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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Westmeath County Council**

**Planning Register Reference Number: 19/6144**

**Appeal** by Desmond J. Walsh of 14 Oliver Plunkett Street, Mullingar, County Westmeath against the decision made on the 16<sup>th</sup> day of October, 2019 by Westmeath County Council to grant subject to conditions a permission to Stephen Lynn Property Limited care of MORE Architecture Limited of Unit 12, Castle House, Castle Street, Mullingar, County Westmeath in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Change of use and refurbishment of the existing vacant 430 square metres residence and commercial unit and existing vacant 68 square metres coach house to proposed new living accommodation consisting of two number one bed and six number studio units and 181 square metres office space. The proposed change of use and refurbishment works include partial demolition of existing rear extensions, demolition of two number existing chimneys, works to west elevation to remove extension rear access door, balcony and façade recess, minor alterations to existing fenestration, replacement of non-historic fenestration to match existing historic fenestration, proposed new fenestration and internal layout of the existing structures. The development will also involve the replacement of the existing entrance gate off Downe's Lane, footpaths, public open space, private open space, bin and cycle storage, landscaping and all associated site works and services at 8-10

Oliver Plunkett Street, Mullingar, County Westmeath. The property is a Protected Structure recorded in the Westmeath County Development Plan 2014-2020, RPS reference number 019-188.

## **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 relevant provisions of the Westmeath County Development Plan 2014-2020 and the Mullingar Local Area Plan 2014-2020, the pattern of development in the area, and to the residential and office uses proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of properties in the vicinity, would not detract from the character of the Protected Structure, would be acceptable in terms of pedestrian and traffic safety, would comprise a sustainable use of the existing buildings on site and would constitute an appropriate form of development at this town centre location. 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 on the 8<sup>th</sup> day of August 2019, the 23<sup>rd</sup> day of September 2019, and by the further plans and particulars received by An Bord Pleanála on the 13<sup>th</sup> day of May 2020, except as may 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:

The two proposed dwelling units within the coach house building (unit numbers 5 and 6), as shown on drawing number PP009 Revision A received by An Bord Pleanála on the 13<sup>th</sup> day of May, 2020, shall be amalgamated into one single dwelling unit.

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 interest of residential amenity.

3. All works to the Protected Structure and to the existing historic fabric of the coach house and boundary walls, shall be carried out under the supervision of a qualified architect with specialist expertise in historic building conservation as recommended in the Architectural Heritage Protection Guidelines for Planning Authorities published by the Department of the Arts, Heritage and the Gaeltacht in 2011. A conservation method statement for these works shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure that the proposed works are carried out in accordance with best conservation practice.

4. Prior to commencement of development, the developer shall prepare an up to date record of the Protected Structure, to include:
  - (a) a full set of survey drawings to a scale of not less than 1:50 to include elevations, plans and sections, and
  - (b) drawings to a scale of not less than 1:50, showing all proposed changes to the principal façade, including windows, and existing shopfront.

This record, along with the photograph record and Architectural Heritage Impact Assessment lodged with the planning application, shall be submitted to the planning authority prior to commencement of development and one copy of this record shall be submitted to the Irish Architectural Archive.

**Reason:** In order to establish a record of the Protected Structure, and in the interest of clarity.

5. The window openings on the eastern elevation of Unit number 1 shall be maintained permanently in obscure glazing.

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

6. 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.

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

7. 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. Prior to commencement of development, the developer shall enter into water and/or wastewater connections agreement(s) with Irish Water.

**Reason:** In the interest of public health.

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

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

10. No signage, advertising or advertising structures, security shutter, or projecting elements, including flagpoles, shall be erected on the front elevation of the main building, unless authorised by a further grant of planning permission.

**Reason:** In the interests of architectural heritage and visual amenity.

11. The area of public open space shown on the lodged plans shall be reserved for such use and shall be landscaped in accordance with the detailed requirements of the planning authority. Detailed plans showing the landscape proposals for this area of open space shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed landscaping works shall be completed before the making available by the developer for occupation of any of the dwelling units and shall be maintained as open space for the use of residents.

**Reason:** In the interest of orderly development and to ensure the permanent provision of open space within the proposed development.

12. A plan containing details for the management of waste for the proposed development, including the provision of adequate facilities for the storage, and separation of the waste, including recyclable materials, and for the proper management and collection of the waste, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The ongoing management of waste shall be carried out in accordance with the agreed plan.

**Reason:** In the interests of orderly development and waste management.

13. Site development works shall be carried out only between the hours of 0700 to 1800 hours Mondays to Fridays inclusive, between the hours of 0800 to 1400 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.

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 traffic management procedures for ensuring access from/egress to adjoining public streets by construction traffic, noise, dust and vibration management measures, measure for the off-site disposal of construction waste, location of materials compounds, provision of onsite services for construction workers, as appropriate.

**Reason:** In the interests of public safety and orderly development.



15. 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 of open spaces 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.

16. 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.

17. The developer shall pay to the planning authority a financial contribution in respect of the 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 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.

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**Chris McGarry**

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

**Dated this            day of            2020.**