



An
Bord
Pleanála

Board Order
ABP-318485-23

Planning and Development Acts 2000 to 2022

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 221189

Appeal by Frank Healy and Ben Healy care of John Morrissey of Ballinagoole, Crough, County Limerick against the decision made on the 24th day of October, 2023 by Limerick City and County Council to grant, subject to conditions, a permission to Peter and Catherine Maloney care of Keneally Murphy and Associates Limited of Main Street, Abbeyfeale, County Limerick in accordance with plans and particulars lodged with the said Council.

Proposed Development: (a) Demolition of existing derelict building and associated works, and (b) construction of a residential development comprising of 28 number apartments which will be located within four separate blocks, construction of new access and internal roads, the installation of all required services to include pumping stations, connection to all public utility services, hard and soft landscaping with all associated site works, at Sexton Street North, Limerick. The proposed development was revised by further public notices received by the planning authority on the 27th day of September 2023.

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 pattern of development in the area and its existing residential zoning under the Limerick Development Plan 2022-2028, it is considered that, subject to compliance with conditions set out below, the proposed development would provide a high-quality residential development on an underutilised site; would not seriously injure the character of the area or the amenities of property in the vicinity and would provide an adequate standard of residential amenity to future occupiers. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In considering the appeal, the Board had regard to the totality of the information before it and did not consider it appropriate to allow access through the site to adjacent properties, in the interest of protecting the residential amenity of future occupiers of the proposed development.

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 received by the planning authority, on the 27th day of September 2023, 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. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

3. Prior to the commencement of any development works on the site, including the removal of any building, landscape feature or vegetation, a survey to ascertain the presence of any bat activity on the site for roosting or foraging purposes and an assessment of any potential impact on the species arising from the proposed development shall be undertaken by a suitably qualified ecologist and the findings submitted for written approval of the planning authority. Should the significant presence of bats be established on the site no development shall occur



until the necessary permission/ derogation licence has been obtained from the appropriate statutory body.

Reason: In the interest of bat protection and to provide for the preservation and conservation of this species.

4. Proposals for an estate/street name, 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 dwelling 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 and to ensure the use of locally appropriate placenames for new residential areas.

5. Prior to the occupation of the proposed development any noise mitigation measures (specified in the Noise Impact Report) shall be constructed and completed in accordance with the proposed scheme.

Reason: In order to protect the residential amenities of property in the vicinity.

6. Prior to the commencement of development, the developer shall enter into a Connection Agreement(s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

7. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

8. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

Reason: In the interest of amenity and of traffic and pedestrian safety.

9. The proposed development shall align with the proposed cycling and walking infrastructure on the adjoining public road. Prior to commencement of development, the developer shall submit to the planning authority for agreement a Site Layout Plan showing how the development integrates with the adjoining approved Part 8 scheme (22/8014) and that it will not impact on the proposed pedestrian crossing.

Reason: In the interest of amenity and of traffic and pedestrian safety.

10. Prior to commencement of any development on site the developer shall submit the following for the written agreement of the planning authority,
- (i) The Stage 1 and Stage 2 Road Safety Audit shall be signed by the design team or the employer and include the feedback audit form. The Stage 2 Road Safety Audit shall be in compliance with the TII Publication 'Road Safety Audit GE-STY-01024'. The recommendations of the Stage 1 and Stage 2 Road Safety Audit shall be implemented in full/
 - (ii) A Stage 3 Road Safety Audit in compliance with the TII Publication 'Road Safety Audit GE-STY-01024' shall be submitted on upon the completion of construction and prior to the opening to traffic.

Reason: In the interest of traffic and pedestrian safety.

11. Site development and building works shall be carried out only between the hours of 0800 to 2000 Mondays to Friday inclusive, between 0800 to 1600 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.

12. 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:

- (a) the location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) the location of areas for construction site offices and staff facilities;
- (c) the details of site security fencing and hoardings;
- (d) the details of on-site car parking facilities for site workers during the course of construction;
- (e) the details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) the provision of parking/access for existing adjoining properties during the construction period;

- (j) the details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) the containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) the off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) the means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;

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

13. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

14. A minimum of 42 number safe and secure bicycle parking spaces shall be provided within the site. Provision should be made for a mix of bicycle types including cargo bicycles and individual lockers. Details of the layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

15. (a) Walls shall be provided along the rear and side boundaries of the site along the red line indicated on the Site Survey drawing received by the planning authority on 27th September 2024. Such walls shall be two metres in height above ground level. These walls shall be constructed in brick to match the brick used in the buildings or concrete block or similar durable materials and, if in concrete block, shall be suitably capped and rendered on both sides in a finish that matches the external finish of the buildings. Where there is a difference in ground levels between this site and adjoining properties, the level shall be taken as their average level.
- (b) Details of the walls forward of the established building line fronting Sexton Street North (that is, forward of house number 5) shall be submitted to and agreed in writing with the planning authority.
- (c) For the avoidance of doubt this permission does not include the 'possible future access' to the rear of adjacent properties to the east as indicated on Site layout Plan drawing number P-02 Rev A., received by the planning authority on 27th September 2024. Any such access arrangements shall be subject to a future planning application.

Reason: In the interest of residential and visual amenity and to protect residential amenity of future occupants and in the interest of clarity.

16. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

17. All the communal parking areas serving the residential units shall be provided with functional 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.

18. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

19. (a) 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 for each apartment unit 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.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

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

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 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, 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 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.


Stephen Bohan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 19th day of December 2024.