



An
Coimisiún
Pleanála

**Commission Order
ABP-320879-24**

Planning and Development Act 2000, as amended

Planning Authority: Offaly County Council

Planning Register Reference Number: 24/60248

Appeal by Conor Meehan of Robin Hollow, Clonminch Lane, Tullamore, County Offaly against the decision made on the 26th day of August, 2024 by Offaly County Council to grant subject to conditions a permission to Olive Heffernan care of Frank Murray Architectural Services Limited of Pallas Park, Blueball, Tullamore, County Offaly in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of dwellinghouse with revised site layout, house previously granted under planning register reference number 17/258 and EX/22012 incorporating altered position of house on site and permission to complete dwellinghouse and all associated works, all at Clonminch, Tullamore, County Offaly.

Decision

GRANT permission for the above 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 site access, the design and roof ridge height of the subject dwelling, along with transportation considerations, which were assessed in the parent application register reference number 17/258, which established the principle of the subject house and access to the site, and the duration of the permission, which was extended under register reference number EX22/12, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and completed would be in accordance with Land Use Zoning Objective LUZO-12 of the Offaly County Development Plan 2021-2027 (Established/Non-Conforming uses), would not seriously injure the residential and visual amenities of the area, and would not devalue property in the vicinity. The development proposed to be retained and completed would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, 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 completion of development and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) A new native species hedgerow shall be planted at least 2.4 metres back from the road edge and a timber post and rail fence shall be constructed behind the roadside hedgerow.
- (b) The relocated roadside boundary shall be set back and planted so as to ensure adequate sight lines at the entrance of the subject site and, prior to the occupation of the dwelling, a letter from an indemnified engineer indicating that the relevant sightlines have been provided shall be submitted for the written agreement of the planning authority.
- (c) A two-metre-wide footpath shall be constructed along the front of the subject site and shall be dished at the proposed entrance. The construction of this footpath shall be at the developer's expense and all works shall be carried out to the satisfaction of the planning authority and shall be maintained by the developer, until taken in charge by the planning authority.

Reason: In the interest of traffic safety.

3. Details of the materials, colours and textures of all the external finishes to the dwelling shall be submitted to, and agreed in writing with, the planning authority prior to completion of development. The roof colour shall be blue-black, black, dark brown or dark grey in colour only.

Reason: In the interest of visual amenity and to ensure an appropriate standard of development.

4. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
- (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system or soakpits.

Reason: In the interest of public health.

5. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to completion of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interest of sustainable drainage.

6. Prior to the completion of development, the developer shall enter into a connection agreement(s) with Uisce Éireann to provide for service connections to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

7. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interest of visual amenity.

9. Prior to completion of development, the developer shall submit to, and agree in writing with, the planning authority a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

10. Site development and building works shall be carried out only between the hours of 0700 to 1900 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.

11. The site shall be landscaped, using only indigenous deciduous trees and hedging species in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to completion of development. This scheme shall include the establishment of a hedgerow along all side and rear boundaries of the site. Any plants, trees or hedging which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, 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 completion 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 Coimisiún 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.


Liam McGree

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 2nd day of OCTOBER 2025.