



An
Bord
Pleanála

Board Order
ABP-306292-19

Planning and Development Acts 2000 to 2019

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 18/1191

Appeal by Gerardine Kennedy of 33 Spring Grove, Mill Road, Corbally, Limerick against the decision made on the 29th day of November, 2019 by Limerick City and County Council to grant subject to conditions a permission to Darragh Foley care of Gleeson McSweeney Architects of 99 O'Connell Street, Limerick in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of existing house and the construction on site of a two-storey building comprising four two-bedroom apartments and associated site works with access from the Mill Road, all at Laurel Lodge, Mill Road, Corbally, 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 residential zoning objective of the site, the pattern of development in the area and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would conform to national and local policy in relation to infill residential development, would not seriously injure the amenities of the area or of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety. 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 4th day of November, 2019 and by the further plans and particulars received by An Bord Pleanála on the 29th day of January, 2020, 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. The proposed development shall be amended as follows:-
 - (a) The high level windows on the eastern elevation shall be located a minimum of 1.8 metres from the finished floor level. The side of the balcony on the eastern elevation of the first floor apartment shall be solid, with no windows or gaps.
 - (b) The proposed bin stores shall be relocated to the front of the site, close to the road access to Mill Road, and shall not be located adjoining the proposed rear car parking area, as shown on drawings submitted to An Bord Pleanála on the on the 29th day of January, 2020. The area thus vacated shall be included in the planting strip.

- (c) All of the proposed communal car parking spaces shall be provided, at the developer's expense, with functioning electric vehicle (EV) charging stations/points, to details to be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The two on-curtilage spaces shall be provided with electrical connections to the exterior walls, to allow for future charging points. The agreed provisions shall be carried out and completed prior to the making available by the developer for occupation of the proposed development.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity and of sustainable transportation.

3. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This shall include for tree planting, using birch or similar fast-growing trees, along the planting strip (as modified by condition number 2) adjoining the eastern site boundary, where it adjoins the rear gardens of numbers 33 to 35 Spring Grove. This planting strip shall be delineated with a raised kerb from the adjoining paved area, in order to prevent over-running of vehicles.

All planting shall be adequately protected from damage until established. 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 interests of residential and visual amenity.

4. Site boundaries shall be constructed on site as follows:-
 - (a) The front boundary shall be a low masonry wall topped by a railing system, to details to be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This boundary shall be completed prior to the making available by the developer for occupation of any of the apartment units.
 - (b) The two-metre high boundary wall indicated on drawing number 1711-17-23, as submitted to An Bord Pleanála on the 29th day of January, 2020, shall be constructed around the site, and shall be capped and rendered/dashed on both sides. This wall shall be constructed following demolition and site preparation works, but prior to the construction of the apartment block.

Reason: In the interests of proper boundary demarcation and visual amenity.

5. (a) All tree felling and scrub/tree removal shall take place outside of the bird nesting season, that is, shall take place only between September and February.
- (b) Prior to commencement of any work on site including demolition, and tree felling, a detailed bat survey shall be carried out by a suitably qualified ecologist, and the results of this survey submitted to the planning authority. In the event that bats are encountered within the existing building on site or are roosting in the trees, all demolition work shall cease, and all tree felling shall cease, as applicable, and shall resume only following the granting of a derogation licence from the National Parks and Wildlife Service of the Department of Culture, Heritage and the Gaeltacht.

Reason: In the interest of nature conservation.

6. Public 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. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

7. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

8. The formation of the vehicular access and the provision of a public footpath along the front (western) boundary of the site, on Mill Road, shall be constructed in accordance with the requirements of the planning authority, and shall comply, in all respects, with the standards set out in the Design Manual for Urban Roads and Streets (DMURS), with particular reference to kerb radii and the continuation of the pedestrian pathway across the access.

Reason: In the interests of pedestrian and traffic safety.

9. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply in all respects with the standards set out in the Design Manual for Urban Roads and Streets (DMURS) (and not those in "Recommendations for Site Development Works for Housing Areas".)

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

10. Proposals for an estate/development name, unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

11. 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. All overhead cables crossing or bounding the site shall be undergrounded, to the requirements of the relevant utility companies, at the developer's expense.

Reason: In the interests of visual and residential amenity.

12. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

13. Prior to the commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water. No dwelling unit shall be made available by the developer for occupation until water and sewerage services serving the development have been installed in accordance with the connection agreements made with Irish Water.

Reason: To ensure that satisfactory water and wastewater arrangements are in place to serve the development.

14. 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 noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

15. Site development and building works shall be carried out only between the hours of 0800 to 1900 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.

16. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

17. 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, public open space 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.

18. 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 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 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.

Philip Jones

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

Dated this day of 2020.