



An
Bord
Pleanála

Inspector's Report

ABP-314949-22

Development	Refurbish derelict building to provide community hub centre.
Location	Cullahill, Co. Laois
Planning Authority	Laois County Council
Planning Authority Reg. Ref.	22159
Applicants	Cullohill Community Council
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Pascal Bergin
Observers	Stephen Gleeson & Mary E Gleeson
Date of Site Inspection	4 th August 2023
Inspector	Dolores McCague

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	4
3.5. Third Party Observations	5
4.0 Planning History.....	5
5.0 Policy Context.....	6
5.1. Development Plan.....	6
5.2. Laois County Council Development Contribution Scheme 2017-2023.....	7
5.3. Natural Heritage Designations	7
5.4. EIA Screening	8
6.0 The Appeal	8
6.1. Grounds of Appeal	8
6.2. Applicant Response	9
6.3. Observations.....	9
6.4. Further Responses	12
7.0 Assessment.....	12
7.2. Appropriate Assessment.....	12
7.3. Principle of the Development	12
7.4. Traffic Safety.....	13
7.5. Nature of Use and Impact on Existing Business	15
7.6. Wastewater Disposal	15
7.7. Flood Risk.....	16
7.8. Residential Amenity	16
7.9. Other Issues.....	18
8.0 Recommendation.....	19
9.0 Reasons and Considerations.....	19
10.0 Conditions	19

1.0 Site Location and Description

- 1.1.1. The site is located in the village of Cullahill, Co. Laois. Cullahill is situated on a busy road, the R639, formerly the N8, which since the construction of the M8 has been downgraded to a regional road. The M8 has interchanges to the south, close to Urlingford (junction 4) and to the north, east of Rathdowney (junction 3). The R639 remains a busy road and it appears to continue be by used by an excessive number of goods vehicles.
- 1.1.2. The site is given as 0.112ha. The main portion of the site is being given to the applicant's by it's owner, and in addition, the effluent treatment location and the route of the pipework are being consented to by other parties.

2.0 Proposed Development

- 2.1.1. The application dated, 24th November 2022, is for permission:

To refurbish existing derelict dwelling, carry out modifications to existing outbuilding, construct single storey structures to link the derelict dwelling and the outbuilding, in order to create a community hub center, providing capacity for remote working, cooking and food preparation, a coffee dock and dining space, around an external courtyard area, with related back up facilities, an effluent treatment system and percolation area and associated site works.

Water supply proposed is via connection to group water scheme.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decision, dated 6th October 2022, was to grant permission subject to 14 conditions, including:

2 – external finish, 3 – use, 4 – no advertising signs, 5 – refuse bins, 6 – wastewater, 7 – surface water, 8 – construction waste, maintenance of the public road, 9 – CMO, CFO and Access, 10 – external lighting, 11 – overhead power line, undergrounding of cables, 12 – no interference with amenities, overground storage tanks, operational

waste management, 13 - compliance with the food waste regulations 2009, 14 - development contribution.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

3.2.2. There are two planning reports on the file. The first, dated 11th May 2022, recommending further information, which issued, includes:

3.2.3. Site is zoned village centre use; to protect and enhance the special physical and social character of the existing town centre and to provide for and improve retailing and commercial facilities.

3.2.4. Acceptable in principle.

3.3. Other Technical Reports

3.3.1. Executive Technician Planning and Broadband Officer, 11th April 2022 – EPA Waste Water Treatment Systems for Small Communities, Business, Leisure Centres and Hotels to be used.

3.3.2. Borris-in-Ossary / Mountmellick Municipal District, 22nd April 2022 – no objection, Roads Design Office might have further comment.

3.3.3. Waste Management & Environmental Protection, 4th May 2022 - conditions

3.4. Further Information

3.4.1. A further information request issued 11th May 2022, on 5 points:

1 The Site Suitability Report has been considered against the EPA CoP Waste Water Treatment and Disposal Systems Serving Single Houses (pe, 10) 2009. However, it would be more appropriate for the proposed development to be considered against the EPA CoP Waste Water Treatment Systems for Small Communities, Business, Leisure Centres and Hotels.

a) Submit a revised Site Suitability Report.

b) Submit site specific wastewater treatment proposals which have regard to the revised Site Suitability Report.

c) Submit a revised site layout plan which shows appropriate separation distances.

d) Submit details of the management arrangements for the proposed on-site treatment system.

2 Submit details of the proposed boundary treatment for the entire site.

3 Submit revised drawings to represent the height of the proposed link building.

4 Show location of storage for three waste streams (residual, dry recyclables, food / bio waste).

5 Address third party observations.

3.4.2. A response to the further information request was received on 5th September 2022, including:

- Revised Site Suitability Report. Proposed: Sequential Batch Reactor (SBR) technology, followed by tertiary treatment system.
- Management agreement for the proposed on-site treatment system.
- Revised drawings including site layout plan which shows storage for three waste streams.
- Responses to observations.

3.4.3. The second planning report, dated 6th October 2022, recommending permission, which issued, includes:

Satisfied with responses.

3.5.

3.6. **Third Party Observations**

3.6.1. A third party observation on the file has been read and noted.

4.0 **Planning History**

15/537 – planning permission granted to alter front and rear elevations of an existing dwellinghouse and thereafter demolish a portion of first floor level in order to convert the existing house to a single storey building.

Pre-planning took place.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. Laois County Development Plan 2021-2027 is the operative plan. Relevant provisions include:

Zoning Town/ Village Centre - Objective - To protect and enhance the special physical and social character of the existing town centre and to provide for and improve retailing and commercial activities.

The purpose of this zoning is to enhance the vitality and viability of town and village centres through the development of under-utilised land and brownfield sites and by encouraging a mix of uses to make the town and village centres an attractive place to visit, shop and live in. The character of the town and village centres shall be protected and enhanced. The Council will encourage the full use of buildings and backlands; in particular, the full use of upper floors in buildings, preferably for residential use.

Support the development of on-road cycle lanes to link towns and villages located along the R445 & R639 and if permitted proceed with works

Portlaoise – Monasterevin

Borris-in-Ossory – Roscrea

Durrow – Cullahill;

Protected views include:

004 Road No. L5753 in the townlands Cullahill - Views towards Knockmannon Hill

014 R639 in the townlands of Cullahill, Durrow - Views towards Caponellan Hill 015

R639 in the townlands of Cullahill, Durrow - Views over farmland and River Goul

021 Road No. L5757 in the townlands of Clonaslee - Views of Cullahill Castle and Knockmannon Hill

Vol 2

CU 6 Support the objectives of the Cullahill Community Plan 2018 insofar as possible and in accordance with the proper planning and sustainable development of the area;

CU 11 Provide a pedestrian crossing to the R639 within the village centre.

CU 13 Provide designated car and coach parking at the community centre.

Map 8.6 A & B which include zoning, refer to the settlement of Cullahill.

5.2. Laois County Council Development Contribution Scheme 2017-2023

Categories of development which will be exempted from the requirement to pay development contributions under the Scheme are set out in section 12 and include: development which in the opinion of the Planning Authority is development proposed to be carried out by or on behalf of a voluntary organization or the HSE /TUSLA, and which in the opinion of the Planning Authority:

- is designed or intended to be used for social, recreational, education, health or religious purposes by the inhabitants of a locality, or by people of a particular group or religious denomination, and is not to be used mainly for profit or gain,
- is designed or intended to be used as a workshop, training facility, hostel or other accommodation to include day services for health related uses and any ancillary or associated offices for persons with a disability and is not to be used mainly for profit or gain, or
- is ancillary to development referred to above.

Situations where the payment of a reduced contribution is appropriate are set out in section 13, and include development which involves employment creation, and development in town and village centres.

5.3. Natural Heritage Designations

- 5.3.1. The closest Natura sites are Cullahill Mountain SAC (site code 000831), located 3km straight line distance to the south of the subject site; and the River Barrow and River Nore SAC (site code 002162), located 3.5km straight line distance to the north of the subject site.

5.4. EIA Screening

5.4.1. The development is not of a type listed in Schedule 5 'Development for the purposes of Part 10': nor is the nature of the development or the location (.zoned land, within a settlement and in an area with no notable sensitivities), such as to suggest that EIA would be required. Therefore having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Pascal Bergin has submitted this appeal, the grounds include concerns re.:

- Current parking facilities and available parking areas within the village. Parking is raised as an issue in the Cullohill Community Plan.
- The proposed on-street parking will put pedestrians at risk on leaving the proposed building as it will take from their view of the road; and impede the sightline from the Rathdowney road.
- The septic tank is in an area where there are other septic tanks and storage of farm animal waste.
- The two community premises directly across the road from each other will lead to major safety concerns for children crossing the road, where traffic exceeds the 60km/h speed limit.
- The need for a community building is questioned. With the existing community centre across the road, the proposed use is a duplication. Additional functions could be accommodated in the existing community centre.
- The proposed coffee dock and dining room, targeting passing trade and trading from 8.00 am to 9.00 pm, is a direct attack on the appellant's

business. There was inadequate consultation on this aspect of the Cullohill Community Plan.

- The Cullohill Community Plan refers to dereliction, but also to supporting existing businesses.

6.1.2. A copy of the Cullohill Community Plan is provided with the grounds of appeal.

6.2. Applicant Response

6.2.1. A response on behalf of the applicant, to the grounds of appeal, was made by Fintan Dunne, Architect, which includes:

- At a meeting of the Municipal District a notice of motion was put forwards that the Council install a pedestrian crossing in the middle of Cullahill Village on the main road linking the Community Centre and Petrol Station on one side of the road with the National School and the proposed Community Hub Centre on the opposite side of the road and requesting that new footpaths are provided to link the pedestrian crossing with the walkway to the school.
- The Senior Executive Engineer for the Municipal District committed to submitting an application to the NTA to establish a project and seek funding. The optimum location is from the Community Hall directly across to the site.

6.3. Observations

6.3.1. Stephen Gleeson & Mary E Gleeson have submitted an observation, which included:

- The wording of the application, and possibly contradicting letter of introduction give rise to mis-interpretation and an opportunity for conflict: 'coffee dock and dining space, around an external courtyard area'.
- Outdoor dining would reduce their residential amenity.
- Exposure to unwanted nuisance noise, from people gathering in the linking building and in the courtyard chatting; and from noise from fans. The hours of operation 8am to 9 pm would impact on their children, whose bedrooms are on that side of the house.

- Lack of clarity around permitted activities and operational proposals. What is the capacity? Are 3-4 employees the maximum allowable? Are the proposed hours of operation inclusive of all activities? Will music, alcohol, smoking /vaping, barbeques, be permitted? Will the green area to the side of the outdoor dining area be a spill over area. Re. construction - hours, number of workers and type of machinery used?
- Loss of natural light and sunlight – at a distance of 6.4m from their property with a height increase of 0.7m; with flat roofed structures inside the boundary wall increasing its height. The new kitchen area will be 6.421m. The wall of the shed bordering their property is 14m long, the proposed is 4m longer. The proposed pleached lime trees can grow to 10m and spread to 6m, and can rob light. They value the early to late morning in their kitchen. It will impact on their garden and patio area. The workshop area of their home will be impacted. The proposed development will block their view of Cullohill Castle.
- Excavation works and effects on existing boundary walls. They could become unsteady during excavation and new buildings resting on foundations may further destabilise structures. If underpinning were to occur, it should not have further impact on their property.
- Flooding - they have never experienced flooding and are concerned that raising the site adjoining could cause flooding of their site. They provide photographs of flooding of the subject site. The observers believe that the proposed means of disposing of water to the public sewer is unacceptable and that the existing infrastructure couldn't cope with the water on the site. Piping would have to pass the existing outlet for the water coming off the mountain at the bend near their home. The outlet here already struggles to cope during heavy or extended periods of rainfall and the road at the bend often suffers from the overspill from this outlet. They question the fact that flooding was not referred to in the planning authority reports.
- Loss of amenity and loss of value. It would significantly reduce the market value of their property and increase the loan to value ratio, preventing them from availing of cheaper mortgage rates in the future. It would increase the running costs of their home.

- Parking limitations and dangers - the parking requirement is not stated. The verge at their front wall may be seen as a handy parking area. This would obstruct their view; and impact on their privacy. They support the grounds of appeal regarding parking. They question why parking has not been addressed since the Cullohill Community Plan, as it was raised as an issue in that plan. They question why the applicant's could pay for parking rather than address it as an issue raised in the plan. Trucks are regular users of available parking. The traffic makeup on the R639 still consists of a large volume of trucks despite the provision of the M8 motorway. The dining aspect of this proposal may encourage larger numbers of trucks to pull in. There isn't the infrastructure in place to deal with an influx of trucks. Appellant has had to edge blindly from side roads and exits to gain a view, blocked by parked trucks. An increase in truck parking would increase the chances of accidents. The parking referred to in the planner's report is for walkers.
- Photographs are provided to illustrate the difficulties currently encountered with truck parking in the vicinity of the filling station. The parking issues raised in the Cullohill Community Plan should be addressed before any further development is permitted in the village.
- Traffic safety – particularly in relation to children. From south the straight stretch of road, going downhill, encourages speeding. The village already concedes that 50km/h is too slow and allows 60km/h. Speed of traffic through the village was another issue identified in the Cullohill Community Plan. The 100km/h speed limit should have been kept. Very few if any additional effective safety provisions have been made to the road since the opening of the N8.
- The provision of incubation / shared commercial kitchen space for producers and a venue for culinary courses food demos and promotion of local artisan produce would be sufficient. There is no need for the dining aspect. Children would no longer have cause to cross at this point. If the development is to go ahead, safety should be sufficiently addressed.

6.4. Further Responses

6.4.1. The appellant responded to the applicant's response, which includes:

- The full purpose of the community hub is unclear. His understanding is that it is to be a coffee shop. He is concerned about the impact on his business. It will put the entire service they provide: shop, fuel sales, deli/coffee, parcel drop off / collection, at risk. The community council was set up to try and enhance the village and support the existing businesses, not to do into direct opposition using government funds to do so.
- He is glad he included road safety in his appeal. The acknowledgement of the need for safety provisions is an acknowledgement that these dangers do indeed exist. The whole area of safety & parking needs to be addressed again. The pedestrian crossing, while welcome, should not be considered job complete.

7.0 Assessment

7.1. I consider that the main issues which arise in relation to this appeal are appropriate assessment, the principle of the development, traffic safety, the nature of the use and the impact on existing business, wastewater disposal, flood risk, residential amenity and other issues and the following assessment is dealt with under those headings.

7.2. Appropriate Assessment

7.2.1. Having regard to the nature and scale of the proposed development, I am satisfied that no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.3. Principle of the Development

7.3.1. The Cullohill Community Plan, including the consultation process and detailed objectives contained in the plan, are referred to in the grounds of appeal and in the observation.

- 7.3.2. The community plan is referenced in the Laois County Development Plan and is therefore of policy relevance, however the main significance of the plan, a copy of which has been provided by the appellant, is to indicate that there is an active community development association in Cullahill. In this regard it is worth noting that several landowners have facilitated the subject development, an indication of the degree of community co-operation and support for the project.
- 7.3.3. The appellant's submission indicates that consultation was carried out on the plan. The outcome of the consultation does not have his approval, however as a Community Plan the Plan is a non-statutory document and any concerns he may have in relation to the consultation process are not relevant for consideration by the Board.
- 7.3.4. The County Development Plan Vol 2 includes zoning and objectives for Cullahill and indicate this area as 'Town Centre' - with the detailed objective 'to protect and enhance the special physical and social character of the existing town centre and to provide for and improve retailing and commercial activities.' 'The purpose of this zoning is to enhance the vitality and viability of town and village centres through the development of under-utilised land and brownfield sites and by encouraging a mix of uses to make the town and village centres an attractive place to visit, shop and live in. The character of the town and village centres shall be protected and enhanced. The Council will encourage the full use of buildings and backlands; in particular, the full use of upper floors in buildings, preferably for residential use.'
- 7.3.5. I am satisfied that the proposed development is acceptable in principle.

7.4. Traffic Safety

- 7.4.1. The grounds of appeal makes reference to the nature of traffic on the public road and the danger the proposed development poses to pedestrians. In particular, due to the presence of the community centre on the opposite side of the road, they may be inclined to cross the road. The observation raises similar concerns, with a focus on traffic safety risk to children. A tragic event is quoted in detail in the observation, which is unrelated to this location or the circumstances of this site, in my opinion the Board should not take this into consideration and the details outlined on page 30 of the observer's submission should be redacted.

- 7.4.2. The applicant's response states that the Municipal District has committed to submitting an application to the NTA to establish a project and seek funding for the installation of a pedestrian crossing in the middle of Cullahill Village. The optimum location is from the Community Hall directly across to the site.
- 7.4.3. It is also an objective of the Laois County Development Plan to provide a pedestrian crossing to the R639 within the village centre, (U 11).
- 7.4.4. Due to its location on the N8, Cullahill village has been blighted by traffic and, until the development of the M8, which now offers a better alternative for cross county traffic movement than through the village, this situation could not be corrected. With the M8 in place, the settlement is entitled to re-establish its role as the centre of community: a place where the community can interact and avail of services; and with traffic controlled such as not to impede the community. Any issue with traffic type or speed interfering with normal community use of the village, such as referred to in the grounds of appeal and the observation, can be dealt with by measures available to the local authority and other deterrents. In the context of the alternative made available by the M8, if, as is alleged, that alternative is not favoured by HGV traffic, traffic speed enforcement and further reductions in traffic speed, are among the measures which can be imposed.
- 7.4.5. The grounds of appeal refers to the lack of car parking, and to the use of available parking space by HGVs.
- 7.4.6. HGVs have particular parking requirements which are difficult to accommodate in a village of this size. I am not satisfied that any of the parking spaces in the village should be available for use by HGVs.
- 7.4.7. The grounds of appeal refers to the identification of green strips as parking spaces in the application documents. It has not been demonstrated that additional parking is currently required, in the context of multiple use of available parking spaces.
- 7.4.8. In my opinion the proposed use, which is intended to support community development and reduce dereliction in the village, will have multiple benefits for the community, within a speed controlled settlement area, and traffic safety / parking should not be reasons to refuse or modify the proposed development.

7.5. Nature of Use and Impact on Existing Business

- 7.5.1. The grounds of appeal refers to the use of part of the proposed development as a café, which use is already provided for in the village. In particular the grounds expresses concern regarding the impact on the appellant's business where a café is part of the filling station use, and that the proposed coffee dock and dining room targeting passing trade and trading from 8.00 am to 9.00 pm, is a direct attack on his business.
- 7.5.2. In response to the applicant's response, the appellant states that the proposed development will put the entire service he provides at risk. He states that the community council was set up to try and enhance the village and support the existing businesses, not to go into direct opposition, using government funds to do so.
- 7.5.3. The observation refers to lack of clarity in the description of the use.
- 7.5.4. The notices for the application describe the proposed use as 'a community hub center, providing capacity for remote working, cooking and food preparation, a coffee dock and dining space'. I am satisfied that the range of uses is adequately described.
- 7.5.5. 'It is not the purpose of the planning system to inhibit competition, preserve existing commercial interests or prevent innovation'¹. It appears to me that the coffee dock and dining space use, is ancillary to the main uses of the proposed development as a community hub center, providing capacity for remote working and for cooking and food preparation. The proposed cafe offers a shop window to promote local produce, and provides a place for consumption of the produce, as well as a space to mix and mingle.
- 7.5.6. In my opinion the nature of the proposed use and its impact on an existing business should not be reasons to refuse or modify the proposed development.

7.6. Wastewater Disposal

- 7.6.1. The grounds of appeal states that the septic tank is in an area where there are other septic tanks and storage of farm animal waste.

¹ Retail Planning Guidelines for Planning Authorities January 2005, p 7.

- 7.6.2. The location of the wastewater treatment system is a field in pasture to the north of the subject site is separate ownership, to which the effluent will be piped along the yard of a dwelling in separate ownership. The location is a field to the rear of a workshop. The wastewater treatment system is to be provided in accordance with the Code of Practice - Waste Water Treatment Systems for Small Communities, Business, Leisure Centres and Hotels, Environmental Protection Agency 1999; and evidence of the suitability of the site for the discharge of the treated effluent has been provided.
- 7.6.3. I am satisfied that the arrangements for the treatment and disposal of wastewater are acceptable and that wastewater disposal should not be a reason to refuse or modify the proposed development.

7.7. Flood Risk

- 7.7.1. The risk of flooding is raised as a concern in the observation. Photographs of the site, stated to be experiencing flooding when the photographs were taken, are provided. The observer's property adjoining has not been flooded.
- 7.7.2. The application form includes a question regarding flooding and it is stated that the site has never been flooded.
- 7.7.3. A Strategic Flood Risk Assessment was carried out as part of the County Development Plan and this indicates an area at risk of flooding to the west of Cullahill, which corresponds to the area in maps 8.6 A and 8.6 B of volume 2 of the County Development Plan for the settlement. The area at risk of flooding does not impact on the subject site.
- 7.7.4. Condition no 7 refers to surface water drainage.
- 7.7.5. Flood risk should not be a reason to refuse or modify the proposed development.

7.8. Residential Amenity

- 7.8.1. The observers have concerns regarding the residential amenity of their adjoining property.
- 7.8.2. They are concerned that the proposed development will overshadow their dwelling, garage/workshop and outdoor space. They are concerned that views they enjoy of

Cullahill Castle will be blocked. They are concerned about noise: that outdoor dining would reduce their residential amenity; that people gathering in the linking building and in the courtyard chatting would be a noise nuisance and they are concerned about noise from fans. They state that the hours of operation, 8am to 9 pm, would impact on their children, whose bedrooms are on that side of the house. They consider that the development would reduce the value of their property. They suggest that the provision of incubation / shared commercial kitchen space for producers and a venue for culinary courses, food demos and promotion of local artisan produce would be sufficient; there is no need for the dining aspect.

- 7.8.3. The observers dwelling is a detached dwelling with a garage on the side nearest the subject site. The windows of the dwelling face north east, towards the adjoining dwelling, rather than towards the subject building.
- 7.8.4. In relation to their concerns regarding overshadowing, they submit that the height of the shed would increase by 0.7m and the walls by 1.5m.
- 7.8.5. The wall nearest the road is screened by hedging which is currently higher than the wall. In my opinion neither the increase in height of the shed, which is a marginal increase, or the increase in height of the wall nearest the road will have any noticeable impact on their dwelling or property.
- 7.8.6. In the case of the wall at the other end of the shed, it is proposed to extend the height above the masonry wall to 3m, stated by observer to be 1.5m above the existing wall. This increase in height would have an impact which would be noticed in the area immediately adjoining.
- 7.8.7. In addition the observers are concerned that the proposed development will block their view of Cullahill Castle. It is unlikely that any view of the castle is currently available from within the dwelling, however glimpsed views would be available from the yard to the rear. Views from private property are not protected under planning legislation. Currently a more open aspect is enjoyed within the observers' yard / rear garden at the north eastern end of their property, than would be available post construction.
- 7.8.8. The Board may consider restricting the extent of the building in this area. If limited to the footprint of the toilets it would mean setting the building back about 1.5m, from the wall, with the loss of indoor storage. This is referred to in condition no. 2.

- 7.8.9. The Board should also note that there are currently windows and opes in the shed which forms the common boundary between the subject site and the observers' site, and first floor (loft) level windows overlooking the observers' site. These will be omitted in the proposed development, which would be considered advantageous to the observers.
- 7.8.10. The concerns regarding the outdoor use of the courtyard appear to be without foundation since this area will be enclosed by buildings. The main noise source in the area is the busy road nearby.
- 7.8.11. No evidence has been provided that any reduction in the value of the observer's property is likely. The proposed development is more likely to elevate the value of property in the vicinity.
- 7.8.12. Subject to condition 2, residential amenity should not be a reason to refuse or further modify the proposed development.

7.9. Other Issues

- 7.9.1. Observers are concerned that excavation works might have an adverse impact on the existing boundary walls; which could become unsteady during excavation, or unstable due to new buildings resting on them.
- 7.9.2. Planning permission does not interfere with the observers' property rights and planning legislation is not the appropriate means of addressing potential property disputes.
- 7.9.3. Development Contribution - Condition no. 14 of the decision provides for the payment of a Development Contribution based on the classification of the development as commercial and industrial buildings. The condition has not been subject to a first party appeal and no detailed consideration was given by the planning authority to this issue. Exemptions and reductions are set out in the Development Contribution Scheme which may be applicable to the proposed development. I consider that this issue can be dealt with by condition.
- 7.9.4. The proposed 'pleached lime trees' to which the observers object are unlikely to be permitted to grow to the size stated in the observation. Being located within the courtyard, they will not be visible from the observers' property.

8.0 Recommendation

- 8.1.1. In accordance with the foregoing I recommend that the planning application be granted for the following reasons and considerations and in accordance with the following conditions.

9.0 Reasons and Considerations

The proposed development of a community based, shared use development, which utilises a derelict building at the centre of the settlement of Cullahill, would not give rise to traffic hazard or detract from the amenities of the area, would support the community and make beneficial use of a building which, in its current condition, detracts from the visual amenities of the area. The proposed development would accordingly be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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 submitted on the 16th day of August 2022, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to commencement of development, the developer shall submit revised drawings for the written agreement of the planning authority, which omit a small portion of the proposed building in the north west corner of the site, shown in the drawings submitted as a store, and, in lieu of the part of</p>

	<p>the building, shall provide an external wall and doorway at the end of the toilet / lobby area, accompanied by proposals for the use of the resulting outdoor area.</p> <p>Reason: In the interest of residential amenity.</p>
3.	<p>External finishes shall be as proposed. Colour of proposed roof sheeting shall be subject to the prior written agreement of the planning authority.</p> <p>Reason: In the interest of clarity and visual amenity.</p>
4.	<p>The development shall be operated as a community hub center, as detailed in the application documents.</p> <p>Reason: In the interest of clarity and orderly development.</p>
5.	<p>Notwithstanding the exemptions set out in the Planning & Development Regulations, no external advertising shall be erected on the premises except in accordance with a separate planning permission.</p> <p>Reason: In the interest of clarity and orderly development.</p>
6.	<p>(a) The effluent treatment system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 12day of September, 2022, and in accordance with the requirements of the document entitled “Code of Practice - Waste Water Treatment Systems for Small Communities, Business, Leisure Centres and Hotels, Environmental Protection Agency 1999. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.</p> <p>(b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.</p>

	<p>(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first use and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.</p> <p>(d) Within three months of the first use, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.</p> <p>Reason: In the interest of public health.</p>
7.	<p>The disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of clarity and orderly development.</p>
8.	<p>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 noise mitigation and waste disposal.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
9.	<p>External lighting shall be cowled and directed away from the public roadway and adjoining properties.</p> <p>Reason: In the interest of amenity, and public safety.</p>

10.	<p>Prior to commencement of development, the developer shall consult the service provider in relation to the overhead cable which traverses the site.</p> <p>Reason: In the interest of orderly development.</p>
11.	<p>New cables shall be placed underground.</p> <p>Reason: In the interest of amenity and orderly development.</p>
12.	<p>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.</p> <p>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.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Planning Inspector

23rd August 2023

Appendices

Appendix 1 Photographs

Appendix 2 Laois County Development Plan 2021-2027

Appendix 3 Laois County Council Development Contribution Scheme 2017-2023