



An
Bord
Pleanála

Board Direction
BD-017419-24
ABP-318999-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/09/2024.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the provisions of the Limerick City and County Development Plan 2022-2028, including Objective SCS1 O14 (Childcare facilities), and to national policy and guidelines, including Childcare Facilities Guidelines for Planning Authorities (2001), in relation to childcare provision, it is considered that, 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 submitted to the planning authority on the 22nd day of December, 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. Insert Standard surface water condition and reason.
3. Insert Standard Uisce Éireann condition and reason.
4. The opening hours of the facility shall be limited to the hours of 0730 to 1800 Monday to Friday, unless otherwise agreed in writing with the planning authority.

Reason: To protect residential amenities in the area.

5. Construction hours: 0700 to 1900 Monday to Friday and 0800 to 1400 hours on Saturday – insert standard condition and reason.
6.
 - (a) Revised proposals in respect of the wastewater treatment system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. These revised proposals shall demonstrate that the wastewater treatment system is adequately sized for the loading resulting from the increase in numbers of children/staff proposed in the further information documentation submitted to the planning authority on the 22nd day of December 2023.
 - (b) The treatment system and polishing filter shall be constructed in compliance with the relevant EPA Code of Practice.
 - (c) The treatment system installed shall include a visible and audible alarm in case of system failure.

- (d) The installation and commissioning of the treatment system and polishing filter shall be supervised and certified as being in accordance with manufacturers/suppliers recommendations and compliant with the EPA Code of Practice by a site suitability assessment agent. A copy of this certification including full report and photographs of the installation and commissioning of the treatment system and polishing filter shall be submitted to the planning authority within four weeks of the completion of the works.
- (d) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum of five years from the first occupancy of the facility and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (e) The treatment system shall be desludged at least once a year by a permitted waste contractor. Receipts of all such operations shall be retained for a minimum of five years and submitted to the planning authority on request.

Reason: In the interest of public health and environmental protection.

- 7. The developer shall comply with the following and agree a final site layout, incorporating the following changes, in writing with the planning authority.
 - (a) Revised proposals detailing the bin and bike parking areas, both of which shall be covered and secure, to the planning authority, which shall be agreed in writing prior to commencement of development. Bike parking provision to cater for a minimum of 10 bicycles shall be provided.
 - (b) Reduce car parking provision to a maximum of 16 spaces.

(c) Provide drop-off and turning facility.

Reason: In the interests of amenity and sustainable transport.

8. A landscaping plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development. It shall include for retention of existing hedging where appropriate and planting of hedges made up of native species along site boundaries to provide screening. Planting shall take place in the first planting season after commencement of development. Any unsuccessful planting shall be replaced in the following planting season.

Reason: In the interest of biodiversity and visual amenity.

9. Insert standard archaeology condition – for monitoring unknown archaeology features during construction and reason.

10. Prior to commencement of development, a Stage 2 and Stage 3 Road Safety Audit shall be submitted to, and agreed in writing with, the planning authority. In this regard:-

- (a) the developer shall submit details of the proposed audit team to the planning authority for approval prior to the audit, and
- (b) the developer shall address all problems raised with the audit and revised site layout plans to include the recommendations of the audits shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of traffic and public safety.

11. The lighting shall be erected prior to the first use of the development.

Reason: In the interest of public safety.

12. Insert standard condition – construction management plan, and reason.
13. Insert standard condition for waste recovery and recycling, and reason.
14. 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.

Board Member



Patricia Calleary

Date: 06/09/2024