



Planning and Development Acts 2000 to 2019

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 20/71

Appeal by Patrick Sheridan care of Seamus McElligott, Planning and Design Consultancy of 5 High Street, Caherconlish, County Limerick against the decision made on the 24th day of March, 2020 by Limerick City and County Council to refuse permission for the proposed development.

Proposed Development: Retention of vehicular entrance forming part of the development previously permitted under planning permission 15/902 and permission for completion of works at Main Street, Rathkeale, County Limerick (a Protected Structure).

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 current Rathkeale Local Area Plan, the particular circumstances of the case and the customised design of the pair of pedestrian and vehicular gates serving the site entrance, whereby they only open inwardly, the Board considers that the retention of the vehicular entrance would not warrant objection and the said gates would not pose a risk to road users on the adjoining public footpath and accompanying carriageway. Ease of access and egress would be facilitated by the dishing of this footpath and such work should be conditioned. This entrance and these gates would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained 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 within the stated time period and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Within 12 weeks of the date of this Order, the applicant shall submit a scheme for the dishing of the public footpath beside the vehicular entrance to the planning authority for its written agreement. This scheme shall include a timetable within which the dishing shall be undertaken.

Reason: In order to facilitate ease of access and egress.

3. The gates to the vehicular entrance shall be retained in-situ, along with the stopper that prevents them from opening outwards. Any replacement gates, which may be installed in the future, shall, likewise, only open inwardly.

Reason: In the interest of public safety.

Terry Ó Niadh
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this day of 2020