear gardens of the proposed dwellings.

Reason: In the interest of visual and residential amenity and to ensure adequate boundary treatments are provided.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only. The brick colour to be used shall be the same as that used in the existing development at Gleann Petit.

Reason: In the interest of visual amenity.

5. All bathroom/en-suite windows shall be fitted and permanently maintained with obscure glass.

Reason: In the interests of residential amenity.

6. No residential unit shall be occupied until all the services have been connected thereto and are operational.

Reason: In the interest of the proper planning and sustainable development of the area.

7. 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.

8.
 - (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
 - (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

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

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

10. The development hereby permitted shall be carried out and completed at least to the construction standards set out in "Recommendations for Site Development Works for Housing Areas" issued by the Department of the Environment and Local Government in November, 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

11. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes, 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. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

13. All public services to the proposed development, including electrical, telephone cables and associated equipment be located underground throughout the entire site.

Reason: In the interest of residential amenity.

14. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

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

15. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

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

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

17. 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.

18. 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.

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

Dated this day of 2016.