



An  
Bord  
Pleanála

**Board Order**  
**ABP-321277-24**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Laois County Council**

**Planning Register Reference Number: 24/60508**

**Appeal** by John and Patricia Moloney care of Leslie Colton Engineering and Architectural Services of "Underhill", Rathmore, Stradbally, County Laois against the decision made on the 24<sup>th</sup> day of October, 2024 by Laois County Council to grant permission subject to conditions, to Patrick and Tara Lalor of Coolagh Lane, Kilcavan Cross, Geashill, County Offaly for the proposed development.

**Proposed Development:** Convert and renovate an existing dwelling. Works to include subdividing the dwelling into three number apartments, together with all necessary ancillary services and associated site works. The proposed works are within the curtilage of a protected structure (RPS 695 and RPS 030) at 28 Patrick Street, Mountmellick, 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

The proposed development is in accordance with the Laois County Development Plan 2021-2027 and the Mountmellick Local Area Plan 2018-2024 and would safeguard a protected structure and provide it with a viable use. The proposed development, subject to compliance with the conditions set out below, would conform with the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2023, would support the regeneration of the town centre of Mountmellick and would not unduly impact on the 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, 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. (a) The works to the protected structure shall be carried out under the direction of an experienced conservation architect with RIAI accreditation at Grade 2 or Grade 1. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority the name and professional qualifications of the Conservation Architect.
- (b) The works to the protected structure shall be carried out in accordance with the approach set out in the submitted Architectural Design and Historic Statement received by the planning authority on the 1<sup>st</sup> day of September, 2024 and the details submitted with the planning application. The project conservation architect shall immediately inform the planning authority in the event that any concealed feature of interest is uncovered during the works and work shall cease in this area pending agreement with the planning authority on how to proceed.
- (c) The project Conservation Architect shall make a photographic record of the works as they proceed, to include photographs of the protected structure at intervals of no greater than one month from commencement of the works until completion of the development. These photographs shall be annotated and dated. This photographic record shall be made available to the planning authority, if requested while the works are progressing and shall be collated into a single record of the works, copies of which shall be submitted to the planning authority and the Irish Architectural Archive on completion of the development.

- (d) The Conservation Architect shall submit to the Local Authority a Conservation Compliance report upon completion of the development. Photographs of the areas of change and a record of the main stages of the works shall be included, cross referenced to a suitably scaled drawing showing the existing structure and fabric elements.

**Reason:** To ensure that the integrity of the Protected Structure is maintained and that the proposed works are carried out in accordance with best conservation practise with no unnecessary damage or loss of surviving historic building fabric.

3. The overall site shall be used for domestic-related purposes only, and not for any commercial, workshop, or other non-domestic use.

**Reason:** In the interest of clarity and to regulate the use of the development.

4. (a) All surface water run-off from roofs, and entrances shall be collected and disposed of to the public surface water sewer network. No such surface water run-off shall be allowed to flow onto the public roadway or adjoining properties.
- (b) The proposed development shall not interfere with existing land or road drainage.

**Reason:** To prevent flooding of the public road, in the interest of traffic safety and in the interest of public health.

5. The overall site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
- (a) a plan to scale of not less than 1:500 showing existing trees, hedgerows, shrubs, stone walls, specifying which are proposed for retention as features of the site landscaping,
  - (b) the measures to be put in place for the protection of these landscape features during the construction period,
  - (c) specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment, and
  - (d) a timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants 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 the interests of residential and visual amenity.

6. Prior to the commencement of development, the developer shall enter into Connection Agreements 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. Any external lighting, during and post construction, shall be cowled and directed away from the public roadway and adjoining properties.

**Reason:** In the interests of traffic safety and residential amenity.

8. Prior to commencement of works, 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 interests of public safety and amenity.

9. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of reducing waste and encouraging recycling.

10. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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 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 the 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 the Board 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.



**Marie O'Connor**

**Member of An Bord Pleanála**

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

**Dated this 20 day of March 2025.**