

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2010

**Limerick County**

**Planning Register Reference Number: 10/417**

An Bord Pleanála Reference Number: PL 13.237160

**APPEAL** by Thomas and Patrick Kealy, Danny and James O'Brien and Patrick O'Driscoll care of Cunnane Stratton Reynolds of 3 Molesworth Place, Dublin against the decision made on the 21<sup>st</sup> day of June, 2010 by Limerick County Council to refuse permission and outline permission.

**PROPOSED DEVELOPMENT:** Demolition of existing dwellinghouse and construction of five number entrances, a front boundary wall together with the construction of sub-divisional walls to sub-divide lands into five number plots. Outline planning permission sought for five number detached dwellings together with associated site works at Wolfes Burgess, Rathkeale, County Limerick.

## **DECISION**

**GRANT permission and outline 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.**

## **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## REASONS AND CONSIDERATIONS

Having regard to the dual zoning of the site in the Rathkeale Local Area Plan 2007, the planning history (in particular permission granted under planning register reference number 09/198), the location in a serviced area within the town of Rathkeale and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, would not adversely affect the environment and would, therefore not, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that in circumstances where the greater part of the road frontage on the site is zoned residential and that part of the site zoned open space has been severed from the body of open space and enclosed with residential property, the proposed development would not be unduly prejudicial to the development objectives of the Local Area Plan. Furthermore, it is considered that in the light of the permission granted under planning register reference number 09/198 in May 2009, the Board is not constrained in granting permission by virtue of section 37(2)(b)(iv) of the Planning and Development Act, 2000.

## CONDITIONS

1. 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 out in accordance with the agreed particulars.

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

2. The layout of the proposed development shall be amended such that the front building line of the proposed houses is aligned parallel to the public road. Revised drawings showing compliance with this condition shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of orderly development and maintenance of the established street pattern.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

4. Works to the public road and footpath necessitated by the proposed development shall comply with the detailed requirements of the planning authority which shall be ascertained prior to commencement of development.

**Reason:** In the interest of amenity and of 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. The scheme shall include a timescale for its implementation.

**Reason:** In the interest of visual amenity.

6. 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, 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 Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure benefiting development in the area of the planning authority that is provided or intended to be provided for 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. 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.

**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 this permission.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2010.**