

An
Bord
Pleanála

Board Order
ABP-311376-21

Planning and Development Acts 2000 to 2021

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 20/1403

Appeal by Deirdre Martin and Neville Gawley of 1 Augustinian Lane, Thomas Street, Limerick against the decision made on the 18th day of August, 2021 by Limerick City and County Council to grant subject to conditions a permission to Doran Financial Services care of Carr Associates Architects Limited of Unit 3, Chapel Court, Cathedral Place, Limerick in accordance with plans and particulars lodged with the said Council:

Proposed Development: Permission for changing the first floor from two one bed apartments to a single two bedroom apartment, layout alterations to the second and third floor apartments and the addition of a fourth floor to accommodate a one bedroom apartment. Furthermore planning permission is being sought for modifications to the existing elevations to include alterations to the shopfront facade and entrance door to the apartments at ground floor level, replacement of windows first to third floor inclusively and all associated works both above and below ground; all at 55 Thomas Street, Limerick, County Limerick.

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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 established uses on the site, to the site's planning history, to the nature, scale, design, character and layout of the proposed development, and to the pattern of development in the area, 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 adjoining properties, would be acceptable in terms of scale, form and use, and 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 23rd day of July, 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require

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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 developer shall employ a suitably qualified structural engineer to assess the site and to monitor all site development works at construction phase. A report containing the results of the assessment and detailing the proposed construction methodologies shall be submitted to, and agreed in writing with, the planning authority prior to commencement of construction works.

Reason: To protect the amenities of property in the vicinity.

3. 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, control of surface water, and off-site disposal of construction/demolition waste.

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

4. Site development and building works shall be carried out only between the hours of 0700 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.

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5. Details of the external shopfront finish and signage, exclusive of any backlighting, awning and external roller shutters, shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of development.

Reason: In the interest of visual amenity.

6. Prior to the commencement of development, details of the proposed on-site bin storage provisions for each of the apartments shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of residential amenity.

7. 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.

Reason: In the interest of public health.

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

Reason: In the interest of public health.

9. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before any of the residential units are made available for occupation.

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

10. 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 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.

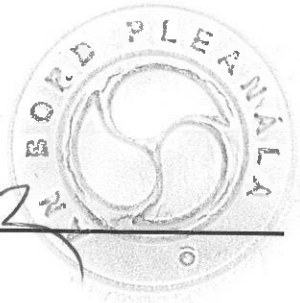
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Chris McGarry

Member of An Bord Pleanála

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



Dated this 21st day of January 2022.

