



An
Bord
Pleanála

Board Order
ABP-312894-22

Planning and Development Acts 2000 to 2021

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 21/701

Appeal by Muriel Sheehan care of RDF Architects and Planning Limited of Unit 19, Charleville Town Centre, Charleville, County Cork against the decision made on the 28th day of January, 2022 by Limerick City and County Council to refuse permission.

Proposed Development: Retention permission for as-built minor elevational amendments from previously granted planning register reference number 99/2676 to include window/door opes, roof windows and unbuilt chimneys and permission for the following: change of use from one number office unit to residential two-bed apartment on first floor, alteration to overall first floor layout from previously granted planning permission planning register reference number 99/2676 (granted six apartment units) into eight number apartment units comprising four number one-beds, two number two-bed/three-person and two number two-bed/four-person apartments, alteration to second floor layout from previously granted planning register reference number 99/2676 (granted eight apartment units) into seven number apartments units comprising three number two-beds/four-person, one number two-bed/three-person and three number one-bed/two-person apartments, with associated minor elevation changes, permission for the construction of 11 number dormer windows at second floor/roof level, provision of a communal open space area with amenity items and hard and soft landscaping, the relocation of bin

store from previously granted planning register reference number 99/2676 to the western gable and the provision of secure bike parking enclosure for 32 number bike spaces and all associated site works at Clarina Village, Ballybrown, Clarina, County Limerick.

Decision

GRANT permission for the above development based on the reasons and considerations set out below.

Reasons and Considerations

Having regard to the provisions of the Limerick Development Plan 2022-2028, the planning history of the site, the nature and scale of the proposed development and development proposed to be retained, and the pattern of existing development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development and development proposed to be retained would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not be prejudicial to public health and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 23rd day of December, 2021, and by the further plans and particulars received by An Bord Pleanála on the 23rd day of February, 2022, 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 retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. 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. Detailed design proposals for the collection and disposal of surface water shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of any residential unit on site.

Reason: In the interest of public health.

3. A Flood Emergency Response Plan, as referred to in the Flood Risk Assessment (by DRA Consulting Engineers) received by the planning authority on the 23rd day of December, 2021 shall be agreed in writing with the planning authority prior to the occupation of any residential unit on site.

Reason: In the interest of public health.

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 or public holidays. Deviation from these times shall 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.

5. 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.



Tom Rabbette

Member of An Bord Pleanála

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

Dated this 1st day of June 2023.

