

An  
Bord  
Pleanála

Board Order  
ABP-310824-21

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## **Planning and Development Acts 2000 to 2021**

**Planning Authority: Laois County Council**

**Planning Register Reference Number: 20/686**

**Appeal** by Mark and Edel Gorman of Patrick Street, Mountrath, County Laois against the decision made on the 24<sup>th</sup> day of June, 2021 by Laois County Council to grant subject to conditions a permission to Harmony Care care of DKA Architectural Technologist of 20 Church Street, Portlaoise, County Laois in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Permission for two, two storey, apartment blocks. Block 1 will consist of four one-bedroom apartments, stairwell and lift shaft. Block 2 will consist of three one-bedroom apartments, a communal/office staff area, bin bay, cycle shelter, parking and all associated site works at Roadstone House, Dysartbeigh, Mountrath, County Laois. A further public notice was received by the planning authority on the 8<sup>th</sup> day of June, 2021.

## **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.**

## Reasons and Considerations

Having regard to the location, nature, scale and design of the proposed development, the pattern of development in the area, and the land use zoning objectives for this site as set out in the Laois County Council Development Plan 2017-2023, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would integrate with the existing development in the area in a satisfactory manner, would be in accordance with the sheltered housing provisions set out in the said Development Plan and would be acceptable in terms of traffic safety and convenience. 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 19<sup>th</sup> day of March, 2021 and further clarification received by the planning authority on the 14<sup>th</sup> day of May 2021, 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. Details of all the external finishes associated with the proposed blocks shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

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

3. The proposed units shall be used for sheltered accommodation/ independent living units only.

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

4. Details of all boundary treatment and landscaping surrounding the blocks shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The scheme shall include the following:

- (a) Details of all proposed hard surface finishes, kerbing on footpath arrangements.
- (b) The proposed locations of any trees and other landscaping features including box planting.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

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

5. Site development and building works shall be carried out only between 0800 hours and 1900 hours Monday to Friday inclusive, between 0800 and 1400 hours Saturday and not at all on Sundays, bank holidays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where the prior written agreement of the planning authority has been received.

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

6. 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 the 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.

7. Prior to the commencement of development, the developer shall submit and obtain the written agreement of the planning authority to a plan containing details for the management of waste (and, or 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 the on-going operation of these facilities.

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

8. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

9. The developer shall enter into a water and/wastewater connection agreement(s) with Irish Water prior to the commencement of development.

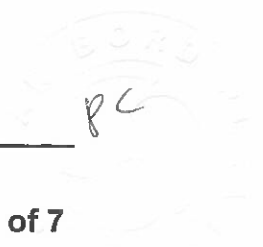
**Reason:** In the interest of orderly development.

10. 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.

11. 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.



12. 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, which may allow for the payment of a reduced contribution or no contribution in certain circumstances, in accordance with the provisions of the scheme (unless the development is of a category that is exempt from the adopted Scheme). 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 considered reasonable that the payment of a contribution, in accordance with the Development Contribution Scheme made under section 48 of the Act, should be made in respect of public infrastructure and facilities benefiting development in the area of the planning authority and that is provided, or that is intended will be provided, by or on behalf of the local authority.



**Patricia Calleary**

**Member of An Bord Pleanála**

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

**Dated this 03 day of May, 2022.**

*PC*