

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

**Limerick City and County**

**Planning Register Reference Number: 16/737**

An Bord Pleanála Reference Number: PL 91.247504

**APPEAL** by Kevin Harney care of John Lahiff Architects of “Lime Tree”, Ballykeeffe, Mungret, County Limerick against the decision made on the 12<sup>th</sup> day of October, 2016 by Limerick City and County Council to refuse outline permission for the proposed development.

**PROPOSED DEVELOPMENT:** Demolition of existing two-storey dwellinghouse and construction of three number detached dwellinghouses, widening of existing entrance to site, provision of new service road and connection to existing foul and surface water drainage at Dooradoyle Road, Dooradoyle, County Limerick.

## **DECISION**

**GRANT outline permission for the above proposed development in accordance with the plans and particulars lodged with the said council, 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 zoning of the site and to its proximity to local services and transport infrastructure the Board considered that the site was suitable for development. The Board was satisfied, given the limited scale of the proposal, the nature of the entrance proposed and the road layout in position, that the proposed development, subject to compliance with the conditions set out below, would be acceptable in terms of traffic safety and convenience and would not cause loss of residential amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered, given the limited scale of the proposal, that additional traffic assessments were not necessary to justify the proposal.

## 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 at permission consequent stage and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. The plans and particulars to be submitted by way of a separate application for permission consequent shall include the following:
  - (a) A comprehensive site survey, to a scale of not less than 1:500, including contours at intervals of 0.5 metres, showing all existing trees, boundaries and other features,
  - (b) a site layout plan to a scale of not less than 1:500 showing the layout of the houses, driveways and sewage treatment system,
  - (c) the finished ground floor level of the houses by reference to existing site levels and road level at the proposed entrance,
  - (d) proposals for the landscaping of the site (including planting), and

(e) details of external finishes.

**Reason:** To enable the application for permission consequent to be fully assessed.

3. At permission consequent stage, the layout shall be amended as necessary to ensure that no undue overshadowing or overbearing is caused to existing housing units to the north.

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

4. Water supply and drainage arrangements, including the attenuation and 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.

5. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

6. At permission consequent stage, 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.

**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 at permission consequent stage.

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

**Dated this            day of            2017.**