



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314362-22

#### Development

PROTECTED STRUCTURE.

Construction of 18 dwellings and associated site works. Part demolition and alterations of storage buildings in out- house. (Revised to 14No. Dwellings)

#### Location

Castlelost, Rochfortbridge, Co Westmeath

#### Planning Authority

Westmeath County Council

#### Planning Authority Reg. Ref.

21371

#### Applicant(s)

Mark Kelly

#### Type of Application

Permission

#### Planning Authority Decision

Grant with Conditions

#### Type of Appeal

Third Party

#### Appellant(s)

Anthony and Carol McArdle

#### Observer(s)

None

#### Date of Site Inspection

24<sup>th</sup> of February 2023

#### Inspector

Caryn Coogan

## 1.0 Site Location and Description

- 1.1. Rochfortbridge is a town in County Westmeath. The town is located at the intersection of the R400 and the R446 (formerly the N6) roads. As of the 2016 census, the population of Rochfortbridge was 1,473. Rochfortbridge was bypassed in 2006 by the M6 motorway, which superseded the N6 national primary road running through the centre of the town.
- 1.2. The subject site is 0.5762 ha, is to the southwest of the town opposite the schools, the church and local GAA pitch on Castlelost Road (L1127). The site is to the southern side of Castlelost Road. On the opposite side of the road is *Scoil Chroi Naofa* National School.
- 1.3. The street frontage is circa 28metres wide and consists of a derelict cottage (Protect Structure), outbuildings, boundaries walls, piers, gates and a vehicular access.
- 1.4. There are habitable dwellings on both sides of the protected structure along the streetscape. To the east there is a pair of semi-detached dwellings and to the west a large, detached dormer bungalow which backs onto the subject site. The dwelling operates as a creche.
- 1.5. A footpath fronts the site. There is a 3metre wide access to a field behind the protected structure. The field is a grassed, flat area facing south. There are mature hedgerows bounding the site on three sides. To the north is a large community building bounding the site and a graveyard.

## 2.0 Proposed Development

- 2.1. The development consists of:
  - (i) Alterations and to construct a single storey extension to an existing single storey dwelling; (A PROTECTED STRUCTURE: 033-005)
  - (ii) To carry out alterations to the adjacent outhouse
  - (iii) To construct vehicular entrance

- (iv) Construct 18No. two storey terraced dwellings, consisting of 10No. 3-bedroom dwellings and 8No. 2-bedroom dwellings
- (v) To carry out site works and services.

The planning application includes a Design Statement, a Conservation Report (Patrick A Cullinane, March 2021).

2.2 Following a request for Further Information, the applicant submitted revised proposals on the 7<sup>th</sup> of June 2022.

- The overall development was reduced from 18No. units to 14No. units consisting of 2 blocks of 4No. terraced dwellings and 2 blocks of 3No. terraced dwellings.
- There are 12No. three-bedroom units and 2No. two bed roomed units.
- The rear garden areas are 11metres deep, however in units 1 and 2 they are 7-9metres in length with the private rear gardens measuring 85sq.m. and 52sq.m. which exceeds the 48sq.m. requirement of the development plan.
- The carparking layout has been amended to include parking within the individual curtilages. There is also designated carparking spaces throughout the layout.
- The boundary treatment shall be raised to 1.8m along the cemetery.
- The windows in Block A are orientated away from the rear garden area of the existing dwelling to the west of the site.
- The further information includes a number of three-dimensional illustrations which demonstrate the context of the proposed development in the existing built environment.
- Electric Car charging points
- Bin storage for the mid terrace units will be to the front of the dwellings with an external wall finish to the storage area.
- New public notices stating significant further information and revised proposals was submitted on 1<sup>st</sup> of July 2022.

## 3.0 Planning Authority Decision

### 3.1. Decision

Westmeath Co. Co. granted the proposed development on the 28<sup>th</sup> of July 2022 subject to 19No. conditions. Certain conditions are site specific:

2. The houses are to be occupied by owner occupiers, and not a corporate entity.
4. Method statement carried out by a Conservation Architect to detail works to the protected structure.
5. Roads
6. Surface water
7. Water / Wastewater
14. Part V
16. Electric Car Charging points
18. Security bond
19. Development contributions

### 3.2. Planning Authority Reports

#### 3.2.1. *Planning Reports*

#### 3.2.2. *Report 1 dated 26.08.21*

- Rochfortbridge is identified in Table 2.4 of the County Development Plan as requiring targeted catch up investment.
- Lands zoned **Mix Use** *to provide for protect and strengthen the vitality and viability of town centres, through consolidating development, encouraging a mix of uses and maximising the use of land.*
- Refusal was recommended on the grounds the proposal was considered to be overdevelopment of the site with adverse impact to adjoining residences, and there was a shortfall of open space to serve the development. It was contrary

to policies CPO8.198, CPO 16.18, CPO 16.20 of the County Development Plan. There are insufficient sightlines. This recommendation was overruled by the Senior Executive Planner who requested further information relating to the layout of the scheme, a Road Safety Audit, Sightlines, and Architectural Impact Assessment, Electric Car charging points and the third party submissions.

### ***Report Dated 28<sup>th</sup> of July 2022***

- The revised site layout is acceptable and in accordance with DMURS and the provisions of the development plan.
- An Up To Date Road Safety Audit should be conditioned into the scheme.
- The District Engineer is satisfied the proposal does not pose a traffic hazard
- The development accords with the 'Quality Housing for Sustainable Communities' best practice guidelines.
- Recommendation to grant permission.

### **3.2.3. *Other Technical Reports***

Although referred to in the planning report there would appear to be no other technical reports on the appeal file.

### **3.3. *Prescribed Bodies***

Referrals were carried out by the Board to Prescribed Bodies and there were no submissions received.

### **3.4. *Third Party Observations***

A number of submissions from third parties were received during the assessment of the planning application.

- Density too high
- Increased traffic problems
- Pressure on sewage system
- Inadequate parking

- Design not suitable for area, a crescent would be more suitable.
- Block A -overlooking/ overshadowing, and noise to garden are of dwelling to the northwest of site.
- The use of the existing western boundary is not acceptable, and 2metre block walls should be provided.
- Block D – overwhelming visual on a sensitive public space.
- Inadequate sightlines
- Conservation Report relates to the protected structure only.
- Impact on cemetery
- Fails to enhance the unique identity of the village.

#### 4.0 Planning History

No relevant planning history.

#### 5.0 Policy Context

##### 5.1. Development Plan

##### 5.1.1 Westmeath County Development Plan 2021-2027

The subject site is located inside the Development Boundary for Rochfortbridge.

The site is zoned **Mixed Use**.

##### 2.7.1 Settlement Hierarchy for Westmeath 2021-2027

<b>Self-Sustaining Towns</b>	Self-Sustaining Towns with high levels of population growth and a weak employment base which are reliant on other areas for employment and/or services and which require targeted 'catch up' investment to become more self-sustaining.	Rochfortbridge	1,473
		Killucan /Rathwire	1,370

## 2.12 Self Sustaining Towns

Self-Sustaining Towns, according to the RSES, are towns with high levels of population growth and a weak employment base which are reliant on other areas for employment and/or services and which require targeted 'catch up' investment to become more self-sustaining. Rochfortbridge and Killucan /Rathwire form this tier of the settlement hierarchy. Rochfortbridge experienced marginal population decline (-1.4%) between 2011-2016, with a total population of 1473. In contrast, Killucan /Rathwire experienced one of the highest growth rates in the County during the 2011-2016 period (11.7%), with the population reaching 1370. The RSES states that population growth in Self-Sustaining towns shall be at a rate that seeks to achieve a balancing effect and shall be focused on consolidation and inclusion of policies in relation to improvements in services and employment provision.

### **Core Strategy Policy Objectives**

It is a policy objective of Westmeath County Council to:

**CPO 2.8** Promote commensurate population and employment growth in the designated Self-Sustaining towns, providing for natural increases and to become more economically self-sustaining, in line with the quality and capacity of public transport, services and infrastructure available.

*Table 1: Population Growth in Westmeath 2011-2016*

Settlements	Population 2011	Population 2016	Growth Rate (2011-2016)
Athlone	20,153	21,349	4.5%
Mullingar	20,103	20,928	4.1%
Castlepollard	1,042	1,163	11.6%
Moate	2,731	2,763	1.17%
Kinnegad	2,662	2,745	3.1%
Kilbeggan	1,199	1,288	7.4%
Rochfortbridge	1,494	1,473	-1.4%

### **CPO 15.6 Land Use Zoning Objectives – Mixed Use**

Provide for, protect and strengthen the vitality and viability of town centres, through consolidating development, encouraging a mix of uses and maximising the use of the land.

Multiple Dwellings are Permitted In Principle.

## **Chapter 16 Development Management Standards**

**CPO 16.10** Residential schemes to provide a range of dwelling sizes and typologies to accommodate emerging demographic trends in line with the Westmeath Housing Strategy and Housing Needs Demand Assessment or other evidence supported methodology. Proposals for residential schemes which are proposed on infill or smaller sites should demonstrate the ability of the proposal to provide a mix of dwelling types within the locality as opposed to within the scheme itself.

**CPO 16.13** Where new developments are proposed adjacent to existing and established neighbourhoods, the design, layout and housing mix should be designed in such a way to enable positive integration, both physically and socially towards building strong integrated communities and social cohesion.

**CPO 16.15** Apply the recommendations of 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' – Second Edition, (B.R.E.)' in addressing overshadowing of adjoining lands. Overshadowing daylight and shadow projection diagrams may be required to assist in the assessment of applications.

**CPO 16.18** Boundary Treatment:

- Rear private garden area should be not less than 11m in depth extending the full width of the house. Discretion of this standard will be dependent on-site layout characteristics and flexibility may be employed where performance-based criteria can be adequately demonstrated. (For example, where a side garden of equal or greater dimensions can be substituted for rear garden space and where a situation of overlooking is demonstrably avoided).
- Where a front boundary wall or fencing is provided, the design and materials must be such as to provide a subtle but complimentary design feature to the overall housing layout.
- Rear boundary walls or fences must be provided to a height of not more than 2 metres and back planted with native deep-root hedging/trees.
- Side Garden walls should generally be presented behind the front building line of the dwelling only, to allow for the openness of residential development and protect visual amenities.



- Boundary walls/enclosures should not present blank spanning facades onto thoroughfares. Design solutions may include the use of dual aspect dwellings and alternative site orientation including provision of side access/egress arrangements.

### **16.3.2 Residential Density**

The Council generally seeks that the number of residential units to be delivered on a site should be determined in relation to the hierarchical status of the settlement within the Council's Settlement Hierarchy and its capacity for growth and its access to public transport and necessary social infrastructure. Furthermore, the Council acknowledges and encourages higher densities, where appropriate, given the need to reduce CO2 emissions by reducing energy consumption and to support a more efficient use of energy in the residential and transport sectors, in line with Ireland's commitments under the Paris Agreement.

Parking 1 space per dwelling

## **5.2. Natural Heritage Designations**

The site is not located close or contiguous to a Natura 2000 site. The following sites are located within 15km of the site.

- 6.8km southeast of Lough Ennell SAC (Site Code :000685) and Lough Ennell SPA (site code: 004044).
- 8km northwest of Raheenmore Bog SAC (Site Code 000582)
- 9.6Km northeast of Split Hills and Long Hill Esker SAC (Site Code 001831)

## **5.3. EIA Screening**

Environmental Impact Assessment (EIA) requirements derive from EU Directives. Council Directive 2014/52/EU and is transported into Irish law under The European Union (Planning and Development) Directive (Environmental Impact Assessment) Regulations 2018. The proposed development falls within one of the categories of the development specified in Schedule 5 of the Planning and Development Regulations 2001, as amended, which equals or exceeds a limit, quantity or threshold prescribed in that class of development must be accompanied by an

Environmental Impact Assessment Report. Where a project is of a specified type but does not meet with or exceed the threshold then the likelihood of the project having significant effects on the environment needs to be considered.

The subject development does not fall within any of the specified classes of development set out in Part 1 of Schedule 5. The proposal for 14No. dwellings (phase 1 and 2) falls within the category of an 'Infrastructure project' within Schedule 5(10) (b) of the *Planning and Development Regulations*, relating to the construction of more than 500 Dwellings. The site area of 0.5762Ha falls well below the area EIA threshold for sites in built up areas.

The site is surrounded by residential town centre developments and the proposal does not add a significant quantum to the cumulation of development in the area.

The development is on a greenfield site with low ecological value. It will be connected to the public water main and public sewer. There are no predicted environmental impacts associated with the proposed development. Certain dust and noise emissions will be short term. Therefore, a sub-threshold environmental impact assessment is not required to accompany the planning application.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal include the third-party appellants submissions to the planning authority during the assessment of the planning applications. The following is a summary of their grounds of appeal:

#### 6.1.1 *Overlooking/ Building Encroachment on private public areas*

Block An is very close to existing dwelling to the north-west. It is three storeys in height and positioned less than 11 metres from the common site boundary. Block A will overlook their rear garden area. There will be direct overlooking and loss of privacy to the rear of the existing dwelling.

The existing dwelling to the northwest has an established garden with polytunnels, vegetable plots and landscaped area. There will be noise pollution. There will be ten dwellings overlooking their property which is excessive. There should be 2metre

solid block wall separating properties to screen the proposed development from existing private amenities.

Concern regarding the small distance of 2metres from the proposed gable wall of Block D on the Eastern boundary from the local cemetery. The proposal with create an overwhelming visual impact when viewed form the adjoining cemetery.

### **6.1.2 Internal Parking/ turning and general layout**

The proposed development consists of 19No. dwellings utilising the internal road with turning heads on the northern and eastern boundaries.

Block A is deficient in terms of public open space to accommodate the required parking spaces. It is felt the parking spaces located across the proposed roadway from properties in Block A will not be used, and they will park in front of their houses causing a hazard to pedestrians and traffic.

Practical/ Usable sized public green areas, sufficient in design and size to adequately facilitate the needs of 19No. families is a short cut in the proposal. It is an unsuitable density and unsuitable space for Block A. Concern is noted to the design and size of the internal turning areas.

### **6.1.3 Proposed Access/ Egress**

The proposed site entrance cannot achieve the required sightlines. Sightlines are severely restricted by the existing building and boundary wall to the front of the site on the western site. The vehicles would have to pull out onto the road to get the required sightline. There are high volumes of traffic along the road due to the school, creche, community hall and local church are within 200metres of the entrance.

### **6.1.4 General Observations**

The public notice does not give a clear picture of the reality of the proposed development. All associated works is a brief and vague description of the works proposed. The validation of the application is questionable. Details on Foul/ Surface water calculations have been omitted. There is no assessment in the Conservation Report to the impact of the works on surrounding protected structures.

There is no assessment on the impact of the proposal in terms of its mass, bulk and height of the proposal in relation to the local cemetery.

### **6.1.5 Further Information**

- The revised proposals submitted as part of the further information seeks to build 4 less dwellings with a different dwelling mix, altered locations equates to significant alterations that required new public notices.
- There was no safety audit on the revised internal road proposals.
- Parking on the opposite side of the road to each dwelling is not suitable.
- The proposed turning heads are not designed in accordance with the standards.
- Bin storage is not suitable and will lead to unmanaged areas to the front of dwellings.
- The removal of the front boundary wall and pushing back the protected structure is not conservation. It is the demolition of a protected structure which was not applied for. The original application should have been invalidated.

### **6.2. Applicant Response**

Patrick Cullinae has made a submission on behalf of the applicant, Mr. Mark Kelly. He states the proposal involves the restoration, alteration and extension to an existing dwelling and the construction of 14No. dwellings. The submission to the Board on appeal includes the same information submitted on the application, and does not directly address the third party appeal. The submission includes the following:

- Policies and Objectives of the relevant development plan
- Design approach
- Safety Audit and Traffic/ Transportation Assessment
- Architectural Heritage Impact Assessment
- Restoration and Extension of existing dwelling (protected structure)

### 6.3. Planning Authority Response

There was no response received from the planning authority.

## 7.0 Assessment

### 7.1. Introduction

Rochfortbridge is located 14.5metres south of Mullingar and 15km southwest of Kinnegad. The village was previously the N6 Dublin-Galway national primary route. The area is relatively flat land. The settlement layout of Rochfortbridge is dictated to by the roads, the old N6 (R446), with low density development dispersed along the roads.

During the course of the planning application, the scheme was reduced from 18No. dwelling to 14No. dwellings. It comprises of 12No. three-bedroom dwellings and 2No. two bedroom dwellings. The private rear gardens areas are mostly 11metres deep and those that fall short of the 11metres (Units 1 and 2) exceed the 48sq.m. rear garden area requirement.

House No.	House Type	No. Beds	Private Rear Space
No. 1	Block A	2 Beds	85sq.m
No. 2	Block A	2 Beds	52sq.m.
No. 3	Block A	3 Beds	61sq.m.
No. 4	Block A	3 Beds	87sq.m.
No. 5	Block B	3 Beds	100sq.m.
No. 6	Block B	3 Beds	84.5sq.m.
No.7	Block B	3 Beds	85.5sq.m.
No. 8	Block C	3 Beds	126sq.m.
No. 9	Block C	3 Beds	86sq.m.
No.10	Block C	3 Beds	145sq.m.

No. 11	Block D	3 Beds	112sq.m.
No. 12	Block D	3 Beds	72sq.m.
No. 13	Block D	3 Beds	66.5sq.m.
No. 14	Block D	3 Beds	123sq.m.

The stone party wall between the site and the adjoining cemetery will be raised to 1.8m-2.0m. The opposite boundary on the eastern side of the site, the hedgerow will be retained and a 2.0m block wall will be erected. The boundary to the rear of the site will be strengthened with construction of precast concrete posts and panels to a height of 2.0metres above existing ground level.

## 7.2. Issues to be Addressed

Having inspected the site and considered the appeal file, the salient issues to be addressed in this appeal are as follows:

- Principle of Development
- Zoning and Compliance Planning Policy
- Design and Impact on the Character of the Area
- Impact on Residential Amenity
- Traffic, Access, Road Layout
- Protected Structure
- Appropriate Assessment

## 7.2 Principle of the Proposed Development

The site is located in the middle of the existing urban area of Rochfortbridge and is within walking distance of the town centre, adjacent to community and commercial facilities. In the County Westmeath Settlement Hierarchy, Rochfortbridge is listed as a **Self-Sustaining Town**, which according to the RSES, are towns with high levels of population growth and a weak employment base which are reliant on other areas for employment and/or services and which require targeted 'catch up' investment to become more self-sustaining.

In general, it is considered that residential development is acceptable at this location and having regard to the adjoining developments, north, east and west of the site which are in residential/ community use. The proposed development is an in-depth residential scheme to the rear of existing dwellings fronting the road, and it will integrate with the existing form of development in the area.

The subject site is an infill site and is currently unkempt in appearance and not maintained. In my opinion, a contemporary housing scheme is in keeping with the adjoining land uses which are residential.

### 7.3 Zoning and Compliance with the Portlaoise Local Area Plan

The subject site is zoned for **Mixed Use** in the **Westmeath County Development Plan 2021-2027**. The subject site is located inside the Development Boundary for Rochfortbridge.

In the development plan (Section 16.3.2) it states the number of residential units should be determined by the hierarchical status of the settlement in the Council's Settlement Hierarchy and its capacity for growth. The Council will also encourage higher densities, where appropriate, given the need to reduce CO2 emissions by reducing energy consumption. The subject site is located close to the town centre, and walking distance of the schools, church, and playing pitches. It is prime development land that will assist with urban consolidation of serviced lands. The revised scheme which was submitted by way of further information (07/06/2022) is an improved scheme in terms of overall urban design, and a reduced density to 14No. units on the site area. The proposed development which includes semi-detached units and terraced dwellings will introduce a diversity of housing types to cater for different family units sizes across the population base.

I note national guidance in relation to unit numbers, appropriate density and housing. The *Sustainable Residential Development in Urban Areas* indicates that Greenfield/ Outer Suburban sites in larger towns, should be providing for densities of 35 to 50 units per hectare. I do accept that the proposed density is low at 24 units per hectare. However, one has to take into consideration the receiving environment which is low density development along the roadside boundary, the scale and layout

of Rochfortbridge town, and the development plan policy. A high-density development would be inappropriate at this location and out of character with the town. On balance, I consider the layout will integrate seamlessly into the existing built-up area.

The proposed dwellings are modest sized townhouses, with the majority of them being 3-bedroom units with a floor area of 87sq.m. The planning authority had requested by way of further information a reduction in the density from the 18No. units originally proposed due to the poor layout. The revised configuration of the proposed four blocks enables a more spacious layout with a setback Block C to the rear of the site, which I consider to be an improved design response than the original proposed scheme.

#### **7.4 Design and Impact on the Character of the Area**

The overall layout includes 4No. housing blocks to the rear of the protected structure which fronts the site and a row of blocks to the rear of the site. The existing access, off the Castlelost Road is to the side of the protected structure, will serve the proposed development. The bulk of the development consists of two storey semi-detached dwellings laid out along the south-eastern and south-western site boundaries with a central open space area located to the north and western site boundary overlooked by the majority of the dwellings in the scheme.

The planning authority by way of further information on 31<sup>st</sup> of August 2021 requested the applicant to revise the layout of the scheme in terms of its integration into the existing environment, submit revised entrance details and an Architectural Heritage Impact Assessment report.

The planning authority also requested clarity on the mix of dwellings. In my opinion, the overall housing mix throughout the proposed scheme is to be encouraged, because it will cater for a variety of family sizes, first time buyers, and single unit families. The proposed development will make a positive contribution to the character of the neighbourhood which is dominated by medium sized family homes.



## 7.5 Impact on Residential Amenity

The proposed floor area of each dwelling type and respective rooms meet with the residential standards. The qualitative and quantitative private and public open space standards are acceptable.

The subject site is located in the town centre and is contiguous to existing housing, with one dwelling backing onto/ overlooking the site, and another dwelling adjoining the site to the west.

- The existing dwelling along the streetscape is located beside the protected structure, and it is a detached dormer bungalow used as a creche facility. The entrance to the proposed scheme is located between this dwelling and the protected structure to be refurbished under the proposed scheme. There are no opposing windows overlooking the rear garden or rear windows of the existing house because the proposed public open space area and a parking pocket will be located to the common boundary which is to be a 2metre stone faced wall. The setback from proposed dwellings are acceptable and in line with national and local planning standards.
- The existing dwelling located along the eastern site boundary is a semi detached two storey dwelling, with a very deep rear garden area that extends the majority of the eastern site boundary. This is the third party appellant's property. The proposed dwellings addressing this boundary are configured at an angle and tapered across the subject site. The boundary treatment will be the existing hedgerow and a 2metre wall. There will be no direct overlooking into opposing windows. The overlooking of the rear garden area will be from the first floor level at an obtuse angle. This is a normal within urban/ suburban areas. Block A is two storeys and not three storeys as stated in the appeal.
- The views from the graveyard into the site are considered to be normal urban views. I do not consider the proposed development to be disrespectful to the graveyard or located too close to the graveyard.
- There will be very limited loss of sunlight to the existing properties associated with proposed development which I consider to be immaterial.

The public open space area will be overlooked by most dwellings in the proposed estate. The amenity provision is at least 15% of the total site area.

On balance, I consider the proposed development is respectful of the existing neighbourhood, and garden character is being maintained throughout the scheme. The development will integrate into the existing neighbouring and will provide improved much needed housing in the town adjacent to community facilities.

## **7.6 Traffic, Access, Road Layout**

Access to the proposed development is via an existing access of Castlelost Road. The roadside boundary wall together with the end gable of the existing out-building will be set back to allow for the inclusion of a 3.0m wide pavement as requested by the planning authority. Sightlines are to be provided in agreement with the adjoining creche owner located along the northern boundary of the site.

There is one carparking space per dwelling with one visitor carparking space per three dwellings. A Vehicle Swept Path Analysis has been carried to ensure compliance with Design Manual for Urban Roads and Streets (DMURS).

There are 2No. electric vehicle charging points. There is provision for 8No. bicycle parking bays.

## **7.7 Architectural Heritage Impact Assessment**

The derelict cottage along the roadside frontage of the subject site is included in the Record of Protected Structures. The existing dwelling is to be extended, with the porch and a side outbuilding to be demolished. The roadside boundary gates and wall will be setback to a new position as indicated on the layout drawings. The structure is currently uninhabitable and derelict. The proposed development provides for the restoration of the residential use of the structure and the physical reconstruction of the structure, which will also enhance the visual amenities of the streetscape.

The Protected Structure is a detached Five Bay Single Storey Vernacular House (Reference 033-005). It is a charming vernacular house that has retained much of

its character and form despite a number of alterations over the years. It is proposed to reconfigure the internal layout in the original structure incorporating 3No. bedrooms, hallway, ensuite, bathroom. There are no changes to the window opens. It is proposed to replace the galvanised roof with a slate roof. Overall the content of the planning application in terms of a Conservation Report and an Architectural Impact Report has presented an informed design response to restore the dwelling and make it functional in terms of existing Building Regulations and modern house layouts. I consider the design proposal to be acceptable and welcome the refurbishment proposals to the protected structure.

#### **7.8 Other Matters:**

- Water Supply: The water supply source is the Mullingar Regional Water Supply Scheme
- Wastewater : The current wastewater treatment plant serving Rochfordbridge situated to the south of the town is designed to treat a population equivalent of 4.500. The Monagh Rover is the main receptor for surface water.
- Revised public notices were submitted following the submission of significant revisions to the proposed scheme by way of further information. The planning authority was satisfied with the validity of the planning application.

#### **7.9 Appropriate Assessment (AA) Screening**

The proposed development is located within an urban area on zoned lands that are serviced area. It is reasonable to conclude, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on any Natura 2000 designated sites.

A Stage 2 Appropriate Assessment is, therefore, not required.

#### **8.0 Recommendation**

I recommend the Board uphold the planning authority's decision to grant planning permission for the proposed development.

## 8.0 Reasons and Considerations

Having regard to the relevant provisions of the Westmeath County Development Plan 2021-2027, the zoning of the site for Mixed Use, the urban location of the site, the design, scale and layout of the proposed development, and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or the property in the vicinity, would be acceptable in terms of pedestrian and traffic safety, would be consistent with relevant national, regional and local policy and would constitute an appropriate form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 9.0 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 significant further information plans and particulars submitted on the 7th day of June 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. Details of the materials, colours, and textures of all the external finishes to the proposed development shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development.

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

3. 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. 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.

4. 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/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any dwelling.

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

5. 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 and surface water management.

6. The developer shall enter into water and/ or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

7. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

8. 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 amenities of properties in the vicinity.

9. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs, shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

10. A minimum of 10% of all car parking spaces should be provided with functioning electric vehicle charging stations /points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/ stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/ points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

**Reason:** To provide for and/ or future proof the development such as would facilitate the use of electric vehicles.

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

underground. All existing over ground cables shall be relocated underground as part of the site development works.

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

12. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled and/ or contoured, as applicable, soiled, seeded, and landscaped in accordance with the landscape plans and report submitted to the planning authority with the application, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

13. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:
  - (a) details of all proposed hard surface finishes including materials for footpaths, kerbing and road surfaces within the development;
  - (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
  - (c) details of proposed street furniture, including bollards, lighting fixtures and seating;
  - (d) details of proposed boundary treatments at the perimeter of the site, including wall/ fence heights, materials, and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme. If any tree or plant dies or is otherwise lost within a period of five years, it shall be replaced with a tree or plant of the same species, variety and size within the planting season following such loss.

**Reason:** In the interest of visual amenity and to safeguard the amenities of properties in the vicinity.

14. All trees and hedgerows within and on the boundaries of the site shall be retained and maintained, with the exception of the following:
- (a) specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development,
  - (b) trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.

**Reason:** In the interests of amenity, ecology and sustainable development.

15. Retained trees and hedgerows shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species.

**Reason:** In the interests of amenity, ecology and sustainable development.

16. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development.

The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:



- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

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

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 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.

19. Prior to the commencement of any house in 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) pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses to first occupation by individual purchasers i.e. those not being a corporate entity, and/ or those eligible for the occupation of social and/or affordable housing, including cost rental housing.

**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.

20. 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 Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

21. 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Caryn Coogan  
Planning Inspector

19/04/2023