



An
Bord
Pleanála

Board Order
ABP-317771-23

Planning and Development Acts 2000 to 2022

Planning Authority: Westmeath County Council

Planning Register Reference Number: 23/73

Appeal by Rosselwave Limited care of O'Halloran and Rooney Architects Limited of 3 The Beehives, Ballinderry, Mullingar, County Westmeath against the decision made on the 18th day of July, 2023 by Westmeath County Council to refuse permission for the proposed development.

Proposed Development: Construction of a new single storey apartment unit to be provided within existing permitted planning reference number 20/6156 apartment development and inclusive of all associated site works at 48A Austin Friars Street, Mullingar, 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.

Reasons and Considerations

The Board noted the specific nature of the proposed single storey unit, being part of and benefiting from the wider scheme of apartments and being compliant with the 'Sustainable Urban Housing Design Standards for New Apartments' issued by the Department of Housing, Local Government and Heritage in December, 2022 and considered that this proposed development would provide a reasonable standard of residential amenity for future residents, would comply with the zoning provisions of the Mullingar Local Area Plan 2014-2020, as extended, would not seriously injure the amenities of adjoining properties and, therefore, would 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, on balance, the private open space was not substandard, the proposed single storey structure would not negatively impact on opposing residential development, the internal floor area layout and dimensions were acceptable and the proposed development would not set an undesirable precedent for future development in the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 apartment shall not overhang on adjoining property.

Reason: In the interest of orderly development.

3. (a) Details of the materials, colours and textures of all the external finishes to the proposed apartment shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Proposals for an apartment numbering scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and in the interest of urban legibility.

4. The developer shall enter into a Connection Agreement(s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

5. Prior to commencement of development, 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.

6. All service cables associated with the proposed apartment (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interests of visual and residential amenity.

7. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and amenity.

8. 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.



Joe Boland

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

Dated this 8TH day of October 2024.