

An  
Bord  
Pleanála

**Board Order**  
**ABP-308653-20**

---

**Planning and Development Acts 2000 to 2020**

**Planning Authority: Laois County Council**

**Planning Register Reference Number: 19/670**

**Appeal** by Beechlawn Residents Association care of Tony Tynan of 24 Beechlawn, Portlaoise, County Laois and by others against the decision made on the 22<sup>nd</sup> day of October, 2020 by Laois County Council to grant subject to conditions a permission to David Booth care of Jason Redmond Associates Consulting Engineers of 5 Lismard Court, Portlaoise, County Laois in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a 55 number unit residential development consisting of 20 number two-storey semi-detached three bedroom houses, six number two-storey end of terrace three bedroom houses, six number two-storey mid-terrace two bedroom houses, two number two-storey semi-detached two-bedroom houses, three number two-storey detached three bedroom houses. The proposed development also includes three number three-storey apartment blocks containing 15 number two-bedroom apartments and three number one-bedroom apartments. The proposed development will be accessed from the existing roundabout along the public roadway (N80) to the eastern boundary of the site. The proposed development will also include estate roads, footpaths, public open space, foul

and surface water drainage, landscaping and all associated infrastructure works and services on 1.385 hectares on lands adjacent to The Cedar Clinic, Mountmellick Road (N80), Portlaoise, Co. Laois. Further public notices were received by the planning authority on the 8<sup>th</sup> day of July, 2020 and the 1<sup>st</sup> day of October, 2020.

## **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.

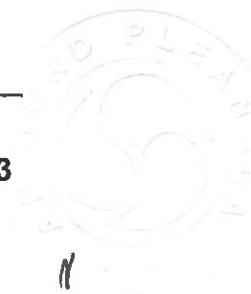
## Reasons and Considerations

Having regard to the provisions of Objective 13 of the National Planning Framework, the Portlaoise Local Area Plan 2018-2023 and the zoning of the site for residential purposes, to the location of the site in an established urban area within walking distance of Portlaoise town centre and to the nature, form, scale, density and design of the proposed development, 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. 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 submitted on the 11<sup>th</sup> day of June, 2020, and further clarification submitted on the 21<sup>st</sup> day of September, 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. This permission is for 34 number dwellinghouses and 16 number apartments as per Drawing Number 18.147.102 Revision PL03, received by the planning authority on the 21<sup>st</sup> day of September, 2020: a total of 50 number dwelling units.

**Reason:** In the interests of residential amenity and clarity.

3. 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 permitted, to first occupation by individual purchasers, that is, those not being a corporate entity, and/or by 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.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwellings 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. (a) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed standards of the planning authority for such works.
- (b) A Stage 3 Road Safety Audit in relation to all road works including the junction with the public road, shall be prepared and submitted for the written agreement of the planning authority prior to the commencement of development. Any necessary revisions to comply with the Stage 2 recommendations and/or additions shall be agreed in writing with the planning authority.

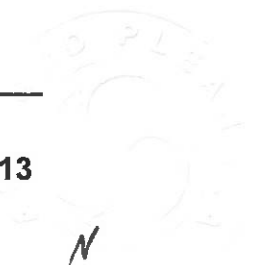
**Reason:** In the interests of amenity and of traffic and pedestrian safety.

6. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of pedestrian safety.

7. 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. Such lighting shall be provided prior to the making available for occupation of any dwelling unit.

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



8. A minimum of 10% of all communal car parking spaces shall be provided with functioning Electrical Vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, to facilitate the installation of Electrical Vehicle charging points/stations at a later date. Such proposals shall be submitted to, and agreed in writing with, the planning authority before the making available by the developer for occupation of the residential units in the proposed development.

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

9. Proposals for an estate/street name, house and 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 estate and street signs, and house and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. 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 and to ensure the use of locally appropriate place names for new residential areas.



10. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Details of all surface water disposal, surface water management and all necessary legal entitlements to carry out works to adequately service the proposed development shall be agreed in writing with the planning authority prior to commencement of development.

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

11. 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.

12. To ensure full implementation of the proposed landscape plan, the developer shall retain the services of a Landscape Consultant throughout the life of the site development works. A completion certificate shall be signed off by the Landscape Consultant when all works are completed and in line with the submitted landscape drawings. This completion certificate shall be submitted to the planning authority for written agreement upon completion of works.

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

13. Vegetation clearance and any necessary tree removal shall take place outside the bird breeding season (March 1<sup>st</sup> – August 31<sup>st</sup>).

**Reason:** To protect birds and bird breeding habitats during the nesting season.

14. (a) The developer shall engage the services of a suitably qualified archaeologist (licensed under the National Monuments Acts 1930 to 2004) to carry out pre-development testing at the site. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent.
- (b) The archaeologist shall notify the Department of Housing, Local Government and Heritage in writing at least four weeks prior to the commencement of site preparations. This will allow the archaeologist sufficient time to obtain a licence to carry out the work.
- (c) The archaeologist shall carry out any relevant documentary research and may excavate test trenches at locations chosen by the archaeologist, having consulted the proposed development plans.
- (d) Having completed the work, the archaeologist shall submit a written report to the planning authority and to the Department of Housing, Local Government and Heritage.
- (e) Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (excavation) and/or monitoring may be required, the Department of Housing, Local Government and Heritage will advise the developer with regard to these matters.





- (f) No site preparation or construction work shall be carried out until after the archaeologist's report has been submitted and permission to proceed has been received in writing from the planning authority in consultation with the Department of Housing, Local Government and Heritage.

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

15. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between the hours of 0800 to 1400 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 property in the vicinity.

16. 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 traffic management measures.

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

17. 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.

18. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

**Reason:** To protect the amenities of the area.

19. (a) All areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.
- (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

20. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

**Reason:** In the interests of orderly development and the visual amenities of the area.

21. 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 96(4) and 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 for the area.

22. 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, 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 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 of the development.

23. 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 the 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.



**Terry Prendergast**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this 17<sup>th</sup> day of June 2021.

