



An
Bord
Pleanála

Board Order ABP-308331-20

Planning and Development Acts 2000 to 2020

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 20/697

Appeal by Benjamin O Kelly and Patricia O Kelly of 14 Rylanes, Ballingarry, County Limerick against the decision made on the 11th day of September, 2020 by Limerick City and County Council to grant a permission to Andrew Keogh care of James Harnett Architectural Consultants Limited of Gortoe, Ballingarry, County Limerick for the proposed development.

Proposed Development: 1. Demolition of existing dwellinghouse, 2. subdivision of existing site into two number separate sites, 3. construction of (a) new vehicular entrances, (b) two number new dwellinghouses, and 4. connections to existing public wastewater infrastructure and water supply and all associated works, all at a site at Rylanes, Ballingarry, 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 nature and extent of the proposed development within the village of Ballingarry, to the established residential use of the site, and the pattern of development in the vicinity, 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 of property in the vicinity, would be acceptable in terms of design 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.

Conditions

1. The development shall be carried out 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 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. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

4. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site

Reason: In the interest of visual amenity.

5.
 - (a) The existing front boundary hedge shall be retained save for that necessary to provide for the entrance to the site and achievement of sightlines.
 - (b) The entrance gate shall be recessed a minimum of 4.5 metres from the road edge having wing walls splayed at a 45 degree angle to the public road.

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

6. 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 interests of public health and traffic safety.

7. Site development and building works shall be carried out only between the hours of 0800 and 1900 Mondays to Fridays inclusive, between 0800 and 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.

8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the 'Best Practice Guidelines on the Preparation of Waste Management Plan for Construction and Demolition Projects', published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

