



An
Bord
Pleanála

Board Order
ABP-311890-21

Planning and Development Acts 2000 to 2021

Planning Authority: Westmeath County Council

Planning Register Reference Number: 20/6295

Appeal by Lambe Brothers care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Atharvan, Newbridge, County Kildare against the decision made on the 12th day of October, 2021 by Westmeath County Council in relation to an application for permission for retention of existing parking area for cars and heavy goods vehicles adjacent to the M6 Service Station, including all associated ancillary site services, and retention of launderette unit (9.5 square metres), at M6 Service Station, Tullamore Road, Kilbeggan, County Westmeath in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for retention of launderette unit (9.5 square metres) and to refuse permission for retention of existing parking area for cars and heavy goods vehicles adjacent to the M6 Service Station, including all associated ancillary site services).

Decision

GRANT permission for retention of launderette unit (9.5 square metres) 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 retention of existing parking area for cars and heavy goods vehicles adjacent to the M6 Service Station, including all associated ancillary site services, based on the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the site location on lands zoned as 'Commercial', the policies of the planning authority as set out in the Westmeath County Development Plan, 2021-2027 for the area generally, the planning history and use of the site, the pattern of development in the area, and the nature and scale of the development to be retained, including its relationship with the adjacent service station, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate form of development at this location, would not have an adverse impact on the vitality and viability of the town centre, would not seriously injure the amenities or the character of the area and would be acceptable in terms of traffic safety and convenience. This element of the development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 13th day of September, 2021, 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 within three months of the date of this Order and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the 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.

3. 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 within three months of the date of this Order 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.

Reasons and Considerations (2)

1. Having regard to the nature, scale, use and siting of the parking area proposed for retention, the absence of a satisfactory justification for the provision of such services at this location, and the proximity of nearby housing, it is considered that the proposed retention of the parking area on the site would seriously injure the residential amenities and depreciate the value of neighbouring properties by reason of noise, traffic (including Heavy Goods Vehicles), lighting and general disturbance. The Board considered that this element of the proposed development would be contrary to objective CPO 16.38 of the Westmeath County Development Plan, 2021-2027 which provides that services ancillary to service stations should be sited so as not to negatively impact on neighbouring residential amenities. This objective also provides that service stations and associated truck parking facilities in locations at or near national roads will be assessed having regard to the Spatial Planning and National Roads Guidelines for Planning Authorities (2012). These guidelines state, inter alia, that a proliferation of private off-line service area facilities at national road junctions should be avoided. This element of the development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the nature, scale and siting of the proposed parking area which will accommodate both cars and Heavy Goods Vehicles, it is considered that the proposed development would result in a haphazard and non-integrated form of development which would impair and pre-empt the comprehensive development of this overall site and adjoining lands should such development be later considered to be desirable or permissible. To permit the development would be contrary to Policy-Objective CPO 5.22 of the Westmeath County Development Plan 2021-2027 which seeks to 'Support the proportionate economic growth of and appropriately designed development in self-sustaining towns that will contribute to their regeneration and renewal' along with Policy Objective CPO 15.8 which seeks to 'provide for appropriately scaled commercial development that compliments the town centre'. This element of the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Stephen Brophy

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

Dated this 11th day of May 2023.