



An
Bord
Pleanála

Board Order ABP-318229-23

Planning and Development Acts 2000 to 2022

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 22/1038

Appeal by Michael and Mary Copse care of Patterson Design of Churchtown, Newcastle West, County Limerick and by Others against the decision made on the 20th day of September, 2023 by Limerick City and County Council to grant subject to conditions a permission to Donal Horgan care of Kenneally Murphy and Associates Limited of Main Street, Abbeyfeale, County Limerick in accordance with plans and particulars lodged with the said Council.

Proposed Development: (a) Demolition of existing outbuilding, (b) extension of existing residential estate road of Kilcolman Drive to serve one number proposed single-storey detached dwelling house (Site A) and one number existing dwelling house (Site B) which is to be redeveloped to include partial demolition of extensions to north and south elevations, construction of single-storey extensions to north and south elevations with reorientation of existing house layout, (c) construction of new single-storey detached dwelling house on Site C utilising existing vehicular access onto Gortboy Road, (f) all with connections to all public utility services with all associated site works, all at Kilcolman Drive, Gortboy, Newcastle West, 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.

Reasons and Considerations

Having regard to the nature and scale of proposed development on a brownfield infill site in an established residential area, and to the provisions of the Limerick City and County Development Plan 2022 - 2028 and the Newcastle West Local Area Plan 2023 - 2029, it is considered that the proposed development, subject to compliance with the conditions set out below, would not injure the character or amenities of residential property in the vicinity, would not give rise to traffic hazard or obstruction of road users and would 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 on the 24th day of August, 2023, 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 developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

3. Surface water drainage arrangements associated with the proposed development shall comply with the requirements of the planning authority for such works and services.

Reason: In the interests of public health and orderly development.

4. Details of the external finishes of the proposed houses shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. All road works serving the development, including the cul-de-sac and pavement extensions and access on to the R521, shall be in compliance with the requirements of the planning authority.

Reason: In the interests of traffic safety and convenience.

6. All service cables associated with the proposed development, including electrical, communal television, telephone and street lighting cables shall be laid underground within the site, to the satisfaction of the planning authority.

Reason: In the interests of orderly development and visual amenity.

7. Site development and building works shall be carried out only between the hours of 0800 and 2000 from Mondays to Fridays inclusive, between the hours of 0800 and 1600 on Saturday, and not at all on Sundays or public holidays, unless otherwise agreed in writing with the planning authority. Deviation from these times will only be allowed in exceptional circumstances where previous written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. Prior to the commencement of development, a Construction Management and Delivery Plan for the development shall be agreed in writing with the planning authority. This shall address noise, dust, vibration, wheel washing facilities and specific waste management provisions relating to site clearance, demolition, refurbishment, and construction activities.

Reason: In the interests of public safety, residential amenity, and sustainable waste management.

9. 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 the Board 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 3rd day of July 2024.