

Planning and Development Acts 2000 to 2020

Planning Authority: Laois County Council

Planning Register Reference Number: 20/69

Appeal by David Cass and Michelle Leech-Cass of The Fields, Ballymaddock, Ballyroan, Portlaoise, County Laois against the decision made on the 26th day of June, 2020 by Laois County Council to grant subject to conditions a permission to Alan Cole care of Cole Planning and Design of Derry, Portlaoise, County Laois in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a container storage yard, part demolition of existing shed and renovation of same shed to house containers and to include all associated site works at Green Road, Ballyroan, Portlaoise, 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.

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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 nature, extent and location of the proposed development within the existing farmyard, it is considered that, subject to compliance with the conditions set out below, the proposed development would be compliant with relevant provisions of the Laois County Development Plan 2017-2023, would not seriously injure the amenities of property in the vicinity, and would not impact on traffic or pedestrian 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, the Board considered that the proposed use of the under-utilised farmyard in relative close proximity to the urban centres of Abbeyleix and Ballyroan would be compatible with general agricultural uses and would be supported by policies in the development plan in relation to diversification of economic opportunities within such locations. Notwithstanding the inspector's assessment that the activities would not represent appropriate diversification in a rural area, the Board considered that the use of the site would be a suitable diversification and also noted the five-year limitation on the operation of the storage facility as an appropriate condition to be imposed.

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 submitted on the 8th day of June 2020, 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 storage units hereby permitted shall be permitted for a period of five years from the date of this Order. Prior to the end of this period, the use of the structures shall cease and the structures shall be permanently removed from site, unless permission to retain and continue the use of same has been obtained.

Reason: In the interest of orderly development and to allow for a review of the development, having regard to the circumstances then pertaining.

3. The proposed structures shall be coloured dark green, dark grey or dark brown or an alternative colour to be agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

4. The hours of operation of the proposed storage facility (that is, when it is open to customers) shall be as follows: 0800 to 1900 hours Mondays to Saturday. The proposed development shall not operate outside of these hours.

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

5. Notwithstanding the provisions of Part 2 of Schedule 2 of the Planning and Development Act 2000, as amended, no further advertisements, signs or advertising apparatuses shall be erected on the site or the adjoining public road without a prior grant of planning permission.

Reason: In the interest of visual and residential amenity and traffic safety.

6. Boundary screening and mature trees shall be retained and shall not be removed, except with the prior written consent of the planning authority.

Reason: In the interest of visual and residential amenity.

7. (a) The ESB shall be consulted regarding any overhead power line, prior to the commencement of any works on site.
- (b) Any external lighting shall be cowled and directed away from the public roadway and adjoining properties.
- (c) No floodlights shall be erected without prior planning permission.

Reason: In the interests of traffic safety and residential amenity.

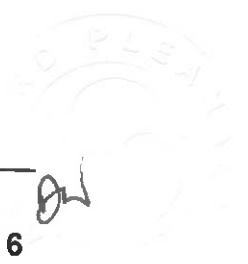
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8. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works. In particular, no surface water run-off shall be allowed to flow onto the roadway or adjacent properties.

Reason: To ensure adequate servicing of the development, and to prevent flooding of the roadway.

9. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.



10. 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.



Dave Walsh

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



Dated this 19th day of July 2021.