

An
Bord
Pleanála

Board Direction
BD-011570-22
ABP-310863-21

The submissions on this file and the Inspector's reports were considered at a Board meetings held on 03/03/2022, 24/06/2022, 29/07/2022 and 14/12/2022.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the location of the proposed development in Adare village centre, to the pattern of development in the area, to the current provisions of the Limerick Development Plan 2022-2028, and the Adare Local Area Plan, as extended, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the Architectural Conservation Area, the setting of the adjoining Protected Structure or of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. 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 noted the adjacent property to the west of the appeal site is indicated within the blue line and is therefore within the control of the applicant, and had regard to the documentation submitted on the 16th day of October 2019, in response to the further information request from the PA, the planning history of the adjacent site where the car parking had been limited to three spaces, and concurred with the view of the PA that the proposed development would not interfere with the car parking layout. It was considered that, given the current layout of the adjacent property, the layout and configuration of the proposed development would not have a negative implication for

parking, circulation space or open amenity space within the adjacent site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. 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 26th day of May 2021 and by the further plans and particulars received by An Bord Pleanála on the 13th day of August, 2021, 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.

Reason: In the interest of clarity.

2. PA Condition 4
3. PA Condition 7
4. PA Condition 3
5. PA Condition 5
6. PA condition 6
7. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

8. 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.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

10. PA Condition 10

11. PA Condition 11

12. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

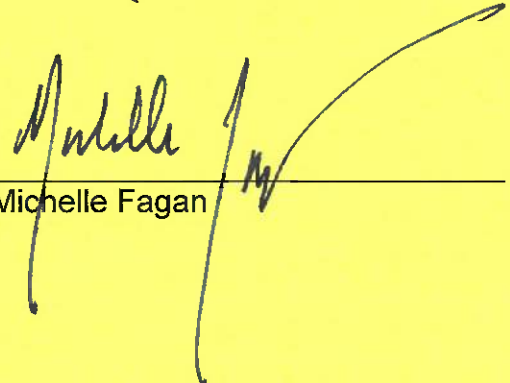
Reason: In the interests of public safety and residential amenity

13. 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 to the permission.

Board Member


Michelle Fagan

Date: 14/12/2022