

Planning and Development Acts 2000 to 2022

Planning Authority: Laois County Council

Planning Register Reference Number: 2360563

Appeal by Helen Cruickshank of Akaroa, Rathmoyle, Abbeyleix, County Laois against the decision made on the 12th day of December 2024, by Laois County Council to grant, subject to conditions, a permission to Jason Stokes care of Cole Planning and Design Limited of Derry, Portlaoise, County Laois in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a two-storey dwellinghouse, site entrance with new front boundary walls and piers, connections to foul and surface water drainage, water services and all associated infrastructure works, all on a 0.03-hectare site at Rathmoyle, Abbeyleix, 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 location of the subject site within the settlement boundary of Abbeyleix town and zoned as 'Residential 1 - Existing Residential' in the Laois County Development Plan 2021-2027, the separation distance to the existing properties, and the location of the infill site in an existing settlement, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously affect the traffic safety of the area, would not adversely impact the residential amenity of the area and 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 received by the planning authority on the 19th day of November 2024, 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 proposed development, including the external finishes shall be consistent with details received by the planning authority on 19th day of November 2024 unless otherwise agreed, in writing, with the planning authority prior to commencement of any development. Stone shall be a natural local stone.

Reason: In order to assimilate the proposed development into the surrounding area, in the interests of visual amenity and the proper planning and sustainable development of the area.

3. The 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 a plan to scale of not less than 1:200 showing:
 - (a) Existing trees and hedgerows specifying which are proposed for retention as features of the site landscaping.
 - (b) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and shall not include prunus species.

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 interest of residential and visual amenity.



4. The front boundary wall shall be 900 millimetres in height and shall be suitably capped and finished in a material that matches the external finish of the dwellings.

Reason: In the interest of residential and visual amenity.

5. The developer shall ensure adequate sight distances of 50 metres shall be created and maintained in both directions at the site entrance. The sight distances shall be measured from a point 2.4 metres in from the road edge and from a driver's eye height of 1.05 metres to an object height of 1.15 metres. Sightlines are to be measured to the nearside road edge with all structures and vegetation set back outside the sightline triangle.

Reason: In the interest of traffic safety.

6. Any utility poles currently within the roadside boundary set back required by other conditions of this schedule shall be repositioned behind the new boundary, and any surface chambers or manholes within it shall be repositioned in a location or at a level to be agreed with in writing with the planning authority. The applicant shall be responsible for the costs of relocating these facilities, for notifying the relevant statutory undertakers, for obtaining any necessary licenses, and for notifying the planning authority of the revised locations of such utilities, prior to commencement of development or at the discretion of the planning authority, within such further period or periods of time as it may nominate in writing.

Reason: In the interest of road safety.

7. Any damage to the existing public road, footpath and services resulting from this development shall be repaired by the developer at its own expense, to the satisfaction of the planning authority.

Reason: In the interest of orderly development.

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

Reason: In the interest of visual amenity.

9. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement 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 interests of sustainable drainage.

10. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Eireann.

Reason: In the interest of public health.



11. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, and 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.

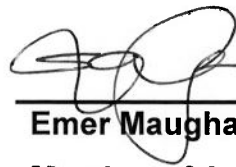
12. No dust, mud or debris from the site shall be carried onto or deposited on the public road/footpath. Public roads and footpaths in the vicinity of the site shall be maintained in a tidy condition by the developer during the construction phase.

Reason: To protect the amenities of the area and in the interests of road safety.

13. 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.



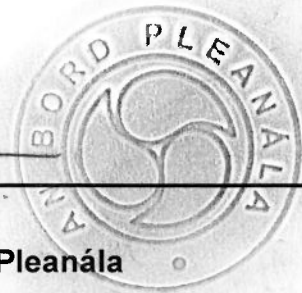
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission



Emer Maughan

Member of An Bord Pleanála

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



Dated this 19th day of May 2025.