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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Limerick City and County Council**

**Planning Register Reference Number: 23/388**

**Appeal** by the Residents Group care of Robert Corrigan of 8 Greenfields, Rosbrien Road, Limerick against the decision made on the 14<sup>th</sup> day of November, 2023 by Limerick City and County Council to grant subject to conditions a permission to John Connolly care of IDesign Planning of Old Windmill Court, Lower Gerald Griffin Street, Limerick in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construct a two-storey dwelling, site entrance, site boundary and connection to existing public services and all associated site works at 23 Greenfields, Rossbrien, Limerick. Further public notices were received by the planning authority on the 19<sup>th</sup> day of October, 2023, as follows construct a two-storey dwelling, site entrance, site boundary and connection to existing public services which will result in the sub-division of the site and all associated site works.

**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 provisions of the Limerick City and County Development Plan 2022-2028 including the site zoning and Objective CGR03 (Urban Lands and Compact Growth) which encourages infill development on urban sites, and the nature and scale of the proposed dwelling, it is considered that subject to compliance with the conditions set out below, the proposed development would be in accordance with the policy and objectives in the Development Plan and would not seriously injure the residential or visual amenities of the area. 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, as amended by the further plans and particulars received by the planning authority on 19<sup>th</sup> day of October 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.
  - (a) The rear dividing fence between the two houses shall be a block wall and shall be plastered and capped and painted prior to occupation of the dwelling.
  - (b) The dividing boundary to the front of the two houses shall not exceed one metre in height.
  - (c) The timber fence erected on the existing boundary wall, which impedes sightlines to oncoming pedestrians, shall be removed. The boundary walls, piers, including capping and gate shall not exceed one metre in height.
  - (d) The developer shall ensure that any planting within the proposed development does not interfere with sightlines.

**Reason:** In the interests of pedestrian and traffic safety and orderly development.

3. A Construction Management Plan 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/vibration and traffic management measures and off-site disposal of construction 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 0800 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.

5. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

**Reason:** In the interest of public health.

6. Drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services

**Reason:** In the interest of public health.

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

**Reason:** In the interest of visual amenity.

8. 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 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.



**Martina Hennessy**

**Member of An Bord Pleanála**

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



Dated this 1<sup>st</sup> day of July 2024.