



An
Bord
Pleanála

Inspector's Report ABP321277-24

Development	Convert and renovate existing dwelling, including subdividing dwelling into 3 no apartments, and all ancillary works. Proposed works are within curtilage of protected structure (RPS 695 and RPS 030)
Location	28 Patrick Street, Mountmellick, Co Laois.
Planning Authority	Laois County Council.
Planning Authority Reg. Ref.	2460508.
Applicants	Patrick and Tara Lalor
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellants	John and Patricia Moloney
Observer(s)	None
Date of Site Inspection	5 th February 2025.
Inspector	Ann Bogan

1.0 Site Location and Description

- 1.1. The 1.48ha site is located at 28 Patrick Street, Mountmellick, Co Laois, a street of mixed commercial and residential uses. The site is occupied by a vacant 224sqm dwelling in poor repair, with outbuildings and large garden to the rear. The two bay three storey house c1820s, is a protected structure and is part of a terrace of three storey buildings on Mountmellick's main street, part of the Georgian town of Mountmellick.
- 1.2. The site and its neighbours have long rectangular plots extending behind the buildings fronting the street. This site includes the three-storey street front building, a row of single storey outbuildings along the southern-eastern boundary, and beyond this, two buildings with a similar orientation to the dwelling, extending across the width of the site, (with carriage access under) and a yard between them. Beyond these buildings, the site widens out taking in an area the width of the adjoining property to the north-west, to form a large (approx. 1ha) neglected garden bounded by high masonry walls, with agricultural lands to the south-west.
- 1.3. Rear access to the site is gained via an archway and laneway, part of the adjoining property at No 27 Patrick Street, along which existing and proposed services run. No 27Patrick St is also a protected structure (RPS 028).

2.0 Proposed Development

- 2.1. Development consists of:
 - Refurbishment of existing dwelling (protected structure) and conversion into three apartments
 - Storage for apartments and bicycles to be provided in the existing single storey outbuildings to rear, and private and communal open space to be provided to rear of dwelling and in garden beyond
 - Site boundary takes in all the landholding, whereas previous application excluded large walled garden to rear of outbuildings

The application is accompanied by drawings showing existing and proposed layout, a drawing, showing interventions to the existing fabric, and 'An Historic Design and Historic Statement'.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Grant permission subject to 12 conditions

Condition No 2 requires the works to the protected structure to be carried out under direction of experienced conservation architect and works to be carried out in line submitted Architectural Design and Historic Statement received with the application, as well as submission of a Conservation Compliance report.

Condition 3 restricts the use to domestic use only.

Conditions 4, 5, 6 and 7 refer to water supply, foul waste disposal and surface water run-off and lighting

Conditions 8,9, 10 and 11 address management of the construction stage

Condition 12 imposes a development contribution

3.2. Planning Authority Reports

3.2.1. Planning Report:

- Planning Officer considered the proposed development was in accordance with zoning objective and acceptable in principle.
- Noted that new interventions to the building will not detract from visual integrity of the structure and had no concerns re the impact of proposal in neighbouring development.
- Concluded that proposal complied with standards of the Sustainable Urban Living: Design Standards for New Apartments Guidelines 2023 and Development Plan Public Open Space requirements
- Noted third party submission in relation to right of way and that the planning system is not designed to resolve disputes about land title

- Considered the proposed development would comply with County Development Plan and Local Area Plan and recommended permission subject to conditions
- Concluded EIA is not required as the proposed development is not specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended). AA screening concluded the development would not be likely to have significant impacts and AA not required.

3.2.2. **Other Technical Reports**

- Area Engineer: No objection
- Heritage Officer: No report received
- Chief Fire Officer: Inform application of need to comply with Building Control Regulations

3.3. **Prescribed Bodies**

- Uisce Eireann: No objection subject to conditions
- TII: Requirement to have regard to official policy for development proposals

3.4. **Third Party Observations**

- One third party observation was received (from the appellant, the owner of the adjoining property at 27 Patrick Street). The issues raised are similar to those raised in the appeal.

4.0 **Planning History**

- 4.1. **316273-23** Convert and renovate existing dwelling to include subdividing dwelling into 4 one bed apartments, together with ancillary works. Planning Authority decision to grant permission refused on appeal by An Bord Pleanala, for following reasons and considerations:

“It is considered that the proposed layout and design of the proposed apartment development would produce a substandard form of development with all the

proposed apartments falling below the minimum 45sqm required for one bed apartments and would be contrary to the strategic objective CS11 of the Laois County Development Plan. The proposed development would therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the recommendation of the Inspector the Board acknowledged the planning authority could practically and flexibly apply the general requirement of the guidelines: 'in relation to refurbishment schemes, particularly in historic buildings', under the Sustainable Urban Housing: Design Standards for New Apartments Guidelines , SPPR3, however, the Board did not have sufficient information or development detail to be satisfied the shortfall in individual unit floor area is compensated for by the external secure storage space provided for each apartment.

The Board was not satisfied that the proposed development had considered the existing and future use of and access to the entire curtilage of the protected structure within the blue line of wider landholdings and open space on the site and by virtue of the level of intervention, could have a detrimental and irreversible impact on the essential qualities of the curtilage of the protected structure, thereby materially affecting its character.”

5.0 Policy and Context

5.1. Local Policy Guidance

- 5.1.1. The Laois County Development Plan 2021-2027 was adopted on 25th January 2022 and has regard to national and regional policies relating to town centre renewal and residential development.

Core Strategy Policy Objective CS11:

Ensure that Laois County Development Plan is consistent with Section 28 Guidelines and support the development of quality residential schemes with a range of housing options having regard to the standards, principles and any specific planning policy requirements (SPPRs) set out in the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities

(2009); Urban Development and Building Heights Guidelines for Planning Authorities' (2018) and the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities

Zoning of site:

Town Centre: Objective of zoning: '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.'

Purpose of zoning: '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.'

Building is a protected structure – RPS 694 and RPS 030 (same property but listed twice), also listed on NIAH as 'terraced two-bay three storey house c 1820' of Regional Importance.

Flood Risk: The Development Plan maps show that the existing building on site is outside the flood risk zones, although the land towards the rear of the site is partially within Flood Zone A and B (100 year flood outline and 1000 year flood outline, respectively).

Mountmellick Local Area Plan 2018-2024

County Development Plan (Section 4.1) states: 'It is an objective of the Council to make Local Area Plan for Mountmellick. During the Transition period between adoption of this County Development Plan and the adoption of the Local Area Plan for Mountmellick, the objectives (including zoning objectives), policies and standards in this County Development Plan shall apply.'

TCR P6: Encourage and facilitate the reuse and regeneration of derelict and vacant sites and disused buildings, especially upper floors.

TCR P7: Promote living over the shop and conversion of Town Centre buildings into housing units.

5.2. **National Policy Guidance**

Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2023 (the Apartment Guidelines 2023), including SPPR 3 minimum floor area requirements for apartments.

5.3. **Natural Heritage Designations**

River Barrow/Nore SAC is 246m south of site

5.4. **EIA Screening**

- 5.4.1. Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, 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 at preliminary examination and a screening determination is not required. (See attached EIA Form 1 Pre-screening and Form 2 Preliminary Examination).

6.0 **The Appeal**

6.1. **Grounds of Appeal**

Appeal submitted by agent (Leslie Colton, Engineering and Architectural Services) on behalf of appellant:

- Appellants own neighbouring property at 27 Patrick Street (referred to as the Moloney property), which operates as a public house, with living accommodation overhead

- Concern re applicants' assumption that they have a right of way to access the rear of Moloney property via the Carriage Arch running under No 27 Patrick Street and along the laneway to the rear, to gain rear access to their property
- While accepting planning system does not resolve title disputes, contend planning authority ought to have had regard to Land Registry folio representing the Moloney property and absence of any registered burden matching the 'existing established right of way' on which the applicants rely
- Applicants have not provided documentary evidence of right of way in previous or current applications
- Carriage Arch is integral to public house business, including use as smoking and seating area
- Increase in pedestrian traffic (or possibly vehicular traffic) via the laneway would cause significant burden on Moloney property
- There are entries/exits into public bar, lounge, toilets and family residence from laneway, including fire escape from bar and lounge
- In addition to health and safety concerns also have concerns re security of licenced premises and home
- Previous application indicated parking on site. Current application refers to car parking on street and elsewhere in town, but is silent as to whether this is in addition to parking on site, with access via laneway. Concern that site and may be used for car parking to serve the development, impacting their use of laneway
- Concern that any significant change in the character of the applicants' property risks creating substantial increase and excessive use of purported right of way across laneway.
- Appellants do not object to proposed conversion of property for three apartments, but object to a planning permission predicated on applicants purported right of way to allow unfettered access for increased persons or vehicular traffic.

6.2. Applicant Response

- Contends issues appellant raises do not constitute relevant planning considerations but are primarily a legal matter between applicant and appellant and not for An Bord Pleanála to determine
- Existence of right of way is immaterial in the context of the planning application. Even if hypothetically right of way did not exist, it would have no bearing on design or operation of proposed development
- Letter from solicitor on applicants' behalf confirms that right of way exists and states no legal requirement for a right of way to be registered
- Right of way via the archway of No 27 Patrick has existed since No 28 was constructed in 1820s, giving pedestrian and vehicular access to the rear of dwelling and land behind it; similar pattern of rights of way exists on many other properties in the street.
- Appellant acknowledged right of way in previous applications for No 27 Patrick Street
- Contends appellant is challenging right of way now because he is using the laneway as a for smoking and seating area, whereas previously he parked vehicles there
- Board Pleanála reasons for refusal of previous proposal ((ABP 316273-23) have been fully addressed in current application
- Proposed 3 apartments all exceed minimum size requirements as set out in Sustainable Urban Housing: Design Standards for new Apartments 2022
- Proposed development has been redesigned to take in all wider holdings and show use of entire site, addressing second refusal reason
- The lean-to sheds will be refurbished to provide storage for the apartments. The other two storey outbuildings will be maintained to ensure they do not fall into disrepair and are safeguarded for the future, and the garden cleared and seeded as recreational space

- This refurbishment project is designed to have minimal impact on the protected structure and is sympathetic to its character and will prevent its further deterioration
- Proposed development is supported by national policies for town centre development and rejuvenation of vacant and derelict buildings
- Re appellants concern re increased traffic etc on laneway: proposed occupancy of the 3 apartments of 7 people, will be lower than existing 6 bed house with capacity for 12 people so will not expand the use of the right of way
- No onsite parking is proposed, on street and public parking will serve the development
- Right of way will be used as it always has for enjoyment of the owner and to service rear curtilage of site
- Proposed development is in accordance with Development Plan, would safeguard a protected structure, contribute to compact development and would not unduly impact on amenities of the area

6.3. **Planning Authority Response**

- None

6.4. **Observations**

- None

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, the report of the local authority, and having inspected the site, and having regard to the relevant local and national policies and guidance, I consider that the substantive issues to be considered in this appeal are as follows:

- Zoning

- Built Heritage
- Residential Amenity
- Impact on neighbouring business premises
- Legal Issue - Right of Way

7.2. Zoning

7.2.1. The site is zoned 'Town Centre' which supports a mix of uses. It aims to protect the special physical and social character of the town centre and encourages the full use of buildings, in particular residential uses on upper floors. I consider the proposed reuse of a vacant historic building for residential purposes to be in keeping with the zoning and, subject to the considerations below, to be acceptable in principle.

7.3. Built Heritage

7.3.1. The building is a protected structure and although it has been vacant for some years and is in poor condition, it presents an attractive frontage to the street. The Architectural Design and Historic Statement accompanying the application describes the new interventions proposed. No changes are proposed to the front elevation, save for replacement of existing single glazed timber sash windows, with double glazed timber sash windows. No extensions are proposed to the rear. In the rear elevation at ground floor level, it is proposed to replace an existing window with a door and replace an existing door with a window.

7.3.2. During the inspection I noted that the original stairs and rail are in place as are some sash window and door surrounds, however other than this relatively little of the original internal fabric remains intact. Plaster in many rooms has been removed and fireplaces and other features have been removed at some stage. The condition of the building appears to have deteriorated significantly during the stated 25 year period of vacancy.

7.3.3. The internal interventions proposed are outlined in the application and shown on the intervention plan. The Architectural Design and Historic Statement indicates that new

interventions will be sympathetic to the character of the building and not detract from its visual integrity. Based on the information provided I am satisfied that, even though there are some alterations to the internal layout to create the proposed apartments, the interventions and refurbishment works proposed are by and large necessary to bring the building back to good condition and to give it a viable use. I recommend inclusion of a condition similar to that included in the planning authority decision, requiring the works be supervised by a suitably qualified conservation architect.

7.3.4. The site boundary takes in the entire land holding and the curtilage of the protected structure, whereas in the previous application the large rear garden was excluded. The site layout drawings indicate that the sheds running parallel to the south eastern boundary are to be refurbished and used as stores etc for the apartments, while parts of the yards are to be used as private and communal open space. The drawings indicate that the two existing outbuildings to the rear of the site, which appear to have been previously used for storage and agricultural purposes, are to be maintained, while in the response to the appeal the applicant states they will be 'restored and maintained' and that 'this will ensure they do not fall further into disrepair and are safe guarded into the future, protecting their character and heritage'. The garden area beyond them is to be grassed and maintained to serve as a recreational area.

7.3.5. The inclusion of the entire site in the application and the proposals referred to above for maintenance of outbuildings and grounds, addresses to some extent the concerns raised by the Board in the final refusal reason under 316273-23. There is little information on what form such restoration might take, or what their future use might be at this stage. However, on balance, taking into account the gains to be achieved in terms of the built heritage and health of the town centre arising from the proposed restoration and reuse of the dwelling, after many years of vacancy and neglect, (in line with County Development Plan zoning objectives and Mountmellick Local Area Plan objectives TCR P6 and P7), I am satisfied that granting permission as proposed would not significantly detract from the character of the curtilage of the protected structure and would not militate against the potential for full refurbishment and re-use of the out buildings and rest of the site in the future.

7.4. Residential Amenity

- 7.4.1. The previous application was for four apartments (316273-23), some of which did not comply with the minimum floor area standards under SPPR 3 of the Apartment Guidelines 2023, which require a minimum floor area of 37sqm for studio apartments, 45 sqm for one bedroom apartments and 73sqm for three bedroom apartments. The current application proposes three apartments: a one bedroom ground floor apartment of 47sqm, a first floor two bedroom apartment of 74sqm and a second floor studio with a floor area of 39sqm. I am satisfied, therefore, that the apartments comply with SPPR 3 of the Apartment Guidelines with regard to minimum internal floor area and that they also comply with internal storage requirements.
- 7.4.2. Bulky storage for each apartment, which meets the recommended floor area standards in the Apartment Guidelines, is proposed in sheds to the rear of the dwelling. The application states they are to be restored, although details are limited. Bike and bin storage space is also to be provided in these sheds.
- 7.4.3. The Apartment Guidelines allow a relaxation in part or whole of private amenity space and of communal open space for building refurbishment projects, subject to overall design quality. However, in this case there is adequate space to the rear of the building to meet these needs. Private amenity space and communal space is proposed in the yard areas to the rear of the building for each apartment in keeping with the standards recommended in the Apartment Guidelines. Recreational space is also proposed in the walled garden.
- 7.4.4. Overall, I am satisfied that the proposed development meets the standards set out in the Apartment Guidelines and would therefore be in keeping Strategic Objective CE11 of the Laois County Development Plan 2021-2027, and would not have a negative impact on the residential amenity of the occupants of the building or of other dwellings in the area.

7.5. Impact on neighbouring premises

- 7.5.1. The appellant raises concerns in relation to the negative impact increased pedestrian and vehicular activity on the laneway arising from the proposed development, might

have on his premises and business. The three apartments have direct access via the front door to the building from Patrick Street, and I consider, therefore, that pedestrian traffic on the laneway is unlikely to significant increase. The laneway may also be used to access the cycle store to the rear of the building. However, I believe that neither cycle or pedestrian traffic is likely to be limited and would not have a significantly negative impact on the use of the laneway for purposes associated with the licenced premises or the residential use overhead, or impact unduly on the safety and security of the premises.

- 7.5.2. The appellant notes that there is no reference to car parking provision on the site as there was in the previous application and queries whether parking is to be provided with access along the laneway. The applicants have confirmed that no on-site car parking is proposed and that on street and other public parking will serve the development. The Laois County Development Plan standards would require four parking spaces to serve the apartments, however it allows for a relaxation of car parking in town centre locations (Objective TRANS 28). The Apartment Guidelines in general seek to reduce car parking, and in this case, where the proposal is for three apartments in a town centre location with on-street and other public parking nearby and secure cycle parking is provided, I consider that the provision of on-site parking is not necessary.

7.6. **Legal issue: right of way**

- 7.6.1. Much of the content of the appeal submission relates to concerns regarding the applicants' assumption that they have a right of way to access the rear of the appellants property via the carriage arch running under No 27 Patrick Street and along the laneway to the rear, to gain rear access to their property. The appellant contends that no registered right of way exists.
- 7.6.2. The site layout plan accompanying the application refers to 'an existing right of way'. The applicant in responding to the appeal submission contends that while the existence of the right of way is immaterial to the planning application, a historic established right of way exists since the construction of the building in 1820, to access the rear of the premises and the lands beyond and provides a letter from his

solicitor confirming this, noting that there is no requirement for a right of way to be registered.

- 7.6.3. I note the planning authority considered the site layout plan submitted with the application to be sufficient. Any legal dispute in relation to the right of way is a civil matter and outside the scope of the appeal. It is a matter to be resolved between the parties, having regard to Section 34 (13) of the Planning and Development Act, 2000, as amended which states that a person is not entitled solely by reason of a grant of permission to carry out any development.

8.0 AA Screening

- 8.1. I have considered the project in light of the requirements S177U of the Planning and Development Act 2000 as amended. The proposed development comprises refurbishment and conversion of an existing dwelling to three apartments.

The subject site is located 250m from the River Barrow/Nore SAC.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows

- Nature and limited scale of the works
- Distance from and lack of connections to the nearest European site

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

- 9.1. I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations set out below.

10.0 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. It 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. It would, therefore, subject to the following conditions, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>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 the development, the Developer shall submit for the written agreement of the Planning Authority the name and professional qualifications of the Conservation Architect.</p>

	<p>b) The works to the protected structure shall be carried out in accordance with the approach set out in the submitted Architectural Design & Historic Statement received by the Planning Authority on 01/09/2024 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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
3.	<p>The overall site shall be used for domestic-related purposes only, and not for any commercial, workshop, or other non-domestic use.</p> <p>Reason: In the interests of clarity and to regulate the use of the development.</p>

4.	<p>(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.</p> <p>(b) The proposed development shall not interfere with existing land or road drainage.</p> <p>Reason: To prevent flooding of the public road, in the interests of traffic safety and in the interests of public health.</p>
5.	<p>All foul sewage and soiled water shall be discharged to the public foul sewer.</p> <p>Reason: In the interest of public health</p>
6.	<p>The developer shall ensure that a clean, potable water supply is provided prior to first occupation which complies with the E.U. (Drinking Water) Regulations, S.I. No. 99/2023.</p> <p>Reason: In the interests of public health, residential amenity and proper planning.</p>
7.	<p>Any external lighting, during and post construction, shall be cowled and directed away from the public roadway and adjoining properties.</p> <p>Reason: In the interests of traffic safety and residential amenity.</p>
8.	<p>(a) During the construction stage of the proposed development, the developer shall comply with the document titled “Best Practice Guidelines for the Preparation of Resource & Waste Management Plans for Construction and Demolition Projects” published by the Environmental Protection Agency.</p> <p>(b) During the development works, the developer is not to permit any material from the site to be spread or deposited along the public roadway. The developer shall be responsible for maintaining the adjoining public thoroughfare and properties in a neat, tidy and safe condition.</p>

	Reason: In the interests of the reduction and management of construction waste from the proposed development, public health, pollution control and traffic safety.
9.	<p>(a) The developer shall make suitable provision for dust minimisation during construction works</p> <p>(b) Site development works shall be confined to the hours of 8:00am to 6:00pm Monday to Friday and 9:00am to 1:00 pm Saturdays. No development shall take place on Sundays or Public Holidays.</p> <p>(c) Specific provision shall be made on the storm water collection system so as to ensure that no hydrocarbons or grit/silts are discharged. An appropriately sized oil and grit/silt interceptor shall be placed on the surface water collection system and be regularly maintained and serviced.</p> <p>(d) The Developer shall comply with the requirements of the Waste Management Act 1996 as amended in relation to waste stored/generated/moved as a result of any activity at this site. The Developer shall ensure that all waste hauliers hold a valid Waste Collection Permit for the waste material collected from the site and that the waste material is delivered to authorised waste recovery/disposal facilities.</p> <p>Reason: In the interests of public health, pollution control and traffic safety.</p>
10.	<p>(a) All public and private property shall be adequately protected at all times particularly during construction works.</p> <p>(b) Any damage caused to the adjoining public thoroughfare shall be made good at the developer's expense to the satisfaction of the Planning Authority.</p> <p>Reason: In the interests of public safety and amenity of adjacent premises</p>
11.	<p>(a) No spoil, dirt, debris or other materials shall be deposited on the public road or verge by machinery or vehicles traveling to or from the development site during construction phase.</p> <p>(b) All public and private property shall be adequately protected at all times particularly during construction works.</p>

	Reason: In the interests of public safety and amenity of adjacent premises
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, having regard to any exemption or reduction in contributions provided for in the scheme in relation to renovation of protected structures . 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.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 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.

Ann Bogan
Planning Inspector

21st February 2025

Form 1

EIA Pre-Screening

An Bord Pleanála	ABP 321777-24		
Case Reference			
Proposed Development	Convert and renovate existing dwelling and subdivide into 3 no apartments. Protected structure (RPS 695 and RPS 030)		
Summary			
Development Address	28 Patrick Street, Mountmellick, Co Laois		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	X	
	No		
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Class 10 Infrastructure Projects (b) Construction of more than 500 dwelling units (iv) urban development	Proceed to Q3.
No			Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required

No	X	Class 10(b)(iv) Threshold 2ha (business district). Total area of development site: approx. 1.48ha (including 1ha rear garden)	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X		Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Pre-Screening conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: Ann Bogan_____

Date:21/02/2024

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP-3217724
Proposed Development Summary	Convert and renovate existing dwelling and subdivide into 3 no apartments. Protected structure (RPS 695 and RPS 030)
Development Address	28 Patrick Street, Mountmellick, Co Laois
The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The development involves renovation and conversion of a terraced dwelling with a modest footprint, it does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.

<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>Development is located 250m from the Barrow /Nore SAC, and is located within the historic town centre of Mountmellick. The development will refurbish and reuse a vacant protected structure in poor condition. It does not involve construction that might impact on underground archeology, and is not adjoining or connected to sensitive natural habitats, and designated sites and landscapes of identified significance in the County Development Plan.</p>	
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>	
<p>Conclusion</p>		
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>	<p>Yes or No</p>

There is no real likelihood of significant effects on the environment.	EIA is not required.	No
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

Inspector: Ann Bogan _____ Date: 21/02/2025

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)