

An
Bord
Pleanála

Board Order
ABP-313671-22

Planning and Development Acts 2000 to 2022

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 21/1257

Appeal by Woodlawn Park Residents' Association care of Anne McCaffrey of 77 Woodlawn Park, Ballysimon Road, Limerick against the decision made on the 6th day of May, 2022 by Limerick City and County Council to grant, subject to conditions, permission to Goldstar Homes 3 Limited care of Virtus of 5th Floor, The Glasshouse, 11 Coke Lane, Smithfield, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of the existing single storey vacant retail unit and other structures (in ruin) on the site and the construction of a purpose-built housing scheme for older persons and/or persons with disabilities consisting of 15 number social housing apartments, with a mix of six number one-bed units and nine number two-bed units, all in a single building of three storeys. The apartment building includes balconies on the north and east elevations and ground level private gardens to the north and east. The development also comprises of six number surface car parking spaces, three number of which are accessible spaces, 15 number bicycle parking spaces, refuse storage, hard and soft landscaping including a landscaped courtyard to the rear, lift and stairs access to the rear, private and communal open space, new boundary treatment and all associated and related

works including site engineering and civil works. Proposed new vehicular access to the proposed development will be from Woodlawn Park, with pedestrian entrances proposed from both Woodlawn Park and Ballysimon Road, all on a site of 0.14 hectares at corner of Ballysimon Road and Woodlawn Park, Limerick, 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, scale and extent of the proposed development, to the pattern of development in the area, and to the relevant provisions of the current Development Plan for the area, including the residential zoning objective for the site, 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, including the amenities of property in the vicinity, would be acceptable in terms of pedestrian and traffic safety, and would constitute an acceptable form of development at this serviced urban location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

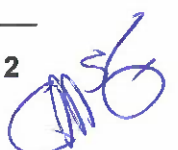


In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered the totality of the documentation on file, including the reports of the planning authority. The Board first off noted and shared the opinion of the Inspector, that the proposed development would be broadly acceptable in terms of residential amenity, design and scale. In relation to the area of concern expressed by the Inspector regarding the design of the entrance, the shared surface proposed and potential implications for the safety of pedestrian, cyclists and also access for emergency vehicles, the Board noted that the scheme is modest in scale with a short distance of internal shared surface area, and with clearly demarcated associated parking and turning capability. Given the modest requirements for movement which would be generated by the proposed development, and the low speed of any vehicle movements here in practice, along with the capability to ensure clear expression of shared surface and pedestrian priority via surface materials as proposed, the Board did not agree that a refusal of permission was warranted on this issue. In this regard, the Board agreed with the decision of the planning authority to grant permission subject to conditions.

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 28th day of February, 2022 and on the 11th day of April, 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. A revised site layout plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development for the following:
- (a) The main internal road which has been designed as shared surface, shall be provided to a width of 4.8 metres along its full length.
 - (b) Full auto track simulation of the site, including the junction showing a vehicle entering the development while a vehicle is in its position to exit the junction. This shall clearly demonstrate that re-design of the junction shall operate safely.
 - (c) All parking spaces in the public realm and apartments shall be clearly marked out on the road surface and all road markings and signage shall be kept maintained by the developer.
 - (d) All accessible car parking spaces for colours, road markings and signage shall be in line with the 'Irish Wheelchair Association Best Practice Access Guidelines'.
 - (e) All electric charging spaces shall be outlined. The details of the proposed chargers, their location, ducting arrangement and management of same shall be agreed with the planning authority.
 - (f) The proposed speed cushions fronting the access shall be relocated at the applicant's expense and shall be agreed with the planning authority's Roads Engineer prior to commencement of development.

Reason: In the interests of orderly and sustainable development.



3. Prior to commencement of development, a revised Surface Water Drainage proposal prepared in accordance with the specification of the planning authority shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development showing the following:
- (a) A detailed cross section through rain garden confirming the type of soil, stone and geotextile layers that shall be used in line with the SuDS manual with an overflow pipe.
 - (b) A detailed cross section through brown roof confirming layers that shall be used in line with the SuDS manual with an overflow pipe.
 - (c) Revised surface water calculations by way of simulation modelling Micro Drainage or Causeway.
 - (d) The calculation for all SuDS measures shall be shown as part of the simulation modelling unless there is a specific reason for excluding these measures which shall be agreed with the Roads Section of the planning authority.
 - (e) Prior to commencement of construction, the developer's Construction Engineer shall arrange and attend a 'Start-Up Meeting' with the planning authority's Roads Engineer. No works in relation to the Surface Water Disposal System shall take place prior to this meeting.
 - (f) A bonded Chartered Engineer shall be responsible for certifying all works in relation to connection to the Surface Water Sewer. The developer shall submit photographic evidence to the planning authority prior to final connection to existing surface water system from a bonded Chartered Engineer of each stage of the Surface Water Disposal System.

- (g) A maintenance plan and maintenance schedule to include for SuDS components shall be submitted to, and agreed in writing with, the planning authority prior to commencement of construction.
- (h) The developer shall give the planning authority a minimum of two weeks' notice to allow for the inspection/supervision of the following:
 - (i) Surface water pipe air test and manhole infiltration tests.
 - (ii) Prior to surface water pipes being covered over.
 - (iii) Manhole construction.
 - (iv) Construction of all the SuDS components.

Reason: In the interests of proper planning and sustainable development and to prevent flooding on the public road.

- 4. All surface water run-off from the public road which flows into the site shall continue to be accommodated within the site unless alternative arrangements acceptable to the planning authority are carried out. Full details of any such alternative arrangements shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.

Reason: To prevent flooding on the public road in the interests of amenity and traffic safety.

- 5. All surface water run-off from roofs, entrances and bike parking areas within the site shall be collected and disposed of within the site to surface water drainage system and shall be discharged to the public surface water sewer. No such surface waters shall discharge onto adjoining properties or the public road.

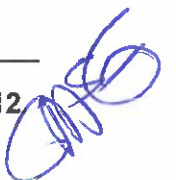
Reason: In the interest of public health and to prevent flooding in the interest of traffic safety and amenity.

6. 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.

7. (a) Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.
- (b) Adequate car parking facilities shall be provided on site for all workers and visitors.

Reason: In order to safeguard the residential amenities of the area and in the interest of proper planning and sustainable development.



8. The wheels and underside of all construction traffic leaving the site shall be cleaned, as required, to prevent soiling of public roads. A wheel washing facility, including water jets or other approved cleansing method shall be provided close to the site exit. In the event that any public roads become soiled by construction traffic from the site, these roads shall be cleaned immediately.

Reason: In the interests of the proper planning and sustainable development of the area, road safety and to protect the amenity of the area.

9. 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

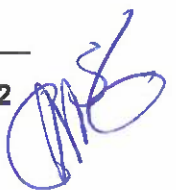
Reason: In the interests of visual and residential amenity.

10. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces 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.

11. Prior to commencement of development, the developer shall submit a site layout plan for utility ducting and manholes for broadband services. The ducting shall be 100 millimetres diameter uPVC and shall be provided to each housing unit. This network shall be provided at the expense of the developer and shall be handed over to the planning authority upon completion of ducting.

Reason: In the interest of orderly development for the provision of Telecommunications Network Infrastructure.



12. The development shall be suitably identified by nameplate(s). The proposed name(s) shall relate to local Irish townlands, place names or features and shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of local identity, history and culture associated with the area, in terms of sense of place.

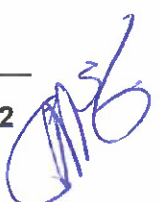
13. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise/vibration and traffic management measures and off-site disposal of construction/demolition waste.

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

14. Prior to commencement of development, the site developer or appointed contractor shall submit a site-specific waste management plan for the recovery/disposal of all wastes arising from the demolition, refurbishment and/or construction related activities of this development to the planning authority, for agreement in writing. This waste management plan shall include:

- (a) A list of proposed authorised waste collection permit holders to be employed;
- (b) A list of the proposed waste facility permitted sites at which the wastes may be recovered or disposed of;
- (c) Estimates of the proposed tonnages of construction and demolition wastes by type (that is, soil and stone, rubble, wood, metal and plastic).

Reason: In the interest of sustainable waste management.



15. (a) No development shall commence on site until the developer submits the following for the written agreement of the planning authority:
- (i) The developer engages the services of a suitably qualified person acceptable to the planning authority with professional indemnity insurance, who shall oversee all works on site as per the permission granted. Details in this regard shall be submitted to, and agreed in writing with, the planning authority.
 - (ii) The developer shall notify the planning authority in writing at least one week prior to the commencement of any works to the site.
- (b) On completion of works to the site, a written report shall be submitted to the planning authority from the same suitably qualified person demonstrating that the development has been carried out in accordance with the planning permission granted.

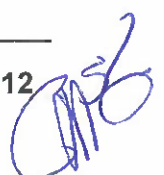
The submission of such shall not absolve the developer of his/her responsibilities to construct and install infrastructural services in accordance with the requirements of this permission.

Reason: In the interest of orderly development.

16. A materials and finishes board shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development on site.

Reason: In the interest of proper planning and visual amenity.

17. (i) A Management Scheme providing adequate measures relating to the future maintenance of the apartment complex (including details of Management Company arrangements) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.



- (ii) All communal areas, including the refuse storage area, bicycle parking area and storage lock ups shall be maintained by the management company to a high standard (including regular removal cleansing and removal of refuse).

Reason: In the interests of proper planning, orderly development and visual amenity.

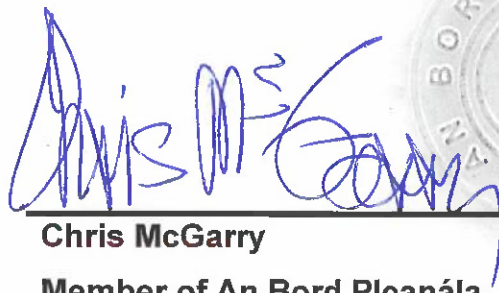
18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.



19. 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 20th day of September 2023.

