

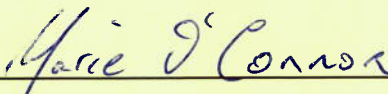
An
Coimisiún
Pleanála

Commission Direction
CD-001272
PL-500788-RN-26

The submissions on this file and the Inspector's report were considered at a meeting held on 15 September 2026.

The Commission decided to grant permission generally in accordance with the Inspector's recommendation, subject to the Inspector's draft reasons, considerations and conditions.

Planning Commissioner:


Marie O'Connor

Date:

17th day of September 2026

Reasons and Considerations

Having regard to the zoning objective of the subject site, the provisions of the Roscommon County Development Plan 2022 – 2028, the location within the curtilage of Frybrook House, a protected structure, the proposed boundary treatments, the relationship with and proposed adaptation of the existing structures on the site which are within Boyle Architectural Conservation Area and

that two of the buildings of Patrick Street are included on the National Inventory of Architectural Heritage, the accessible location within and adjacent to the town core of Boyle, the presence of a bat roost and bats on the site and the issuing of a Bat Derogation, to the nature and scale of the proposed development and its relationship with adjacent development and the town centre and the quantum of the retail element proposed and its associated car parking provision and access arrangements and in terms of its impacts on residential amenities, 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 of property in the vicinity, architectural heritage, ecology including Annex IV species and would be acceptable in terms of traffic safety, flood risk and archaeology, convenience and sustainable transportation. The proposed development would be appropriate for the area in terms of building height and scale, and in the context of the absence of overshadowing and overlooking impacts. 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 plans and particulars received by the planning authority on the 17th 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. The mitigation measures contained in the Ecological Impact Assessment (EclA) report shall be implemented.

Reason: To protect the natural environment.

3. Where existing known badger setts require exclusion and removal, or temporary exclusion for the duration of the construction period, this shall be undertaken by an Ecologist who is appropriately qualified and experienced in undertaking sett exclusions/removals and in accordance with best practice and at the appropriate time of year. Where an existing known badger sett will be excluded/removed and an artificial sett is proposed, the artificial sett shall be constructed before the existing badger sett is excluded/removed and the badgers relocated to the artificial sett under the supervision of the experienced ecologist(s) in accordance with best practice and at the appropriate time of year. Details of the proposed exclusion/removal process (including the provision of artificial setts), shall be submitted to and agreed with the planning authority for approval, prior to commencement of development.

Reason: In the interests of protecting badger species on the site.

4. Prior to the commencement of development, the enabling works required to make the terrace buildings fronting on to Patrick Street safe, as referred to in the structural survey submitted to the planning authority on the 17th day of

December 2025 shall be carried out and the following shall be submitted for the written agreement of the planning authority:

- (a) A timeframe for the construction of the development which shall provide for the substantial completion of the dwellings prior to the operation of the food store.
- (b) A detailed post enabling works structural appraisal carried out to inform the conservation requirements for the terrace buildings.
- (c) Detailed plans and elevations indicating all original features to be retained and all proposed interventions.
- (d) An updated Architectural Heritage Impact Assessment detailing the conservation methods to be employed for all proposed interventions, including repairs to original features.

The foregoing shall be agreed in writing with the Planning Authority prior to commencement of any other element of development associated with the repair and refurbishment of the terrace and the construction of the food store.

Reason: in the interest of architectural heritage.

5. Prior to the commencement of development on the dwellings the applicant/ developer shall submit, for the written agreement of the planning authority, a detailed method statement covering all works proposed to be carried out, including:

- (a) a full specification, including details of materials and methods, to ensure the development is carried out in accordance with current Conservation Guidelines issued by the Department of Arts, Heritage & the Gaeltacht,
- (b) methodology for the recording and/or retention of concealed features or fabric exposed during the works,
- (c) details of features to be temporarily removed/relocated during construction works and their final re-instatement,
- (d) protection of specified features during the construction works,
- (e) materials/features of architectural interest to be salvaged,
- (f) details of the replacement of any brickwork or any works of re-pointing which shall be undertaken so that it matches the original existing wall finish,
- (g) details of the existing roof slates, chimney stacks and pots which shall be retained, any replacement roof slates shall match the existing,
- (h) details of the remaining rainwater goods and bargeboard which where possible shall be repaired and reused, the replacement of which (if any) shall match the original in terms of design and materials,
- (i) details of replacement windows which shall be modelled on surviving windows and shall match them in dimensions, opening mechanism, profiles and materials;

Details to be accompanied by drawings of an appropriate scale of not less than 1:50.

The applicant/developer shall notify the planning authority prior to the commencement of the demolition of parts of existing buildings referenced in the submitted documents and site clearance.

Reason: In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.

6. Prior to commencement of development details of all external finishes shall be submitted to, and agreed in writing with, the Planning Authority.

Reason: In the interests of visual amenity.

7. The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/ topsoil stripping/site clearance/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted

to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest.

8. The landscaping scheme shown on drawing number 25-625-SDA-PD-DR-GF-001 (Landscape Plan) and detailed drawing number 25-625-SDA-PD-DR-XX-201 (Landscape Section), as submitted to the planning authority on the 17th day of December 2025 shall be carried out within the first planting season following substantial completion of external construction works.

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.

9. (a) 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 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.

(b) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

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

10. The opening/operating hours of the food store shall only be between the hours of 0700 and 2200 Monday to Saturday and between 0900 hours and 1800 hours on Sundays and bank holidays. Deliveries to the food store shall only be made within these hours.

Reason: In the interest of residential amenity.

11. The measures contained in the Site Specific Flood Risk Assessment report shall be implemented.

Reason: To protect the natural environment.

12. All site development works shall be carried out in accordance with the Department of the Environment publication: 'Recommendation for Site Development Works for Housing Areas' and to the satisfaction of the planning authority.

Reason: In the interest of proper planning and orderly development.

13. The measures outlined in the Stage 1/ 2 Road Safety Audit shall be implemented and prior to commencement of development a Stage 3 Road Safety Audit shall be submitted for the agreement of the planning authority and the measures agreed therein shall be implemented.

Reason: In the interests of road safety.

14. (a) Prior to commencement of development the following shall be submitted for the written agreement of the Planning Authority:

(i) A suitably scaled revised site layout plan, sections and detailed specifications for the at-grade crossing table works on the public road (R-294), revised proposals for the treatment of the public road and footpath along the entirety of the frontage of the site and within the visibility splay, and demonstration of all measures to construct the site access in accordance with the most recent version of Design Manual for Urban Roads and Streets (DMURS).

(ii) Full details of all proposed levels, drainage, signage, kerbing, surface treatments, road markings and tie-in details with adjoining public infrastructure.

(iii) Demonstration on the revised site layout plan and as relevant in the associated sections and detailed specifications, of a revised road design layout of the access and internal road layout which clearly demonstrates the incorporation of all recommendations in the Road Safety Audit submitted to the planning authority on the 17th day of December 2025.

(b) The applicant / developer shall carry out all such necessary works required under item (a) above on the public road, to a standard and methodology acceptable to the planning authority. All details are required to be with the Planning Authority in advance of any work being undertaken, and such details shall include but are not limited to a health and safety plan, specifications, material types and tolerances, all in accordance with the most recent version of the Design Manual for Urban Roads and Streets. All works required outside the identified site boundary, including but not limited to the construction of at-grade crossing tables and all works required to facilitate same including roadside drainage arrangements and gullies, shall be agreed with the Planning Authority and be undertaken by the applicant / developer. A schedule of the said works shall be agreed with the Planning Authority prior to commencement of development. The agreed works shall be carried out in accordance with the requirements of the Planning Authority for such works and services. A copy of the agreed works shall be submitted for the records of the Planning Authority.

(c) Prior the commencement of development, the applicant / developer shall enter into a legal agreement with the Planning Authority under Section 47 of the Planning and Development Act 2000 (as amended) to regulate the development of the works to the public road (R-294). The Section 47 legal agreement shall ensure the satisfactory undertaking of the works to the public road by the applicant / developer as required and agreed in accordance with items (a) and (b) above of this condition.

Reason: To ensure the provision of adequate mobility infrastructure to serve the development and in the interests of traffic and pedestrian safety.

15 (a) A minimum of one electric vehicle charge point shall be provided for each five car parking spaces associated with the residential element of the development.

(b) One cycle parking space shall be provided per dwelling. Details of the operation and maintenance of the cycle storage facilities for the dwellings shall be submitted to and agreed in writing with the planning authority prior to commencement of development and these shall be provided in a rain proof structure located within 10m of the southern boundary of the dwellings.

(c) A minimum of ten cycle parking spaces shall be provided for the food store. Details of the operation and maintenance of the cycle parking facilities for the food store shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

16. Drainage arrangements including for 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 interest of public health and surface water management.

17. 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 amenity.

18. Prior to the commencement of development the developer shall enter into a Connection Agreement(s) 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.

19. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

20. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, a detailed Construction Traffic Management plan, 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) emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection, residential amenities, public health and safety.

21. 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 Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

22. (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.

23. 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 transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or 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.

24. 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.