

An
Bord
Pleanála

Board Order
ABP-321556-24

Planning and Development Acts 2000 to 2022

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 2460874

Appeal by Transport Infrastructure Ireland of Parkgate Business Centre, Parkgate Street, Dublin against the decision made on the 27th day of November 2024 by Limerick City and County Council to grant, subject to conditions a permission to Column Quinn and Ruth Quirke care of Shay Galvin of Carrigeen, Croom, County Limerick in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention permission for existing foundations as built (planning authority Register Reference 02/384) and planning permission for the construction of a two-storey dwelling on existing foundations, a sewage treatment system, conversion of existing roadside dwelling to store building and associated site works, at Creggane, Bruree, 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, the pattern of development in the vicinity and the policies of the Limerick City and County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, including the closure of the existing domestic entrance onto the N20 National Route, the proposed development would not have a significant adverse effect on traffic safety on the N20 National Route, and would be appropriate in terms of a replacement rural house whereby the existing cottage will become a non-residential, ancillary storage use. 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 on the 2nd day of September 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. Prior to the commencement of development, the developer shall submit a revised design with a more traditional front façade, fenestration and materials. Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of visual amenity.

3. Prior to the commencement of development, the applicant shall enter into a Section 47 Agreement in accordance with the Planning and Development Act 2000, as amended, to restrict the use of the existing dwellinghouse to non-residential storage use and shall not be sold, transferred or otherwise occupied. The existing house shall be used for ancillary storage only after first occupation of the new dwelling unless permitted by way of a separate planning application.

Reason: In the interest of residential amenity.



4. Prior to occupation of the new dwelling, the access to the existing house on the N20 National Road shall be closed and plans shall be submitted to, and agreed in writing with, the planning authority for a replacement boundary treatment.

Reason: In the interest of traffic safety.

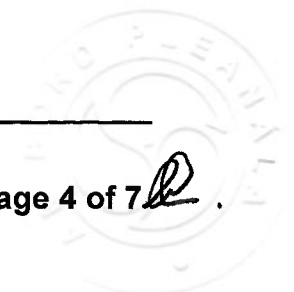
5. Sightlines shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. Sight distance triangles shall be maintained and kept free from vegetation or other obstructions that would reduce the minimum visibility required.

Reason: In the interest of traffic safety.

6. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the establishment of a hedgerow along all side and rear boundaries of the site.

Any plants, trees or hedging which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, 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 order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.



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

Reason: In the interest of public health.

8. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann 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.

9. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on 4th day of September 2024 and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (b) Treated effluent from the wastewater treatment system shall be discharged to a percolation area which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated

works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above

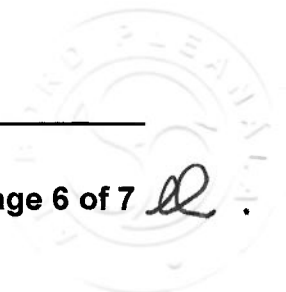
Reason: In the interest of public health and to prevent water pollution.

10. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site. Under no circumstances shall the applicant/developer cut or otherwise interfere with the public road for the purposes of connection to public services without a road opening license.

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

11. The parking area shall have appropriate ducting so as to be capable of accommodating a future electric charging point for electrically operated vehicles.

Reason: In the interest of climate change, energy efficiency and the proper planning and sustainable development of the area.



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.



Mick Long

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this 26th day of *April* 2025.