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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Westmeath County Council**

**Planning Register Reference Number: 18/6394**

**Appeal** by Katrina Duffy of 3 Beechview, Rathwire, Killucan, County Westmeath against the decision made on the 19<sup>th</sup> day of December, 2019 by Westmeath County Council to grant subject to conditions a permission to Liam Leech care 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:** Proposed change of use and refurbishment of the existing derelict 588 square metres national school building to proposed new apartment accommodation consisting of two number one bedroom and seven number two bedroom units. The proposed change of use and refurbishment works include minor alterations to existing fenestration and internal layout of the existing structure as well as removing the existing car park to extend the green space. Proposed works to the north boundary include partial demolition of existing boundary wall to provide a new pedestrian throughway with a new opening to the north-west corner connecting existing adjacent pedestrian footpaths and crossings. The existing derelict 52.6 square metres storage shed will be subdivided into four external storage spaces with the addition of

three number door openings. The proposed development to also include a two-storey apartment building to the east of the site consisting of four number one bedroom units on the ground floor and two number two bedroom units on the first floor and 12 number detached two-storey three bedroom dwellings to the south of the site with provisions for solar/PV panels and off-street parking. The development will also involve the construction of a new site entrance off the public road, shared access road, footpaths, public open space, private open space, apartment unit car parking spaces, boundary walls, bin and cycle storage, landscaping, partial demolition of east boundary wall and all associated site works and services. All at the former Saint Joseph's National School, Rathwire Lower, County Westmeath. Saint Joseph's National School building in Rathwire is a protected structure recorded in Westmeath County Development Plan 2014-2020, RPS Reference Number 020-023. Further public notices were submitted to the planning authority on the 18<sup>th</sup> day of September, 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 nature and extent of the development proposed, including the reuse of existing protected structures on the site, the central location of the site within the settlement, the surrounding pattern of development, the provisions of the current development plan for the area, and the decision of the County Council in terms of material contravention of the development plan, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of residential amenity, would not seriously injure the amenities of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would constitute an acceptable form of development on this urban site. 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 13<sup>th</sup> day of September, 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 development shall be carried out as a single phase and no part of the development shall be constructed independently unless a phasing scheme in this regard has been submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

**Reason:** In the interest of orderly development.

3. The proposed development shall be amended as follows:
  - (a) House Type C shall be omitted and this site shall be incorporated into the proposed adjoining public open space to the north.
  - (b) A minimum two-metre wide footpath shall be provided along the northern roadside frontage of the site. Parallel parking shall not be provided within 15 metres of the junction with Beechview access road.
  - (c) The main access road within the development shall be reduced in width to 5.5 metres.
  - (d) The proposed boundary details for units GF-S1 and the northern Courtyard house, with the adjoining playground shall be revised to protect the privacy and amenities of those properties.

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

**Reason:** In the interests of visual and residential amenity and in the interest of traffic safety.

4. All works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised building conservation expertise. Prior to commencement of development, final details of proposed fenestration shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

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 trees and shrubs.
- (ii) Details of screen planting.

- (iii) Details of roadside/street planting.
  
  - (iv) Hard landscaping works, specifying surfacing materials, furniture/play equipment 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 interests of residential and visual amenity.

6. Prior to commencement of development:

- (a) The developer shall enter into water and wastewater connection agreements with Irish Water.
  
- (b) Proposals for the collection, attenuation and disposal of surface water, incorporating the principles of Sustainable Drainage Systems (SUDS), shall be submitted to, and agreed in writing with, the planning authority. The design of such proposals shall take account of the potential effects of climate change.

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

7. Prior to commencement of development, surveys shall be undertaken by suitably qualified professionals in respect of the potential usage of existing buildings on the site by bats and/or birds as roost or nesting sites. On completion of such surveys, a report shall be submitted to the planning authority for their written agreement which shall identify detailed measures in relation to the protection of any protected species identified. Such mitigation measures shall be implemented in full as part of the development under the supervision of a suitably qualified professional. Any envisaged destruction of structures that support protected species shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

**Reason:** To ensure the protection of the natural heritage on the site.

8. 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.

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 and shall comply with all relevant aspects of the Design Manual for Urban Roads and Streets.

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

10. 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.

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

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



12. 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 dwelling unit.

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

13. Proposals for a development name, unit 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, houses and apartment unit 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.

14. A minimum of 10% of all communal car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, to facilitate the installation of electric vehicle charging points/stations at a later date. Such proposals shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, and the agreed provisions shall be carried out and completed prior to the making available by the developer for occupation of any of the residential units in the proposed development or, if the overall development is phased, before the making available by the developer for occupation of any of the residential units.

**Reason:** To provide for sustainable transportation.

15. 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 construction traffic management measures and noise management measures.

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

16. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

17. (a) The communal open spaces, including hard and soft landscaping, any car parking areas, access ways, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.
- (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

18. 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 96(4) and 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 97(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 for the area.

19. 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.

20. 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.

**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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**Chris McGarry**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2020.**