



An
Coimisiún
Pleanála

Commission Order
ABP-321345-24

Planning and Development Act 2000, as amended

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 2460713

Appeal by Plassey Trust Company care of KOBW Architects of 2 Empress Place, Summerhill North, Cork city and by Others against the decision made on the 6th day of November, 2024 by Limerick City and County Council to grant permission subject to conditions to Silvergrove Developments Limited care of Russell Associates of Main Street, Licannor, County Clare for the proposed development.

Proposed Development: Provision of 25 number apartments in a two and three-storey height block on a site of 0.243 hectare. The proposed development comprises 10 number one-bed apartments and 15 number two-bed apartments, suitable for older persons and/or persons with disabilities and includes an Entry Lobby from Rhebogue Road, communal room, ground level landscaped communal courtyard, second floor landscaped communal terrace, bin/recycling store, bike store, vehicular access from the adjacent 'Drominbeg Square' development to the north, boundary treatment and landscaping, connections to public services and all associated site development works at Rhebogue Road, Drominbeg Road, Rhebogue, Limerick City.

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, scale, density and design of the proposed development; the urban nature of the receiving environment; the 'New Residential' land use zoning objective pertaining to the subject lands; the policies and objectives as set out in the Limerick Development Plan 2022-2028; the provisions of the 'Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities' (2024) and the 'Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities' (2023), it is considered, subject to compliance with conditions set out below, that the proposed development would not seriously injure the residential amenities of the area, would not devalue property in the vicinity and would be acceptable in terms of traffic and pedestrian safety and convenience. It is also considered that the proposed development would be a positive contribution to the character and visual amenity of the area, would create a strong urban edge along Drominbeg Road and Rhebogue Road, would contribute to urban densification and consolidation in line with national, regional and local planning policies and would contribute positively to a mix of residential units serving the area and city. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Commission considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The proposed site is not located within a designated site. Lower River Shannon Special Area of Conservation (Site Code 002165) is located approximately 400 metres to the north of the subject site. The proposed development comprises the construction of 25 apartments and all associated site works. No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, the Commission are satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Scale and size of the proposed development within an existing urban residential setting.
- Distance to the nearest European site at 400 metres to Lower River Shannon Special Area of Conservation (Site Code 002165).
- The lack of pathways to the Special Area of Conservation.
- Connection to public water, public sewer and public drain.

The Commission concluded, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

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 10th day of October 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 east facing window in the kitchen/dining/living room in unit number 18 (on the first floor) and unit number 25 (on the second floor) shall be fitted with obscure glazing and the eastern side of the balconies to each of the said units shall be fitted with a screen of minimum height 1.8 metres.

Reason: To protect the development potential of the adjoining land to the east.

3. The external finishes shall be as indicated in the 'Architectural Design Statement and Housing Quality Assessment' received by the planning authority on the 18th day of July 2024 unless otherwise agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interests of clarity and visual amenities.

4. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads, bin storage, car parking spaces, bicycle spaces and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the residential units.

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

5. 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.

6. The areas of communal open space shown on the lodged plans shall be reserved for such use. These areas shall be levelled, soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the planning authority on the 18th day of July 2024. This work shall be completed before any of the apartments are made available for occupation unless otherwise agreed in writing with the planning authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

7. Proposals for an estate/street name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local Irish townlands, place names or features. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

8. The landscaping scheme as submitted to the planning authority on the 18th day of July 2024 shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

9. 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.

10. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

11. The internal road network serving the proposed development including road marking, car parking, signage and pedestrian crossing points on the pedestrian desire line shall comply with the requirements and detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS). Details of all locations and materials to be used shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development.

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

12. Prior to commencement of the development, the developer shall submit a Stage 2 and Stage 3 Road Safety Audit for agreement with the planning authority. The Road Safety Audit must be in compliance with the Transport Infrastructure Ireland Publication "Road Safety Audit GE-STY-01024".

Reason: In the interest of traffic safety.

13. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

14. The public EV charges/charging spaces should be provided in accordance with the Department of Transport Guidelines – Universal Design Guidelines for Electric Vehicle Charging Infrastructure 2023. In particular, please note the site design guidelines and parking bay dimensions. The parking layout drawings should be updated having regard to the minimum EV parking bay dimensions.

Reason: In the interest of orderly development and the visual amenities of the area.

15. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the drawing landscape plan drawing number P627-101. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

16. 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: In the interest of public health.

17. Prior to the commencement of development, the developer shall enter into a connection agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply and/or wastewater collection network.

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

18. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

19. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

20. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

21. 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 Coimisiún 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

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 31st day of Oct. 2025.