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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Westmeath County Council**

**Planning Register Reference Number: 19/6206**

**Appeal** by Coola Lawns Residents Association care of Michael Halligan Planning Consultants of Seapoint House, Balbriggan, County Dublin against the decision made on the 12<sup>th</sup> day of November, 2019 by Westmeath County Council to grant subject to conditions a permission to Brennan and McCann Developments (Coola Limited) care of Genesis Planning of 27 Patrick Street, Newry, County Down in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Site works to facilitate the proposed development to include excavation and general site preparation works, removal of existing foundation on-site, use of existing entrance serving Coola Lawns along with associated access roads and footpaths to facilitate vehicular and pedestrian access, provision of a residential development comprising 36 number units in total as follows: House type A - 10 number one-bed/two-person apartment units, House type B - 10 number two-bed/four-person duplex units, House type C – four number three-bed/five-person semi-detached dwellings, House type D – four number two-bed/four-person semi-detached dwellings, House type E – four number two-bed/four-person terrace dwellings, House type F –

two number three-bed/five-person terrace dwellings, House type G – two number three-bed/five-person terrace dwellings (dual-frontage), provision of associated garden areas and in-curtilage works for each dwelling to include boundary fencing and boundary walls as required, provision of residential communal open space areas to include all hard and soft landscaping works within the site which includes public lighting, public seating, planting works, a children's play area, bicycle storage and boundary treatment, associated site works to facilitate site drainage with provision of an attenuation system, connection to the foul sewer network with upgrade works to the existing foul pumping station, water connections and ESB connections, all on lands adjoining Coola Lawns, Mullingar Road, Kilbeggan, County Westmeath, as revised by the further public notice received by the planning authority on the 19th day of October, 2019.

## **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 zoning objective for the site, as set out in the current Development Plan for the area and to the nature, density, design and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity or the visual amenities of the area, would be acceptable in terms of pedestrian and traffic safety and in terms of public health and flood risk. It is considered that the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that proposed design and layout was appropriate and represented a satisfactory qualitative approach to the site and its setting for future occupants.

It considered the design approach, in terms of built form and hierarchy of internal spaces and relationship to the Mullingar Road and the adjoining watercourse, would be acceptable in providing a satisfactory built response to the edge of Kilbeggan's settlement boundaries. It also considered that the proposed amenity space for existing and proposed occupants of Coola Lawns would be acceptable.

It was also of the view that the proposed development would not give rise to pluvial flooding and the Board was satisfied with the level of detail provided by the applicant in this regard.

It considered that the proposed development would be of sufficient design and layout quality to be consistent with both national guidelines and with the objectives, as set out in the Westmeath County Development Plan 2014 to 2020.

## 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 19<sup>th</sup> day of day of October, 2019, 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) The proposed bin store located adjacent to Units 01 and 02 shall be moved to a location removed from existing dwellings in Coola Lawns.

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. The rooflight in the south-west roof plane of the duplex blocks shall be glazed with obscure glass up to 1.8 metres above internal floor level.

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

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.

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

5. 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 commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than [1:500] showing –
  - (i) The species, variety, number, size and locations of all proposed trees and shrubs
  - (ii) Details of screen planting
  - (iii) Details of roadside/street planting
  - (iv) Hard landscaping works, specifying surfacing materials, furniture and finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment
- (c) A timescale for implementation

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.

6. No elements of this permission shall be constructed independently, except under an agreed phasing plan which shall be submitted to, and agreed in writing with, the planning authority. All infrastructural works required on foot of each phase shall be completed before works on any subsequent phase commences. No residential unit shall be occupied until all roads and services are provided.

**Reason:** To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

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

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

8. (a) 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.

- (b) Surface water run-off shall be so attenuated within the site that the discharge from the site shall not exceed a rate equivalent to 51/s/ha.

**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 comply with the detailed standards of the planning authority for such road works.

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

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. 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 public open spaces, roads 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.

12. 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 house.

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

13. 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.



14. All rear gardens of the semi-detached and terraced houses shall be bounded either by block walls 1.8 metres in height, capped and rendered on both sides, or concrete post and panel walls 1.8 metres in height, and shall be to the written satisfaction of the planning authority.

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

15. Proposals for a development name and 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 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 of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

16. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.

17. 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.

18. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

19. 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.

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

**Dated this            day of            2020.**