

Planning and Development Acts 2000 to 2021
Planning Authority: Limerick City and County Council
Planning Register Reference Number: 21/594

Appeal by Concerned Residents Association care of Tommy Drummond of Hill Road, Abbeyfeale, County Limerick against the decision made on the 3rd day of March, 2022 by Limerick City and County Council to grant subject to conditions a permission to HRP Construction Limited care of Butler O'Neill, Total Planning Solutions of Thompson House, MacCurtain Street, Cork City in accordance with plans and particulars lodged with the said Council:

Proposed Development: The construction of 68 number residential units comprising of 44 number houses and 24 number apartments, all two-storeys in height. The units proposed are a mix of one, two, three and four bedroomed units (12 by one bedroom, 23 by two bedroom, 25 by three bedroom and eight by four bedroom) on a site spanning 2.794 hectares. Permission is sought for the development outlined herein including boundary treatments, roads, drainage, landscaping (including playground and playing pitch), pedestrian crossings, 157 number car parking spaces and 42 number bicycle parking spaces, bin storage, access and all ancillary site works. Vehicular access is proposed to the north west at Saint Ita's Road and in addition pedestrian/cycle access is proposed onto 'The Grove' all at Saint Ita's Road, Abbeyfeale West, Abbeyfeale, 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 residential zoning of the subject site, to the provisions of the Limerick Development Plan 2022-2028, to the provisions of the Abbeyfeale Local Area Plan 2014-2020 (as extended to 2024), to the pattern of development in the area, and to the density, design, character, and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable form of residential development for the area, would contribute to the delivery of future infrastructure as set out in the Local Area Plan, would not adversely impact on the residential or visual amenities of adjoining properties in the area, would not generate a traffic hazard or endanger public safety and would not be prejudicial to public health. 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 19th day of October, 2021 and the 4th day of February, 2022 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) All ground floor apartments shall have a floor to ceiling minimum height of 2.7 metres.
 - (b) The playground shall be located further south onto the larger green area.
 - (c) The site layout plan shall be revised to provide for as follows:
 - (i) Omit the 18 car parking spaces along the access road and redesign this area as part of the open space,

- (ii) Reduce car parking provision within the overall scheme to no more than 99 spaces, with 67 allocated for the houses, of which 15 shall be visitor spaces, and 32 allocated for the apartments/duplexes, of which eight shall be visitor spaces.
- (iii) A minimum of 48 bicycle parking spaces dedicated for the apartments and these shall not be provided within private amenity spaces.

Revised drawings and details 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 interest of orderly development and residential amenity.

3. Prior to commencement of development, a revised Site Layout Plan shall be submitted for the written agreement of the planning authority for the following:
 - (a) The location and layout of the controlled crossing shall be revised and shall be in line with 'TII Pedestrian Crossing Specification and Guidance'.
 - (b) The developer shall show the radius bends at the main junction to reduce the crossing widths for pedestrians.
 - (c) Corduroy tactile paving and appropriate symbols/signage shall be provided on the shared pedestrian and cycle track.

- (d) Road Markings are to be in accordance with 'IS EN 1436 European Standard for Road Markings' and in accordance with the 'Traffic Signs Manual'. Road Signs are to be in accordance with 'IS EN 1436 European Standard for Road Markings' and in accordance with the 'Traffic Signs Manual'.

Reason: In the interest of orderly and sustainable development.

4. The developer shall reserve free of any development, the lands outlined in the hatched area as shown on the Site Layout Plan, received by the planning authority on the 19th day of October, 2021.

Reason: In order to facilitate future infrastructure provision, as set out in the Abbeyfeale Local Area Plan 2014-2020 (as extended to 2024).

5. 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 prior to commencement of development.

Reason: In the interest of visual amenity.

6. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

7. (a) The internal road and vehicular circulation network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such road works and design standards outlined in the Design Manual for Urban Roads and Streets (DMURS). Drawings and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and shall comply with all relevant aspects of the (DMURS).
- (b) All recommended measures in the Road Safety Audit report submitted to the planning authority on the 19th day of October 2021 shall be implemented to the satisfaction of the planning authority.

Reason: In the interest of pedestrian and traffic safety.



8. A minimum of 10% of the communal parking areas serving the residential units shall be provided with electrical connection points to allow for functional electric vehicle charging, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

9. Proposals for naming and numbering of the proposed 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, house and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. 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.

10. Water supply and 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.

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

Reason: In the interest of public health.

12. 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 amenities of property in the vicinity.

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. 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. The agreed lighting system shall be fully implemented before any of the residential units are made available by the developer for occupation.

Reason: In the interests of amenity and public safety.

15. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas and the site shall be landscaped in accordance with the 'Proposed Landscape Plan' Drawing Number P103A submitted to the planning authority on the 19th day of October, 2021 unless otherwise agreed with the planning authority in writing. This work shall be completed before any of the units are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

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

16. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan and Method Statement 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.

17. 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 within each apartment 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.

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

18. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

19. Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses or duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

20. 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 in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

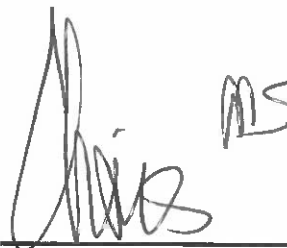

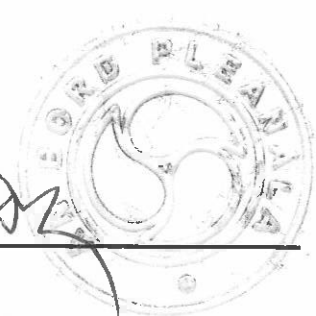
Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

21. 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.

22. 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.


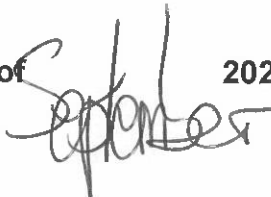
  

Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this  day of  2022