



An  
Bord  
Pleanála

**Board Order**

**PL 25M.249059**

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**Planning and Development Acts 2000 to 2017**

**Planning Authority: Westmeath County Council**

**Planning Register Reference Number: 17/6081**

**Appeal** by Douglas Gallagher care of Vitruvius Hibernicus of Convent Road, Longford against the decision made on the 1<sup>st</sup> day of August, 2017 by Westmeath County Council to grant subject to conditions a permission to Norcorr Limited care of ORS of Marlinstown, Mullingar, County Westmeath for development comprising construction of 20 number residential units. The development will include the construction of a 17-unit three storey apartment block consisting of seven number one bed, six number two bed and four number three bed units, together with three number two storey townhouses consisting of two number two beds and one number three bed units. The development will also involve construction of a new site entrance to the public road, shared access road, footpaths, public open space, private open spaces, car parking spaces, boundary wall, bin storage, landscaping, demolition of existing one and a half storey semi-detached dwelling house numbers 14 and 16, including a storage shed, partial removal of hedgerows and all associated site works and services at Springfield Cottages, Mullingar, County Westmeath in accordance with the plans and particulars lodged with the said Council.

## **Decision**

**GRANT permission for the apartment block and new entrance to the public road in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for the demolition of numbers 14 and 16 Springfield Cottages and the erection of three number replacement townhouses based on the reasons and considerations marked (2) under**

## **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 (1)**

The site of the proposed development is zoned “existing residential” in the Mullingar Local Area Plan 2014-2020 with the objective to provide for residential development, associated services and to protect and improve residential amenity. Having regard to the pattern and character of residential development in the area and subject to compliance with the conditions set out below (including modifications set out in the order), it is considered that the proposed development would not seriously injure the residential amenity of property in the vicinity or endanger public safety by reason of traffic hazard and would otherwise accord with the provisions of the Local Area Plan. 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 lodged with the planning authority on the 5th day of July, 2017, 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) Units 1, 2, 8 and 9 shall be omitted and the area released shall be incorporated into communal open space for the overall development.

Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of residential amenity and to protect adjoining properties from overlooking and overshadowing.

3. 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.

4. Details of the materials, colours and textures of all the external finishes within the proposed apartment block shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

5. The windows on the north-western elevations of the proposed apartment block shall be fitted with obscure glazing.

**Reason:** In the interests of residential amenity of adjoining property.

6. 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. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

7. Public lighting shall be provided in accordance with a scheme, 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 apartment.

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

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

works, and shall comply with the provisions of the Design Manual for Urban Roads and Streets.

- (b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (c) Footpaths shall be a minimum of two metres in width throughout the proposed development.

**Reason:** In the interests of amenity and of traffic and pedestrian safety.

- 9. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

- 10 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.

11. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of roads, sewers, watermains, drains, car parks, open spaces 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 security to be lodged for the 13 units granted shall be as follows -
- (a) an approved insurance company bond in the sum of €78,000 (seventy eight thousand euro) (calculated at €6,000 per residential unit), or
  - (b) a cash sum of €78,000 (seventy eight thousand euro) (calculated at €6,000 per residential unit) to be applied by the planning authority at its absolute discretion if such services are not provided to its satisfaction, or
  - (c) such other security as may be accepted in writing by the planning authority.

**Reason:** To ensure the satisfactory completion of the development.

12. The developer shall pay to the planning authority a financial contribution in respect of Clonmore Link Road and Robinstown Link Road 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 the 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

13. 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 the 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.

