

An
Bord
Pleanála

**Board Order
ABP-320022-24**

Planning and Development Acts 2000 to 2022

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 23/60957

Appeal by Ivor Doherty care of Frank Ross Building Surveyor of Blossom Hill, Kilcornan, County Limerick against the decision made on the 5th day of June, 2024 by Limerick City and County Council to grant, subject to conditions, a permission to Kenneth Leahy care of Healy Partners, The Mill, Glentworth Street, Limerick in accordance with plans and particulars lodged with the said Council:

Proposed Development: The construction of a dormer bungalow style dwelling. The works will include connections to existing services and all associated site works at The Avenue, Adare, 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 the proposed development, within the settlement boundary of Adare village and on a site with an 'Existing Residential' zoning objective, it is considered that the proposal would be in accordance with the Adare Local Area Plan 2024-2030, and 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 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 received by the planning authority on the 9th day of April 2024 and the 16th day of May 2024 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 existing roadside boundary shall be retained in its entirety except where its removal is required for the construction of an entrance to serve the dwelling and where its realignment is required to achieve sightlines in accordance with the Site Plan submitted on 16th day of May 2024. The Roadside boundary shall be supplemented where necessary behind the unobstructed sightline triangle with native hedging species (for example holly, hawthorn, blackthorn, ash) common to the locality.

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

3. Details of the materials, boundary treatments, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

4. A landscaping scheme shall be submitted to the planning authority and written agreement received, prior to the commencement of development. The scheme shall include planting to provide screening for the patio and shall also include a protection plan for the trees in accordance with the Limerick Development Plan 2022-2028.

All planting shall be native Irish species of Irish provenance and in consultation with the recommendations from the All Ireland Pollinator Plan, Pollinator Friendly Planting Code Guidelines. All landscaping and screening shall be carried out within the first growing season following occupation of the development.

Reason: In the interests of orderly development, biodiversity and the proper planning and sustainable development of the area.

5. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

6. Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network. Adhere to any other specific requirements.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

7. Notwithstanding the requirements of individual service providers, the removal or relocation of utilities currently on the property shall be subject to the written agreement of the planning authority.

Reason: In the interest of maintaining the public realm.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) located outside buildings or not attached to buildings shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Details of the ducting shall be submitted to and agreed in writing by the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

9. Site development and building works shall be carried out only between the hours of 0700 and 1800 Mondays to Fridays inclusive, between 0800 to 1300 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 properties in the vicinity.

10. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads, including responsibility and repair for any damage to the public road to the satisfaction of the planning authority, during the course of the works.

Reason: To protect the amenities of the area.

11. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

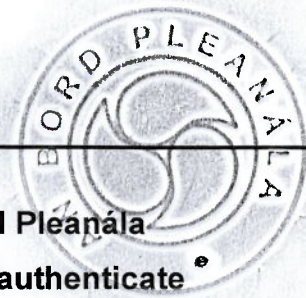
Reason: To prevent flooding and in the interests of sustainable drainage.

12. 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.


Declan Moore

Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board



Dated this 3rd day of MARCH 2025