

An  
Coimisiún  
Pleanála

**Commission Order  
PL-500372-WH-25**

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**Planning and Development Act 2000, as amended**

**Planning Authority: Westmeath County Council**

**Planning Register Reference Number: 2560464**

**Appeal** by Tom Fitzgerald against the decision made on the 14<sup>th</sup> day of November, 2025 by Westmeath County Council to refuse a permission for the proposed development.

**Proposed Development:** Development comprising the alteration of existing house on St. Mary's Square including the removal of its existing link garage and the part of the kitchen behind same and associated changes to elevations, to form an archway and pedestrian laneway to serve a comprehensively revised proposed development of two number duplex two bedroom units with two number studio apartments below same plus three number studio apartments in separate block, all in the area to the south of the existing adjoining buildings on St. Mary's Square. The proposed development combines one-storey, two-storey and three-storey parts organised around a large, landscaped courtyard linked directly to St. Mary's Square via the proposed archway and laneway and via access for emergency vehicles and

waste trucks etc to the link road at east end of site. The development includes boundary modifications, demolition of small rear shed, drainage and underground services connections to St. Mary's Square services, associated new small sheds/bike stores, plus associated landscaping and siteworks, all at St Mary Square and Link Road, 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.**

## **Reasons and Considerations**

Having regard to the town centre location of the site, to the existing pattern of development in the area and to the nature and scale of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity, would be acceptable in terms of built heritage and traffic safety and convenience. It is considered that the proposed development represents an appropriate response of design merit that delivers upon urban consolidation, densification and rejuvenation, in line with national, regional and local planning policies, including policy objectives CPO 2.17, CPO 3.7 and CPO 16.24 of the Westmeath County Development Plan 2021-2027. 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, 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 development shall be amended as follows: -
  - (a) the windows on the northern elevation of Unit 3 at first and second floor level shall be permanently fitted with obscure glazing.
  - (b) the western boundary treatment of the garden at the roof of Unit 5, shall be a minimum 1.8 metres high wall.

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 residential and visual amenity

3. The proposed vehicular entrance from the Link Road to the east of the site shall be for emergency vehicle access only.

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

4. A schedule of all materials to be used in the external treatment of the development to include a variety of high-quality finishes, such as brick and stone, roofing materials, windows and doors 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 to ensure an appropriate high standard of development.

5. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority details of the number and location of bicycle parking spaces to be provided within the scheme. The details shall include for additional bicycle parking (above those indicated in the plans and particulars submitted with the application) in the courtyard area and within the ground floor terraces of proposed units 1, 2, 5 and 6.

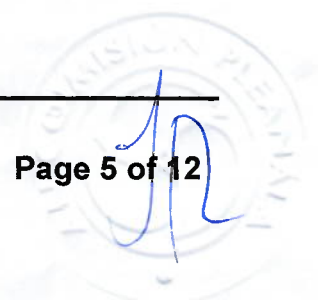
**Reason:** In the interest of residential amenity and to promote sustainable travel.

6. Prior to commencement of development, a comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority. 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 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 interest of residential and visual amenity.

7. 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 for each residential unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.



8. A conservation expert shall be employed to manage, monitor and implement the demolition works on the site and to ensure adequate protection of the adjacent protected structure.

**Reason:** To ensure that the integrity of this protected structure is maintained.

9. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
  - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation including hydrological and geotechnical investigations relating to the proposed development,
  - (b) All ground reduction should be subject to a programme of archaeological monitoring, under licence, by a suitably qualified archaeologist.
  - (c) where archaeological material is shown to be present, avoidance, preservation in situ, or preservation by record (excavation) may be required. Works may be halted pending receipt of advice from the National Monuments Service, Department of Housing, Local Government and Heritage who will advise the applicant / developer with regard to these matters.

- (d) on completion of monitoring of ground reduction and any archaeological excavations arising, the archaeologist shall submit a written report to the planning authority and to the Department of Housing, Local Government and Heritage for consideration.

In default of agreement on any of these requirements, the matter shall be referred to An Coimisiún Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

10. Proposals for a naming/numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and unit numbers, shall be provided in accordance with the agreed scheme. The proposed names 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(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

11. 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.

12. Prior to the commencement of development, the developer shall enter into a Connection Agreements with Uisce Éireann 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.

13. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the relevant section of the Council for such works and services. Prior to the commencement of development, the developer shall submit to the planning authority for written agreement, a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

**Reason:** In the interests of public health and surface water management.

14. Site development and building works shall be carried out only between the hours of 0700 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

15. 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 Environmental Protection Agency'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.

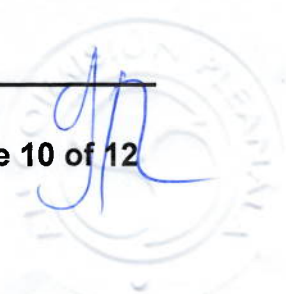
**Reason:** In the interests of public safety and residential amenity.

16. 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 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.

17. In accordance with Policy CPO 16.21 of the Westmeath County Development Plan 2021–2027 the developer shall pay a financial contribution to the planning authority towards public open space or recreational facilities in the wider area may in lieu of public open space. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. Details of the application of the terms of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** To ensure provision of an appropriate level of public open space.



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 on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún 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 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 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 Coimisiún Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

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 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 Coimisiún 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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**Tom Rabbette**

**Planning Commissioner of An Coimisiún Pleanála duly authorised to authenticate the seal of the Commission.**

Dated this 20<sup>th</sup> day of MAY 2026

