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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Limerick City and County Council**

**Planning Register Reference Number: 19/600**

**Appeal** by Trudy McDermott and J.P. Dipietro care of Leahy Planning Limited of Mill Road House, Mill Road, Ennis, County Clare against the decision made on the 10<sup>th</sup> day of January, 2020 by Limerick City and County Council to grant subject to conditions a permission to Fleetgold Limited care of Healy Partners Architects of The Mill, Glentworth Street, Limerick in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of existing buildings within the site boundary, construction of nine number dwelling units, new vehicular entrance onto Blackabbey Road, new boundary walls, piers and railings and all associated site works at Blackabbey Road, Blackabbey, Adare, 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 location of the site within the development boundary of Adare and in close proximity to Adare Town Centre, which is zoned 'Established Residential' in the Adare Local Area Plan (2015 - 2021, as extended and varied), and to the brownfield nature of the subject site, which contains buildings of significant height and bulk, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would not detract from the character and setting of the adjoining protected structure 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 to the planning authority on the 23<sup>rd</sup> day of September, 2019 and the 6<sup>th</sup> day of December, 2019, and to An Bord Pleanála on the 2<sup>nd</sup> day of March, 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 revised front boundary treatment and entrance as shown on Site Layout Plan 19-031-202 Rev. B (submitted on the 23<sup>rd</sup> day of September, 2019) shall be implemented with an additional hedgerow planted inside the railings to screen the car parking bays from the street.
  - (b) The proposed pleached hornbeam hedge along the western boundary shall be omitted and shall be replaced by two semi-mature specimen trees to the rear of the centrally placed units of Block 1 (Units 2-3 on Site Layout Plan 19-031-202 Rev. B).

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 the residential and visual amenity of the area.

3. The remaining party wall on the north-eastern gable of the Old Creamery building which will form part of the western boundary of the site shall be retained and restored with weather-proofing and stabilisation where necessary as part of the proposed development. Detailed structural drawings and a construction method statement, prepared by a structural engineer or similarly qualified professional, with professional indemnity insurance, indicating the means proposed to ensure the protection of the structural stability of the wall to be retained shall be submitted to, and agreed in writing with, the planning authority prior to commencement of works on the site. These details shall include the methods proposed to protect the foundation system including an underpinning, structural bracing and support and the method of construction and weather-proofing. The agreed works shall be carried out and completed prior to the commencement of construction of the proposed residential development.

**Reason:** To ensure that the party wall, following demolition of the existing buildings, is properly retained, weather proofed and finished in a timely fashion.

4. 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.

5. Surface water drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. The proposed surface water connection through the south of the site and along Blackabbey Road, as submitted to An Bord Pleanála on the 2<sup>nd</sup> day of March, 2020, shall be implemented, in lieu of the previously submitted proposals that involved connection to the north-west of the site through the wayleave under part of the existing creamery building.

**Reason:** In the interest of proper servicing of the proposed development.

6. The roof shall be covered in blue-black, black or dark grey tiles/slates. The use of external brick and stone shall be restricted to detailing or small areas. Stone top be used shall be natural stone only. Prior to commencement of development, a sample of the stone and details of all proposed external finishes shall be submitted to, and agreed in writing with, the planning authority.

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

7. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works, 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 internal road widths.

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

8. The proposed car parking spaces shall be reserved for the use of the residents of the proposed development. A minimum of 10% of these spaces shall be provided by the developer, as part of the site development works, with functioning electric vehicle (EV) charging stations/points. Ducting shall be provided for all remaining car parking spaces to facilitate the installation of electric vehicle charging points/stations at a later date. Proposals relating to the installation of electric vehicle ducting and charging stations/points, in accordance with the above requirements, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, and the agreed provisions shall be carried out and completed prior to the making available by the developer for occupation of any of the residential units in the proposed development.

**Reason:** To provide for and/or future-proof the development in order to facilitate the use of electric vehicles.

9. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of communal open spaces, roads, footpaths, parking areas, landscaping and internal communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

10. The proposed store on the ground floor of Block 2 shall be used solely for the residents of the proposed development, and shall not be used for any commercial purpose.

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

11. The areas of communal open space shown on the lodged plans shall be reserved for such use. These areas shall be soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the planning authority on the 21<sup>st</sup> day of June, 2019, as amended by Site Layout Plans submitted to the planning authority on the 23<sup>rd</sup> day of September, 2019 and on the 6<sup>th</sup> day of December, 2019 and by the terms of condition number 2 of this Order. This work shall be completed before any of the dwellings are made available by the developer for occupation.

**Reason:** In order to ensure the satisfactory development of the communal open space areas, and their continued use for this purpose.

12. Prior to the commencement of any demolition works, a bat survey shall be carried out by a suitably qualified ecologist. Detailed measures in relation to the protection of any bat roosts or bats that may be present shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of such works. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and a copy of any such licence shall be submitted to the planning authority before any demolition works commence.

**Reason:** In the interest of wildlife protection.

13. 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.

14. 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.



15. The landscaping scheme on the drawing entitled Landscape Plan as submitted to the planning authority on the 21<sup>st</sup> day of June, 2019, and as amended by the Site Layout Plans as submitted to the planning authority on the 23<sup>rd</sup> day of September, 2019 and on the 6<sup>th</sup> day of December, 2019, and as amended by the terms of condition number 2 of this Order, shall be carried out within the first planting season following substantial completion of external construction works.

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.

16. 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.

17. 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 recyclable materials 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, in particular recyclable materials, in the interest of protecting the environment.

18. Construction and demolition waste shall be managed in accordance with a construction waste management and demolition plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development on the site. 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 location to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provisions of the Waste Management plan for the Region in which the site is situated.

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

19. 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 residential amenities of property in the vicinity.

20. 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.

21. 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.

22. 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.

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**Philip Jones**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2020.**