



An  
Bord  
Pleanála

**Board Order  
PL 11.248408**

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## **Planning and Development Acts 2000 to 2017**

**Planning Authority: Laois County Council**

**Planning Register Reference Number: 17/64**

**Appeal** by Nua Healthcare Services care of Coakley O'Neill Town Planning Limited of NSC Campus, Mahon, Cork against the decision made on the 30<sup>th</sup> day of March, 2017 by Laois County Council to refuse permission for the proposed development.

**Proposed Development:** Development comprising (1) change of use from dwelling to residential care unit, (2) construction of 235 square metres single storey extension to building, (3) demolition of existing shed structure (12 square metres) and (4) installation of new wastewater treatment system and associated site works at 'Rathbeg', Lea Road, Portarlinton, County Laois.

## **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.

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to the established residential care use of the lands, the planning history of the site, and the pattern of development in the vicinity, it is considered that, subject to compliance with the following conditions, the proposed development would be acceptable in relation to the amenity of the area and of property in the vicinity, would not be prejudicial to public health, and would generally be acceptable in terms of traffic safety and convenience. Furthermore, the Board is satisfied that, based on the information contained on file, the applicant has adequately demonstrated a need to locate in a rural environment because of the nature of the care required at this facility. 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 development hereby permitted shall only be occupied by persons with disabilities and their carers, and for no other purpose, without a prior grant of planning permission for change of use.

**Reason:** In the interest of residential amenity and to limit the scope of the proposed development to that for which the application was made.

3. The car parking arrangements including provision for cycle parking, circulation and turning bays shall be laid out and comply with the detailed standards of the planning authority for such works.

**Reason:** In the interest of orderly development and convenience.

4. Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

5. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, to include use of indigenous species and screen planting along the boundaries, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

6. 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.

7. (a) The proposed effluent treatment and disposal system shall be located, constructed, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the document entitled “Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels” - Environmental Protection Agency, 1999. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Within three months of the first occupation of the proposed extension, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the Environmental Protection Agency document.

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

8. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

9. 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.

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

**Dated this      day of                      2017**