



An
Coimisiún
Pleanála

Commission Order
ABP-322482-25

Planning and Development Act 2000, as amended

Planning Authority: Offaly County Council

Planning Register Reference Number: 2460122

Appeal by John Hoare of Roscrea Road, Birr, County Offaly against the decision made on the 15th day of April, 2025 by Offaly County Council to grant subject to conditions a permission to Eoin Garry care of Peter Lyons of Block 6, Central Business Park, Clonminch, Tullamore, County Offaly in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of 66 total number residential units comprising of: (A) 20 number dwellings, comprising of eight number four-bedroom two-storey detached houses (Type A); eight number four-bedroom two-storey semi-detached houses (Type B1/B2); two number two-storey three-bedroom dual aspect semi-detached houses (Type C1/C2); two number two-storey three-bedroom dual aspect semi-detached houses (Type C3/C4). (B) 46 number build-to-rent apartments in four number separate three-storey blocks, comprising of 20 number one-bedroom ground floor apartments (Type D1/D2) with 20 number two-bedroom first-floor duplex apartments (Type E1/E2) in three blocks, and two number one-bedroom apartments (Type F1/F2), with four number one-bedroom apartments (Type G1/G2) in one block. (C) The construction of section of new distributor road, pathways and cycle track with access to developments listed in section B above. (D) The

provision of all groundworks, landscaping, service connections, site drainage, internal paths, paving, parking, public lighting, public open space and all associated site development works to complete the development, all at Railway Road, Townparks and Seffin, Birr, County Offaly. The proposed development is within the curtilage of protected structures OCC RPS numbers 53-361 and OCC RPS number 53-360.

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 Birr Local Area Plan 2023-2029, including the zoning objective for the site and the relevant policies and objectives of the development plan in addition to the Building Height Guidelines, Apartment Guidelines, and Compact Settlement Guidelines, and having regard to the scale, form, design, and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities or character of the area or of property in the vicinity, would have no significant transport or traffic impacts, would have no significant heritage impacts on either of the Protected Structures, would not seriously injure the residential amenity of dwellings in the area, would not be prejudicial to public health, and would overall promote the appropriate and efficient development of housing on an accessible and sustainable site and would comply with the policies and provisions of the development plan. 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 on the 11th day of April 2024, and amended by the further plans and particulars received by the planning authority on the 20th day of September 2024 and the 3rd day of March 2025, 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 interests of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development. In default of agreement the matter in dispute shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of visual amenity.

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 the following:
 - (a) A plan to scale of not less than 1:500 showing –
 - (i) Existing trees, hedgerows, shrubs, rock outcroppings, stone walls, specifying which are proposed for retention as features of the site landscaping.

- (ii) The measures to be put in place for the protection of these landscape features during the construction period.
 - (iii) 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 which shall not include prunus species.
 - (iv) Details of screen planting, which shall not include cupressocyparis x leylandii.
 - (v) Details of roadside/street planting, which shall not include prunus species.
 - (vi) Hard landscaping works, specifying surfacing materials, furniture, play equipment, and finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (c) A timescale for implementation, including details of phasing.

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 or until the development is taken in charge by the local authority, whichever is the sooner, 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. (a) Construction traffic shall access the development site via the route of the proposed Distributor Road only.
- (b) The section of proposed Distributor Road, as specified in the Birr Town Plan zoning map in the Birr Local Area Plan 2023-2029, located within the site of this planning application shall be completed before first occupation of any proposed dwellings, in accordance with the information received and all relevant design standards, NTA, TII, DMURS, etc. including all utilities and services in a manner so as to ensuring that a future extension of the Distributor Road is feasible . The developer shall liaise and engage with Offaly County Council Roads Section in this regard. The section of proposed Distributor Road shall be built at the developer's expense and shall be built along the full extent of the applicant's landholding.
- (c) Prior to commencement of development, the developer shall submit proposed construction details, in accordance with the information received and all relevant design standards, National Transport Authority, Transport Infrastructure Ireland, Design Manual for Urban Roads and Streets, etc. for written agreement and approval of Offaly County Council Roads Section. These include but are not limited to, details of road cross section, pavement design, drainage design, utilities, controlled crossing points, PSV values, AAV values, etc. for the proposed Birr Distributor Road.
- (d) No gates or other impediments to vehicular movement shall be erected at any points along the proposed Birr Distributor Road without the prior written consent of the planning authority. Where such gates or other impediments are permitted by the planning authority, they shall be temporary only and they shall be removed from the site within one month of a written direction from the

planning authority. The developer shall liaise and engage with Offaly County Council Roads Section in regard to the above.

- (e) Prior to commencement of development the developer shall provide a revised agreement, referenced in the applicant's response to further information as Birr Distributor Road - Three Way Agreement, with corrections to (a) the date on the document and (b) the reference to section D on page one of the document.
- (f) The developer shall submit a Road Safety Audit at each stage of the development of the proposed Distributor Road and the housing development roads for the written agreement of the Planning Department. The developer shall undertake any recommendations and remedial works identified in the agreed audits prior to the opening of the proposed Distributor Road.
- (g) Following construction and prior to first occupation of the residential units, the developer shall undertake a Stage 3 Road Safety Audit for the proposed development and the proposed Distributor Road and submit it to Offaly County Council for written agreement. The developer shall undertake any recommendations and remedial works identified in the agreed audit prior to the first occupation of any dwellings.
- (h) All proposed signage, line marking and parking bays are installed in accordance with the Traffic Signs Manual 2019 and Design Manual for Urban Roads and Streets (DMURS).

Reason: In the interests of traffic safety.

5. 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:
- (a) the location of the site and materials compound including areas identified for the storage of construction refuse;
 - (b) the location of areas for construction site offices and staff facilities;
 - (c) details of site security fencing and hoardings;
 - (d) the details of on-site car parking facilities for site workers during the course of construction;
 - (e) the details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - (f) measures to obviate queuing of construction traffic on the adjoining road network;
 - (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;

- (i) the details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) the containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) the off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
- (l) the means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

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

6. All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

7. The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company. Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with the planning authority before any of the residential units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

8. Prior to commencement of development, the applicant 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 on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún 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 for the area.

9. Prior to the commencement of the development, the developer shall submit for written agreement with the planning authority, a revised site layout plan for the proposed public play area within the north parcel of the subject site. This revised plan shall remove the western footpath which leads to the northern boundary wall and is deemed unnecessary. The revised plan shall also extend the play area to the northern boundary of the subject site to remove the narrow tract of land and shall include the adjacent green area to ensure a useable and attractive amenity space for the future residents of the development.

Reason: In the interest of proper planning and residential amenity.

10. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency'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.

11. Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

12. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual amenity.

13. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste, and, in particular, recyclable materials and for the ongoing operation of these facilities for each house/apartment shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

14. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, 0800 to 1400 on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where proposals have been submitted and agreed in writing with the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

15. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply and wastewater collection network. All works shall comply with Uisce Éireann's Connection and Developer Services Standard Details and Code of Practice.

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

16. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees and landscaping. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

17. All drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such works and services. Prior to the commencement of development, the developer shall submit all drainage details to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

18. Prior to the commencement of the development as permitted:

- (a) The applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers, that is, those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each

specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

- 19. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the 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 Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

20. 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 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.

Eamonn James Kelly

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Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this *5th* day of *September*, 2025.