



An  
Coimisiún  
Pleanála

**Commission Order  
ACP-323593-25**

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**Planning and Development Act 2000, as amended**

**Planning Authority: Laois County Council**

**Planning Register Reference Number: 24/60769**

**Appeal** by Ethel Burke against the decision made on the 12<sup>th</sup> day of August, 2025 by Laois County Council to grant subject to conditions a permission to Cubic Housing Limited in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** 28 number residential dwelling units comprising of three number two-storey four-bed seven person terraced house type A, four number two-storey three bed five person terrace house type B, three number dormer three bed five person terraced house type C, 10 number bungalow two bed three person terraced and semi-detached house type D, two-storey duplex block consisting of four number one bed two person units at ground level and four number one bed two person units at first floor level, communal bin and bicycle store, demolition of existing furniture store, vehicular entrance from New Row, parking, boundary treatments, landscaped amenity space, local road and footpaths, and all associated site infrastructure works at Dunnes Hardware, New Row, Abbeyleix, County Laois, as revised by the

further public notices received by the planning authority on the 23<sup>rd</sup> day of July, 2025.

## **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 Laois County Development Plan 2021 - 2027, specifically Policies CS05 and CMBE1 which seek to support the regeneration of underutilised town centre and brownfield infill lands, to its location within the existing town of Abbeyleix, to the nature and scale of the proposed development and to the prevailing pattern and character of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not negatively impact on the built heritage of Abbeyleix, and would be acceptable in terms of traffic safety. The Commission is satisfied that the proposed development would be consistent with government direction in relation to improving/increasing housing supply as set out in the Housing Growth Requirements-Guidelines for Planning Authorities July 2025 and the National Planning Framework Implementation: Housing Growth Requirements-Guidelines for Planning Authorities July 2025. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 17<sup>th</sup> day of December, 2024, as revised by further plans and particulars received by the planning authority on the 22<sup>nd</sup> day of April 2025 and on the 30<sup>th</sup> day of May 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 conducted and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. (a) The proposed development is approved for the 26 units as laid out in drawing number S25-011-ES02 (with the dormer houses facing New Row), received by the planning authority on the 30<sup>th</sup> day of May 2025.  
  
(b) The brick finish to the front of Units 1 and 2 (the dormer houses) shall be omitted.  
  
(c) Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of clarity (number of dwellings approved) and visual amenity, and to ensure an appropriate high standard of development adjacent an Architectural Conservation Area.

3. No development shall commence on the site until such time as the following have been agreed and complied with:
- (a) Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.
  - (b) Details for the safe removal and disposal of the identified asbestos within the existing building on site are provided to, and agreed with, the planning authority.

Full details shall be agreed with the planning authority prior to commencement of development, and all works shall be completed by the applicant, to the satisfaction of the planning authority prior to the occupation of any house within the proposed development.

**Reason:** In the interests of roads and traffic safety, protection of the natural environment, public health and the proper planning and sustainable development of the area.

4. Prior to commencement of development and/or occupation of the residential units, as applicable, final Road Safety Audit(s) and/or Quality Audit(s) of the development, including the main entrance, internal road, and path layouts, shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interests of sustainable transportation and traffic and pedestrian safety.

5. 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. 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 interests of residential and visual amenity.

6. The area shown as public open space on the lodged plans shall be reserved for such use. The public open space shall be completed and fully landscaped before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer.

**Reason:** In the interest of the amenities of the occupants of the proposed housing.

7. Proposals for a naming/numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names 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 place names for new residential areas.

8. (a) Prior to the commencement of the development as permitted, 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 i.e. 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.

9. The developer shall enter into water and wastewater connection agreements with Uisce Eireann, prior to commencement of development.

**Reason:** In the interest of public health.

10. 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.

**Reason:** In the interests of visual and residential amenity.

11. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 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. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following:

- (a) collection and disposal of construction waste including asbestos;
- (b) surface water run-off from the site;
- (c) on-site road construction; and
- (d) environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures.

A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

**Reason:** In the interests of environmental protection, residential amenities, public health and safety, and environmental protection.

13. Prior to commencement of development, the developer shall prepare 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), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. 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 sustainable waste management.

14. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

**Reason:** In the interests of sustainable transport and safety.

15. 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.

16. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

17. 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 in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may 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 of the area.



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Declan Moore

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

Dated this 20<sup>th</sup> day of JANUARY 2026