

An
Coimisiún
Pleanála

**Commission Order
PL-500715-WH-26**

Planning and Development Act 2000, as amended

Planning Authority: Westmeath County Council

Planning Register Reference Number: 25/60071

Appeal by Anthony Kelly against the decision made on the 7th day of January, 2026 by Westmeath County Council to grant, subject to conditions, a permission to Melvin Properties Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development consists of 21 two-storey dwellings contained in six terraced blocks. Block A consisting of one number four bedroom and two number three bedroom houses, Block B consisting of three number three bedroom houses, Block C consisting of one number four bedroom house and two number three bedroom houses, Block D consisting of one number four bedroom house and three number, three bedroom houses, Block E consisting of four number, three bedroom houses and Block F consisting of four number, three bedroom houses (total three number four bedroom houses and 18 number three bedroom houses). Permission also

sought for new site entrance, onsite car parking and all associated site works, all at Athboy Road, Castletowdelvin, Delvin, 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 location of the subject site within the settlement boundary of Delvin, the “proposed residential” zoning of the site under the Westmeath County Development Plan 2021–2027 with the associated zoning objective under policy CPO 15.2, to provide for high quality residential development and associated services, and having regard to the policy support at national, regional and local level for compact and sequential residential development within towns and villages, to the scale and layout of the scheme, the proposed dwelling mix, open space provision and boundary treatments, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable at this location, would provide for an acceptable form of residential development, would not seriously injure the residential or visual amenities of the area, and would provide an acceptable standard of residential amenity for future occupants. The proposed development would not give rise to a traffic hazard, would be adequately serviced, and would not adversely affect the integrity of any European sites. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Commission considered the proposed primary central area of open space (1245.5 square metres), together with a secondary smaller space (317.8 square metres) proposed to the south-eastern corner of the site and noted the opinion of the Inspector that this secondary space would be of limited amenity potential. The Commission did not share the opinion of the Inspector that this smaller area should be incorporated into the private open space of the proposed detached dwelling number 19. Having regard to the location of the secondary smaller area of open space at the proposed entry point to the development, and, noting also the location of the proposed attenuation storage at this location, and having also considered the consequent visual impact and the potential reduction of open space available as an amenity for the area, the Commission did not consider it appropriate to incorporate this smaller area into the private open space of the proposed detached dwelling number 19.

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 received by the planning authority on the 2nd day of December and 23rd day of December 2025 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. (a) Prior to commencement of development, the developer shall submit for the written agreement of the planning authority, full details and specifications of the select stone finish and when agreed the development shall be constructed in accordance with the agreed plans and particulars.
- (b) All first-floor windows serving stairwells and WC facilities within this development shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: In the interests of orderly development, visual and residential amenity.

3. (a) Prior to the commencement of development, the developer shall submit, for the written agreement of the planning authority, a revised boundary treatment and landscaping plan, including a colour-coded key. The revised plan shall incorporate the following:
 - (i) All site boundaries to the west, north, and east shall comprise a 1.8 metres-high block wall, rendered and capped.
 - (ii) The provision of an access gate into the rear garden of Unit number 9.
 - (iii) The provision of a 1.8 metres-high block wall, rendered and capped, along the eastern boundary of Unit number 18, extending from the dwelling's front building line.
- (b) The approved landscaping scheme shall be undertaken in the first planting season following the occupation or substantial completion

of the development or each phase of the development as agreed, whichever is the sooner. The planting shall thereafter be maintained and any plants that die, become diseased or are removed within five years shall be replaced within the following planting season by plants of a similar size and species, unless the planning authority gives its written consent to any variation.

- (c) Any necessary site clearance shall take place outside of the spring/summer bird nesting season of March 1st to August 31st.
- (d) Prior to commencement of development, all trees and hedgerows to be retained shall be fenced off from the development site in accordance with BS5837:2012 and shall be maintained as such during construction of the dwellings. No materials, goods or machinery shall be stored in this area.
- (e) The designated public open space areas, when developed in accordance with the agreed details, shall be made available for continuous use and enjoyment of the public.

Reason: To ensure the provision of amenity afforded by appropriate landscaping design, and site treatment, and to ensure the sustainability of the approved landscape design through its successful establishment and long-term maintenance.

- 4. The following details shall be submitted to and agreed in writing with the planning authority prior to the commencement of development:
 - (a) The four carparking spaces numbered 3, 4, 5 and 6, proposed on the site layout plan at the western side of the primary area of public open space, shall be omitted, and provision shall be made for a

maximum of four number guest carparking spaces, including two number accessible parking spaces.

- (b) The communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points

Reason: In the interest of sustainable transportation.

- 5. (a) Prior to the commencement of development, the developer shall submit to, and obtain the written approval of, the planning authority for the following:
 - (i) A Stage 2 Road Safety Audit.
 - (ii) A Stage 2 Quality Audit.
- (b) All recommendations of the Stage 1 Road Safety Audit shall be implemented in full, unless otherwise agreed in writing by the planning authority.
- (c) Prior to the occupation of any dwelling, all associated roads and footpaths shall be completed, and the developer shall submit a Stage 3 Post-Construction Road Safety Audit in accordance with Transport Infrastructure Ireland document GE-STY-01024: Road Safety Audit (December 2017, as amended). The development shall thereafter be carried out in accordance with the agreed details.

- (d) Prior to the taking in charge of any element of the development hereby permitted, the developer shall submit a Stage 4 Road Safety Audit to the planning authority.

Reason: In the interests of road safety, to ensure that the internal and external road network is designed and constructed to a safe standard, and to facilitate the safe taking in charge of the development.

6. (a) Prior to the commencement of development, the developer shall submit, for the written approval of the planning authority, the following:
- (i) Full design details, including a Road Safety Audit, for the proposed pedestrian (zebra) crossing on the N51 Athboy Road. The developer shall be responsible for all design, construction, and audit costs associated with the crossing, which shall be constructed prior to the occupation of any dwelling hereby permitted.
 - (ii) Full design details of the new footpath along the entire site frontage onto the N51 Athboy Road, including public lighting, drainage, and ancillary works, which shall tie into the existing public footpath. The footpath shall be provided at the developer's expense prior to the occupation of any dwelling and shall ensure the retention of the existing mature hedge at the southern boundary of the subject site.
 - (iii) Plans showing ramps within the internal road network and a tabletop ramp at the proposed entrance onto the N51.
 - (iv) Specifications for all road markings, road and footpath materials, surface water drainage, and all signage, which shall

comply with the Department of Transport Traffic Signs Manual (2010), as amended.

- (b) The internal road network serving the proposed development including turning bays junctions and parking areas shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS). Footpaths shall be dishd at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development.

Reason: In the interests of traffic management, road safety, and to ensure that roads and associated infrastructure are constructed to an appropriate standard in the interests of proper planning and sustainable development.

7. All roads and footpaths shown to adjoining lands shall be constructed up to the boundaries to provide access to the adjoining lands with no obstruction including the erection of any structure which would otherwise constitute exempted development under the Planning and Development Regulations 2001, as amended. These areas shall be shown in a drawing which shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development.

Reason: In the interest of permeability and proper planning and sustainable development.

8. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open space, and such lighting shall be made available prior to the making available for occupation of any residential unit within the development.

Reason: In the interests of amenity and public safety.

9. Prior to commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann to provide for service connections to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water and wastewater facilities are available to serve the development.

10. Unless otherwise agreed in writing with the planning authority:
- (a) All uncontaminated surface water, including roof water, shall be separately collected and discharged to the public sewer and shall not in any circumstances be allowed discharge to foul sewage network.
 - (b) Surface water runoff shall be so attenuated within the site such that the discharge from the site shall not exceed a rate equivalent to 5l/s/ha.
 - (c) The diameter of all manholes shall be 1200 millimetres complete with step irons.

- (d) All surface water sewers with cover to ground level less than 1.2 metres on carriageway and 0.9 metres on footway or verge shall be encased in concrete.

Reason: In the interests of public health and orderly development.

11. Prior to commencement of development, the developer shall submit, for the written agreement of the planning authority, a Construction Management Plan (CMP) which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including measures for the management of noise, vibration and dust, the prevention of the deposition of mud or debris on public roads, and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and amenity and of orderly development.

12. 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.

13. Proposals for an estate/street name, house 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 house numbers shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements or 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 and to ensure the use of locally appropriate place names for new residential areas.

14. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking in Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

15. 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. Deviations from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of the residential amenities of property in the vicinity.

16. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

17. Prior to commencement of development, the applicant or any 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 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.

18. 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 and maintenance until taken in charge by the local authority 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 or maintenance 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 and maintenance of the development until taken in charge.

19. 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.

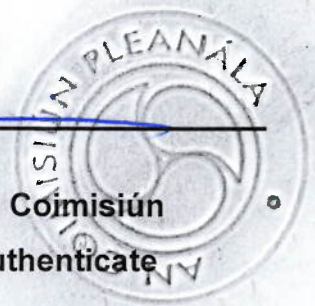
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.



MaryRose McGovern

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this *5th* day of *June* 2026