

An  
Bord  
Pleanála

Board Order  
ABP-313135-22

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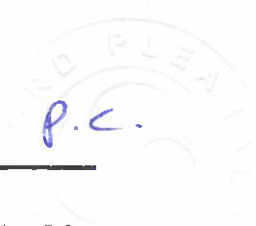
**Planning and Development Acts 2000 to 2021**

**Planning Authority: Offaly County Council**

**Planning Register Reference Number: 21/140**

**Appeal** by Alison Leeson care of Kruger Lyons Limited of 202 Citywest Business Centre, 3013 Lake Drive, Citywest, Dublin against the decision made on the 2<sup>nd</sup> day of March, 2022 by Offaly County Council to refuse permission for the proposed development.

**Proposed Development:** Demolition of derelict outbuildings, storage sheds and boundary walls to the rear of Logans Bar along Granary Court. Construction of two-storey building on the site comprised of 10 number one-bedroom apartments and two number two-bedroom apartments. Provision of six number parking spaces and landscaping along Granary Court. All associated and ancillary drainage, site and ground works, all to the rear of Logans Bar, Granary Court, Edenderry, County Offaly.

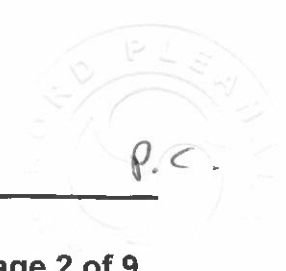


## Decision

**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.**

### Reasons and Considerations

Having regard to the provisions of the Offaly County Development Plan 2021 - 2027 and the Edenderry Local Area Plan 2017-2023, including the town centre/mixed use zoning objective, the design, layout and scale of the proposed development and the existing pattern of development in the vicinity, it is considered that, subject to compliance with conditions set out below, the proposed development would appropriately introduce residential use onto this suitably located infill site, would be acceptable in terms of design, height, layout and scale of development, would provide a suitable level of accommodation and amenity for future occupants, would be acceptable in terms of traffic safety/parking provision, would be adequately served with water, surface water drainage and public sewerage infrastructure and would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.



## Conditions

1. The proposed 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 received by the planning authority on the 3<sup>rd</sup> day of February, 2022, 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, or as otherwise stipulated by conditions hereunder, and the proposed development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

2. Revisions incorporating the following details shall be submitted to the planning authority for written agreement prior to commencement of development:
  - (a) The ground floor apartments shall have a minimum floor to ceiling height of 2.7 metres.
  - (b) The walkway at first floor level connecting the first-floor level apartments to the vertical access and escape route shall be provided with a screen to avoid overlooking of adjacent properties to the west.
  - (c) Proposals to provide a pedestrian walkway across Granary Court Road in accordance with DMURS and the Transport Infrastructure Ireland document DN-GEO-03084, The Treatment of Transition Zones to Towns and Villages on National Roads Date: July 2021.

**Reason:** In the interest of amenity, pedestrian safety and orderly development.



3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of planning authority for such works and services.

**Reason:** To ensure adequate servicing of the proposed development and in the interest of public health.

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

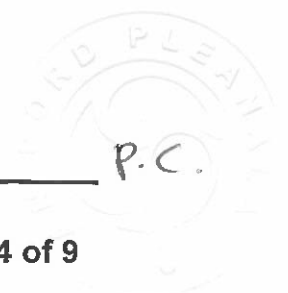
**Reason:** In the interest of public health.

5. Prior to commencement of development, details of the materials, colours and textures of all external finishes, including samples, shall be submitted to and agreed in writing with the planning authority.

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

6. Site development and building works shall be carried only out between 0800 to 1900 hours Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.



7. The construction of the proposed 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 proposed development, including noise management measures and off-site disposal of construction/demolition waste.

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

8. 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.

9. All service cables associated with the proposed development shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

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

10. A plan containing details for the management of waste within the proposed development, including the provision of facilities for the storage, separation and collection of the waste and, in particular recyclable materials, and for the on-going 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.

11. Prior to commencement of development, the developer, 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 94(4) and section 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 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 of the area.

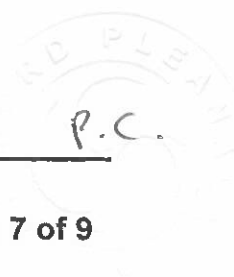
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12. Proposals for a numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signage shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the proposed development shall be erected until the developer has obtained the planning authority's written agreement to the proposed numbering scheme.

**Reason:** In the interest of urban legibility.

13. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the planning authority in the event of the proposed development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure the satisfactory completion and maintenance of the proposed development.



14. A minimum of two communal car parking spaces shall be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted to and agreed in writing with the planning authority prior to the occupation of the proposed development. Details of how it is proposed to comply with these requirements, including details of the design of, and signage for, the electric charging points (where they are not in areas to be taken in charge) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of facilitating sustainable transport.

15. 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, open space and other services required in connection with the proposed development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the proposed 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 and maintenance of the proposed development until taken in charge.



16. 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.

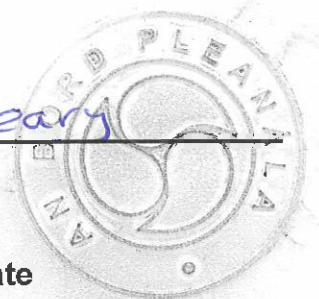
**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

*Patricia Calleary*

**Patricia Calleary**

**Member of An Bord Pleanála**

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



Dated this *27* day of *July* 2022.

*P.C.*