

Planning and Development Acts 2000 to 2020

Planning Authority: Laois County Council

Planning Register Reference Number: 19/667

Appeal by Oghill Properties Limited care of MCD Civil Engineering Consultants Limited of Stanhope Street, Athy, County Kildare against the decision made on the 3rd day of December, 2020 by Laois County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolish existing single storey building and to construct five number two-storey dwellings consisting of two number two bedroomed units and three number three bedroom units and all ancillary site development works at Ballylinan, County Laois.

Decision

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to **AMEND** conditions numbers 1 and 17 so that they shall be as follows for the reasons set out.

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 9th day of November 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.

17. 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.

Reasons and Considerations

Having regard to the nature and scale of the proposed development, the existing pattern of development in the area and the provisions of the Laois County Development Plan 2017-2023 and the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) issued by the Department of the Environment, Heritage and Local Government in May 2009, it is considered that the modification to the proposed development, as required by the planning authority in its imposition of condition number 1(b), was not warranted, and that the proposed development, with the modification of condition number 1(b), to permit four number units, 01 to 04 as submitted to the planning authority on the 9th day of November 2020, on Site Layout Plan drawing number 01/02 would not detract from the amenities of the area, would be acceptable on a fully serviced brownfield site with a town centre zoning and would, therefore, be in accordance with the proper planning and sustainable development of the area. It is further considered that, as a consequence of the above, condition number 17 is also amended.



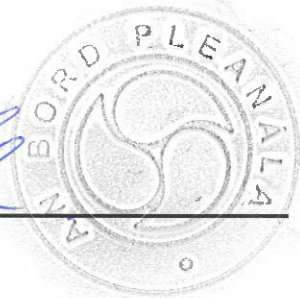
Matters Considered

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.



Stephen Bohan

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



Dated this *1st* day of *July* 2021.