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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Westmeath County Council**

**Planning Register Reference Number: 21/646**

**Appeal** by Bernadette Donnelly care of Andrew Hersey Planning of 3 Atlantic View, West End, Kilkee, County Clare against the decision made on the 6<sup>th</sup> day of September, 2022 by Westmeath County Council to grant subject to conditions a permission to John Kilian care of Killian Consulting Engineers of Northgate Street, Athlone, County Westmeath in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** (A) Demolition of two number single storey dwelling houses and one number domestic garage. (B) Construction of a four-storey block of 20 number apartments to accommodate four number one bedroom and 16 number two bedroom units along with the construction of a semi basement car park with provision of 19 number car parking spaces, amenity space, communal open space, bicycle parking, bin storage and all ancillary site works. (C) Construction of a stand-alone three storey block of six number one bedroom apartments and all ancillary site works at Brideswell Street, Dublin Road, Athlone, County Westmeath. Further public notices were received by the planning authority on the 11<sup>th</sup> day of August 2022, reducing the number of dwelling units to 25 number

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## **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.**

## **Reasons and Considerations**

Having regard to the provisions of the Westmeath County Council Development Plan 2021-2027, the National Planning Framework, the Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, the Urban Development and Building Heights - Guidelines for Planning Authorities, the Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities and the overall scale, design and height of the proposed development, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the visual and residential amenities of the area, and would be acceptable in terms of residential accommodation. 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 information received on the 3<sup>rd</sup> day of August 2022, 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 permitted development is for 25 dwellings only as per the revised design submitted by way of further information submitted on the 3<sup>rd</sup> day of August, 2022.

**Reason:** In the interest of clarity.

3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In this regard, appropriately coloured/obscured glazing shall be provided to balconies in order to deliver a satisfactory level of privacy to residents.

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

4. 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.

5. Prior to commencement of development, the developer shall enter into a water and/or wastewater connection agreement(s) with Uisce Éireann.  
**Reason:** In the interest of public health.
  
6. Proposals for an apartment 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 apartment numbers, shall be provided in accordance with the agreed scheme. 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.
  
7. 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 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.
  
8. The internal road 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.



9. The communal parking area serving the residential units shall be provided with functional electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation.

10. The developer shall ensure that the car parking spaces for the residential units must be sold with the units and not sold separately, or let, to avoid non-take up by residents. The developer shall give an undertaking in this regard, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of public safety and the proper planning and sustainable development of the area.

11. Prior to the occupation of the development, a Mobility Management Strategy (travel plan) shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carsharing by residents and staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.



12. The landscaping scheme shall be completed within the first planting season following substantial completion of external construction works.

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

13. All necessary measures shall be taken by the developer to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

**Reason:** To protect the amenities of the area.

14. 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.

15. 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 apartment.

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

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16. 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.

17. Works to the boundaries of the site shall be completed in accordance with drawings Boundary Treatment Drawings 1 and Boundary Treatment Drawings 2 drawing numbers 21009-P10 and 21009-P11 received by the planning authority on the 3<sup>rd</sup> day of August 2022, except for the following changes:
- (a) The southern, western and eastern boundaries of the communal open space area in front of the building shall comprise of 500 millimetres high railings mounted on a one metre high brick wall with entrance gates and brick piers to an appropriate height.
  - (b) A 1.8 metre high block wall with a nap plaster finish shall be provided along the western site boundary.



- (c) A two metre high block wall with nap plaster finish shall be provided along the common boundary with the dwelling to the northeast of the subject site.

Any changes to these approved boundary treatments of the site shall require the written agreement of the planning authority.

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

18. 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:
- (a) location of the site and materials compound(s), including areas identified for the storage of construction refuse,
  - (b) location of areas for construction site offices and staff facilities,
  - (c) details of site security fencing and hoardings,
  - (d) details of on-site car parking facilities for site workers during the course of construction,
  - (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
  - (f) measures to obviate queuing of construction traffic on the adjoining road network,



- (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works,
- (i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (j) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,
- (k) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil, and
- (l) means to ensure that surface water runoff is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety.



19. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness, these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

20. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.



21. Site development and building works shall be carried out only between the hours of 0800 to 1900 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.

22. 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.



23. 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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**Stewart Logan**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this 16 day of January 2024.