



Planning and Development Acts 2000 to 2020

Planning Authority: Westmeath County Council

Planning Register Reference Number: 20-7005

Appeal by Transport Infrastructure Ireland of Parkgate Business Centre, Parkgate Street, Dublin and by Aidan Flanagan of Goldsmith Country House, Lackan, Glassan, Athlone, County Westmeath against the decision made on the 19th day of June, 2020 by Westmeath County Council to grant subject to conditions a permission to Shirley Delahunt and John Flanagan care of MMA Architects of First Floor, Centre Court, Blyry Business and Industrial Park, Athlone, County Westmeath in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a new dwelling and detached garage, septic tank and percolation area, permission to close existing gate entrance (Protected Structure 022-033) as contained in the Westmeath County Development Plan and permission to open a new road entrance, and all associated site ancillary works at Lackan, Glasson, Athlone, County Westmeath.

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, to the nature and extent of the proposed development, to the existing agricultural and associated traffic movements at the subject site and adjoining associated farm lands, to the proposed closure of existing access points onto the national road serving the existing uses at the subject lands and the consolidation of access into one improved location, it is considered that, subject to compliance with the conditions set out below, the proposed development would not constitute a traffic hazard, would not seriously injure the landscape character or visual amenity of the area and would comprise an acceptable use at this specific location. 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 the totality of the documentation submitted with the application and the appeal. The Board noted that while the proposed development would result in the provision of a new access to the national road (N55), it would also result in the closure of two existing access points. The new consolidated access point is considered to be an improvement in terms of traffic safety compared to the existing scenario. The proposed development is also for a house for the applicant and his family on land where he currently farms and already undertakes traffic movements to and from this location. In addition, the Board concluded that no adverse impact on the landscape character of the site by reference to a designed garden or more broadly in terms of landscape amenity of the area, would arise.

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 20th day of April, 2020 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. Prior to commencement of development, revised plans shall be submitted to, and agreed in writing with, the planning authority, providing for the setting back of the stone wall adjoining the existing gate entrance (Protected Structure 022-033). Details to be submitted and agreed in writing shall include the method of alteration and reconstruction of the stone wall. The development shall be carried out and completed in accordance with the agreed details.

Reason: In the interest of visual amenity.

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

Reason: In the interest of visual amenity.

4. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following: -

- (a) details of all proposed hard surface finishes, within the development;
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (c) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

5. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of traffic safety.

6. 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.

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

Reason: In the interest of visual amenity.

8. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

9. 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.

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

Dated this day of 2021