



Planning and Development Acts 2000 to 2020

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 19/1037

Appeal by Peggy Kerley of Kilbane, Castletroy, Limerick and by others against the decision made on the 15th day of May, 2020 by Limerick City and County Council to grant subject to conditions a permission to Pat Hoare Building Contractors Limited care of HRA Planning of 3 Hartstonge Street, Limerick in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of an existing haybarn and construction of a residential development comprising eight units (two blocks with each block containing two number four bedroom terrace houses, one number three bedroom duplex house and one number two bedroom apartment), with site entrance and all ancillary site development works. Ancillary site development works include a new connection to the public watermain, foul and surface water drainage, access roads, footpaths, vehicle parking, landscaping, boundary treatments and site development works above and below ground, all at Foxhollow, Golf Links Road, Castletroy, County Limerick. Further public notices were received by the planning authority on the 6th day of March, 2020 which amended the proposed development as follows: A reduction in the

number of units to six terraced houses (two blocks of three terrace houses), including redesign of proposed units and a revised site layout.

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.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the relevant provisions of the Limerick County Development Plan 2010 – 2016 and the Castletroy Local Area Plan 2019 – 2025, including the zoning objectives for the site, the Urban Development and Building Heights, Guidelines for Planning Authorities, issued in December, 2018 by the Department of Housing, Planning and Local Government, and the Sustainable Residential Development in Urban Area, Guidelines for Planning Authorities, issued in May, 2009 by the Department of the Environment, Heritage and Local Government, and having regard to the nature, scale and form of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance

with relevant national guidance and statutory development plan policy, would be compatible with the visual and residential amenities of the area, would be acceptable in terms of pedestrian and traffic safety and would constitute an appropriate form of residential development at this location. 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 submitted on the 6th day of March, 2020 and clarified by the further plans and particulars submitted by on the 23rd day of April, 2020, 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 proposed development shall be amended as follows:
 - (a) A minimum of six bicycle parking spaces shall be provided in two stands of three spaces. One of these stands shall be sited in a position adjacent to Block Number 1 and one shall be sited in a position adjacent to Block Number 2.
 - (b) The proposed 1,800 millimetre high opaque glass screen proposed for the northernmost corner of Block Number 1 and the westernmost corner of Block Number 2 shall be extended around the entire external edges of the balconies/terraces.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity and to promote sustainable modes of transport.

3. A tree survey shall be carried out by an arborist or landscape architect of all on-site trees which shall provide the baseline information for the landscaping scheme required by condition number 5 of this Order. This tree survey, which shall be submitted to the planning authority prior to commencement of development, shall include the following:
 - (a) A plan to scale of not less than 1:200 showing –
 - (i) the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter exceeding 75 centimetres, when measured at a point 1.5 metres above ground level,

- (ii) the crown spread of each tree, and
 - (iii) trees proposed for retention.
- (b) A separate document detailing the following information in respect of each numbered tree –
- (i) common and scientific name of the species and variety,
 - (ii) diameter, measured in accordance with paragraph (a) above,
 - (iii) approximate height,
 - (iv) crown spread,
 - (v) condition, including a general statement of health and stability,
 - (vi) whether it is to be preserved or felled, and
 - (vii) in respect of each tree proposed to be felled, the reason for felling.
- (c) Details of any proposed alterations in existing ground levels throughout the site and of the position of any proposed excavation within the crown spread of any retained tree.
- (d) Details of the measures proposed for the protection from damage before and during the course of construction of each retained tree.

- (e) Details of any remedial measures that may be needed to ensure the proper management of trees to be retained and a timetable within which such measures would be undertaken.

In this condition, “retained tree” means an existing tree which it is proposed to preserve under paragraph (b)(vi) above. The minimum protection measures are set out in condition number 4 of this Order.

Reason: In the interests of visual and landscape amenity.

- 4. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.
- (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

5. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
- (a) A plan to scale of not less than 1: 200 showing –
 - (i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
 - (ii) Details of screen planting, which shall include a hedgerow and trees along the northern half of the south/southwestern boundary to the site.
 - (iii) Details of roadside planting, which shall include a hedgerow to screen the forecourt car park.
 - (iv) Hard landscaping works, specifying surfacing materials, furniture, and finished levels.
 - (b) Specifications for mounding, levelling, cultivation, and other operations associated with plant and grass establishment.
 - (c) A timescale for implementation.

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, 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 interests of residential and visual amenity.

6. Details of the materials, colours, and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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

Reason: In the interest of public health.

8. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

9. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

10. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed Type B dwellinghouses without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings.

11. A minimum of 10% of all communal car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces. Details shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development and the agreed provisions shall be carried out and completed prior to the making available by the developer for occupation of any of the residential units in the development.

Reason: In the interest of sustainable transportation.

12. Proposals for an estate/street name, house 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 house numbers, shall be provided in accordance with the agreed scheme. 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.

13. 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.

14. The construction of the development shall be managed in accordance with a Construction Management Plan, which 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 management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

15. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.
- (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

16. 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 Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

17. 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.

Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2020.