



An
Bord
Pleanála

Board Order
PL 91.248334

Planning and Development Acts 2000 to 2017

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 16/254

Appeal by Anne Wetzel care of McElligott Consulting of 'The Paddock', Ballysally, Caherelly, Grange, Kilmallock, County Limerick against the decision made on the 23rd day of March, 2017 by Limerick City and County Council to grant subject to conditions a permission to Margaret Flint care of McGovern O'Brien Chartered Building Surveyors of G2 The Steelworks, Foley Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a new single storey nursing home with 39 number bedrooms and ancillary accommodation, the provision of 32 number on site car parking spaces and all associated site works, all at Moore Street, Cappamore, County Limerick.

Decision

GRANT 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 provisions of the current Limerick County Development Plan and Cappamore Local Area Plan and the site's location on zoned lands within the village of Cappamore, 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 depreciate the value of properties in the vicinity of the site, would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 24th day of February, 2017, 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. (a) 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.
- (b) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

Reason: In the interest of public health and to ensure a proper standard of development.

3. (a) The internal road network serving the proposed development including junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.
- (b) The internal road width shall be reduced to six metres.

Reason: In the interest of amenity and of traffic and pedestrian safety.

4. The works to the existing access onto Moore Street shall be in accordance with the detailed requirements of the planning authority for such works.

Reason: In the interest of amenities and public safety.

5. Details of road signage, warning the public of the entrance and of proposals for traffic management at the site entrance, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. Details of all external finishes to the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

Reason: In the interest of visual amenity.

7. (a) The site shall be landscaped, using only indigenous deciduous trees and hedging species in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the retention of the trees and hedgerows on the boundaries of the site.

(b) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

8. Lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of amenity and public safety.

9. Prior to commencement of development, the developer shall submit, and obtain the written agreement of the planning authority to, a plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

10. 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 interest of visual amenity.

11. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

- 12. Site development and building works shall be carried out only between the hours of 0800 to 2000 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

- 13. 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:-

- (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,

- (b) details of site security fencing and hoardings,
- (c) protection measures for shared boundary walls and hedgerows,
- (d) details of on-site car parking facilities for site workers during the course of construction,
- (e) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (f) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (g) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil, and
- (h) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

