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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Offaly County Council**

**Planning Register Reference Number: PL2/19/245**

**Appeal** by David and Colette Staunton care of Cross Architect and Building Surveyor of 11 An Crois, Allenwood Cross, Allenwood, Naas, County Kildare against the decision made on the 19<sup>th</sup> day of July, 2019 by Offaly County Council to refuse permission for the proposed development.

**Proposed Development:** The change of use of the existing Manor House (protected structure NIAH reference:14804021) consisting of the following: (a) four number apartments with minor internal alterations within the existing Manor House, (b) demolition of existing lean-to roof extension to rear south elevation and erection of new tiered flat roof balconies and extension in height to existing flat roof projection, (c) change of use of existing two storey outbuilding (Annex 1) to two number two bedroom apartments, (d) change of use of existing single storey storage building (Annex 3) to one number one bedroom apartment, (e) partial demolition of (Annex 7) to form vehicular arch entrance way, (f) existing outdoor building (Annex 2 and Annex 4) to be used as secure outdoor storage units, (g) demolition of existing steel storage shed (Annex 6) and removal of existing roof on outbuilding (Annex 5) to form nine number on site car parking spaces and all associated site development works all within the curtilage of the existing Manor House (protected structure NIAH

reference:14804021 at 41 JKL Street, Edenderry, County Offaly.

## **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 Town Centre/Mixed Use zoning of the proposed development site within Edenderry where in accordance with the Edenderry Local Area Plan 2017-2023, residential development will be encouraged to contribute to daytime and night-time uses, and to the Protected Structure status of 41 JKL Street in the Offaly Development Plan 2014-2020, the Board considered that the proposed development, subject to compliance with the conditions set out below, would achieve the reinstatement of a viable use for this unoccupied historic building whilst limiting the loss of historic fabric and ensuring the appropriate upgrade and conservation of the building itself and the associated outbuildings and boundary walls. The Board considered that the proposed development would be in accordance with the zoning objectives for the site, would not adversely affect the character and setting of the protected structure and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission on the basis of traffic safety, the Board considered the town centre location of the proposed development, the pattern of development including the prevalence of existing entrances providing access and egress to the street and the limited traffic movements that the proposed development would generate and concluded that the proposed development would be acceptable in terms of pedestrian and traffic safety and convenience.

The Board agreed with the Inspector that the quantum of car parking provision for the proposed development was adequate in the context of its proximity to the town centre and the range of retail, commercial and community facilities located within walking distance of the site.

## 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. 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.

3. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

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

4. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.  
  
(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

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

5. 10 number bicycle parking spaces shall be provided within the site. Details of the layout and marking demarcation of these spaces 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.

6. All of the in-curtilage car parking spaces serving the apartment units shall be provided with electric connections to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation.

7. 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 and residential amenity.

8. Proposals for an apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. No advertisements/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.

9. Prior to commencement of development, the developer shall provide for the following: -
  - (a) the appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works, and
  - (b) the submission of details of all finishes and of all existing original features to be retained and reused where possible, including interior and exterior fittings/features, joinery, fenestration, plasterwork, features (cornices and ceiling mouldings), roofs, staircases including balusters, handrail and skirting boards.

All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the "Architectural Heritage Protection Guidelines for Planning Authorities" issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

**Reason:** To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

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

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

11. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

12. 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.

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

13. 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 noise management measures and off-site disposal of construction/demolition waste.

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



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

**Dated this            day of            2020.**