



An
Bord
Pleanála

Board Order
ABP-314949-22

Planning and Development Acts 2000 to 2022

Planning Authority: Laois County Council

Planning Register Reference Number: 22/159

Appeal by Paschal Bergin of Cullohill Service Station, Cullohill, Laois against the decision made on the 6th day of October, 2022 by Laois County Council to grant subject to conditions a permission to Cullahill Community Council care of Fintan Dunne Architect of Aharney, Durrow, County Laois in accordance with plans and particulars lodged with the said Council:

Proposed Development: Refurbishment of the existing derelict dwelling, modifications to the existing outbuilding, the construction of single storey structures to link the derelict dwelling and the outbuilding, in order to create a community hub center, providing capacity for remote working, cooking and food preparation, a coffee dock and dining space, around an external courtyard area, with related back up facilities, an effluent treatment system and percolation area and associated site works at Cullahill Village, 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.

Reasons and Considerations

Having regard to the nature, extent and location of the site, and the provisions of the Laois County Development Plan 2021-2027, it is considered that, subject to compliance with the conditions set out below, the proposed development of a community based, shared use development, which utilises a derelict building at the centre of the settlement of Cullahill, would not give rise to traffic hazard or detract from the amenities of the area, would support the community and make beneficial use of a building which, in its current condition, detracts from the 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 12th day of September 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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The external finishes shall be as proposed. Colour of proposed roof sheeting shall be subject to the prior written agreement of the planning authority.

Reason: In the interest of clarity and visual amenity.

3. The development shall be operated as a community hub centre, as detailed in the application documents.

Reason: In the interest of clarity and orderly development.

4. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

5. Notwithstanding the exemptions set out in the Planning & Development Regulations, no external advertising shall be erected on the premises except in accordance with a separate planning permission.

Reason: In the interest of clarity and orderly development.

6. (a) The effluent treatment system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 12th day of September, 2022, and in accordance with the requirements of the document entitled "Code of Practice - Waste Water Treatment Systems for Small Communities, Business, Leisure Centres and Hotels, Environmental Protection Agency 1999. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.
- (b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
- (c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first use and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (d) Within three months of the first use, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

7. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of clarity and orderly development.

8. 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 mitigation and waste disposal.

Reason: In the interest of amenities, public health and safety.

9. External lighting shall be cowled and directed away from the public roadway and adjoining properties.

Reason: In the interest of amenity, and public safety.

10. Prior to commencement of development, the developer shall consult the service provider in relation to the overhead cable which traverses the site.

Reason: In the interest of orderly development.

11. All public service cables for the proposed development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

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. 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.



Stephen Bohan

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

Dated this *17th* day of *November* 2023

