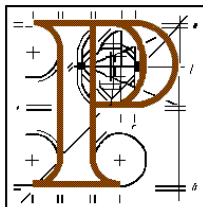


An Bord Pleanála



Inspector's Report

Site Address: Browns Quay, Thomondgate, Limerick.

Proposal: Construction of a two to three storey apartment building comprising eighteen apartment units and all ancillary site development works. Collins Cottages, Cashel's Lane and Duggans Yard,

Planning Application

Planning Authority: Limerick City and County Council

Planning Authority Reg. Ref.: 15/432

Applicants: Associated Charities Trust Limited.

Type of Application: Permission

Planning Authority Decision: Grant

Planning Appeal

Appellant: Thomondgate Residence Rights Group.

Type of Appeal: 3rd party –v- grant

Observers: Nuala Mulcahy
John P. Long

Date of Site Inspection: 16th January 2016

Inspector: G. Ryan

1.0 SITE

- 1.1 The subject site is located in Thomondgate, which is located on the right (west) bank of the Shannon at the original fording/bridging point (Thomond Bridge), on the opposite side of the river from the old city. As such, and similar to comparable locations in many cities, it is proximate to the city centre, but with a notably lower intensity of its urban scale. There are some commercial uses on High Road to the south, and to a small extent near the Thomond Gate/ Brown's Quay junction, but otherwise the area is predominantly residential, with housing from a wide range of periods.
- 1.2 The site itself is bounded by Cashel's Lane to the west, and Brown's Quay to the east. There is a level difference between these two roads, as evidenced by the pedestrian steps that form the site's southern boundary.
- 1.3 To the northwest and northeast of the site are the gable ends of 2 houses which terminate a 'run' of 20th century 2-storey housing along Cashel's Lane and Brown's Quay respectively. There is a motor garage to the southeast of the site, backing onto the river. To the west, across Cashel's Lane, is Thomond House, a period building which is in use by the applicant in connection with accommodation for the homeless. The block to the south of the site, on the opposite side of the steps, consists of some derelict houses, and some more modern infill units.

2.0 PROPOSAL

2.1 BROAD OVERVIEW

- 2.1.1 The scheme consists of the construction of a residential scheme of 18 units within a flat roofed building that would be 3 stories (over partial raised area) onto Brown's Quay, and 2 storeys onto Cashel's Lane.
- 2.1.2 The design of the scheme is contemporary. 4 car parking spaces are proposed at ground level, along with a courtyard. The applicant is a registered charity.

2.2 COVER REPORT

- 2.2.1 A report from the applicant's agent, James Corbett Architects, sets out the context for the application and the design rationale, with some useful diagrams and survey information.
- 2.2.2 On the issue of private open space, the applicants are seeking a derogation of the development plan requirements. Due to the profile

of the residents and out of respect for some of the difficulties they might have to face, the use of private balconies or roof terraces is deemed unsuitable. A shared courtyard is provided.

- 2.2.3 Parking provision is to support ancillary staff and service providers, rather than the residents. Page 171 of the development plan provides for this.

2.3 FLOOD RISK ASSESSMENT

- 2.3.1 Prepared by Punch Consulting Engineers, this report consists of a Stage 1 and 2 Flood Risk Assessment.

- 2.3.2 It is notable that in the first instance the application form stated that the site had not, to the applicant's knowledge, been flooded.

2.3.3 Flooding data and research

- 2.3.4 The report notes that the OPW's flood hazard mapping identifies previous flood events [along Brown's Quay], and that the site may be at risk of flooding from the Shannon.

- 2.3.5 Historical flooding events are discussed, including a flood event in December 1999, where a flood level of 4.2mODM was reported. This was attributed to very large fluvial flows in the River Shannon combined with high spring tides. Other records indicate readings of up to 5.02mODM in 1990 and 5.28mODM in 1961. Flooding in 2002 was not recorded.

- 2.3.6 The report draws on the findings from a number of historical flooding studies in the area, two of which take the 1:100 flood level to be 5.18mODM at the nearby Athlunkard Bridge.

- 2.3.7 The OPW's recent draft CFRAM mapping for this area indicate that the site of the proposed development may be at risk of flooding during an extreme fluvial event (1 in 100). The report quotes the OPW who note that the maps are indicative only and should not be used for local decision making without verification.

- 2.3.8 Indicative flood zone maps produced in connection with the Irish Coastal Protection Strategy Study models that the 1:200 event at a point downstream of Limerick City will be 4.59m, with the 1:1000 event being 1:1000.

- 2.3.9 Existing road levels at Brown's Quay range from 3.98mODM to 4.2mODM.

2.3.10 Applicable levels / 'freeboard'

- 2.3.11 In the past, Limerick City Council required finished floor levels for all developments to be not less than 4.5mODM. However, following the

CFRAM works, a more varied approach ranging from 3.78mODM to 5.19mODM might be appropriate.

- 2.3.12 The report considers that in this area, All areas above 5.19m are considered to be in Flood Zone C, with all areas below 4.77m being in Flood Zone A. The levels at the Brown's Quay end of the site place the site in Flood Zone A.
- 2.3.13 The Limerick City Development Plan requires that floor levels be 900mm above the maximum recorded high tide level ($4.2 + 0.9 = 5.1$), whereas the DoEHG's Flood Risk Guidelines recommend that floor levels are placed above the 1:200 level, with appropriate freeboard. Allowing for a 200m freeboard, this would equate to 5.54mODM ($4.77\text{mODM} + 0.55\text{m}$ for climate change). The proposed development complies with this requirement
- 2.3.14 It is not considered necessary to raise the car park above the flood level.
- 2.3.15 The proposed development would not have any impacts on flooding elsewhere as it is a previously developed site. Due to the quantities of water involved, it is not considered that flood levels would be impacted upon by the addition or removal of storage due to the demolition, extension, or construction of new houses in Thomondgate.

2.3.16 Justification test

- 2.3.17 The report undertakes a 'Justification test' for both the plan-making [not necessary, in my opinion] and development management phases. The development management test works through the criteria set out in Box 5.1 of the guidelines, noting or stating that the site/scheme
- is zoned
 - has been subject to an FRA
 - will note increase flood risk
 - includes measures to minimise flood risk
 - is compatible with the achievement of wider planning objectives

2.3.18 Mitigation

- 2.3.19 Section 6 of the report sets out the proposed mitigation measures. The floor area would be no less than 5.54mODM. Exits from the building will terminate above flood level. The car park would be allowed to flood.

2.4 OTHER ENCLOSURES

- 2.4.1 Shadow diagrams were submitted with the planning application.
- 2.4.2 Photomontages show computer generated imagery of the scheme superimposed onto photographs taken from a number of key locations.
- 2.4.3 Contextual elevations were also produced.

3.0 SUMMARY OF REPORTS TO THE PLANNING AUTHORITY

3.1 DEPARTMENTAL REPORTS

3.1.1 Fire Officer

- 3.1.2 Raises concerns regarding excessive travel distance within apartments, and habitable rooms forming inner rooms, but recommends that these issues can be addressed as part of the Fire Safety Certificate.

3.1.3 Environment

- 3.1.4 Requires the submission of a Waste Management Plan prior to the commencement of Development.

3.1.5 Travel and Transportation

- 3.1.6 Notes the request for a derogation in terms of car parking. The level of provision is considered acceptable.

3.1.7 Archaeologist

- 3.1.8 No issues arise.

3.2 EXTERNAL CONSULTEES

3.2.1 Irish Water

- 3.2.2 Recommend conditions.

3.2.3 Health Service Executive

- 3.2.4 Recommends conditions.

3.3 REPRESENTATIONS

Objections were submitted on behalf of the current appellant (including petition), from the observers, and from the following parties.

- Christopher Daly of Hassett's Villas, which is to the immediate south of the site, on the opposite side of the steps.

- Thomondgate Residents Association.
- Paul Mulcahy (same address as the observers Nuala Mulcahy and Tim Mulcahy).
- Catheriona Mulcahy (same address as the observers Nuala Mulcahy and Tim Mulcahy).
- Deirdre McCarthy of Treaty Terrace and Treaty Villas [located on High Road, 2 blocks to the south]

The matters raised in these objections are largely reflected in the appeal grounds summarised in section 6.1 below. Other matters of note can be summarised as follows.

- Would impede views of the River Shannon.
- Would devalue property.
- Two projects already existing in the Thomondgate area which provide the same facilities.
- Inappropriate design from an architectural perspective.
- Traffic issues.

3.4 PLANNING OFFICERS REPORT

- 3.4.1 The principle of the development is a compatible use in this area. The proposal has already been granted permission.
- 3.4.2 The flood risk element of the proposal has been addressed since the previous planning application. The lowest level of the accommodation is set at 5.6m[ODM].
- 3.4.3 The building is set back from Cashel's Lane to allow for a more generous footpath.
- 3.4.4 The external façade is contemporary. The use of grey brick draws from existing material types within the city. It is more imposing design than the existing low level building, but makes a strong impact, respecting the shape of the site.
- 3.4.5 The report 'screens out' for Appropriate Assessment under the Habitats Directive.
- 3.4.6 The windows on the north elevation overlook a front garden where there is no protected privacy anyway. Windows facing the rear garden area 11m from the boundary, which is consistent with requirements.
- 3.4.7 Recommends a grant of permission

4.0 PLANNING AUTHORITY DECISION

The planning authority decided to grant permission subject to 19 conditions, many of which could be considered 'standard' conditions. Others of note can be summarised as follows.

- 2 The scheme is to be run in connection with the Associated Charities Trust Ltd. No part may be let or sold separately.
- 3 There may be no subdivision of any apartment unit without a separate grant of permission.

5.0 HISTORY

PA Ref. 06/770173¹ - Permission refused to the current applicant for a 3 storey apartment complex.

PA Ref. 08/770220 - Permission granted to the current applicant for a 2 and 3 storey apartment complex consisting of 18 apartments. It is notable that the main entrance was to be 'at grade' at Brown's Quay.

PA Ref. PE/141 – permission refused for an extension of duration of the '08' permission in 2014 due to the implementation of the Flood Risk Guidelines of 2009 in the interim. The original permission had not addressed this issue.

PA Ref. 2580415 – relates to a pre-planning meeting in relation to the proposed development.

6.0 POLICY

6.1 SUSTAINABLE RESIDENTIAL DEVELOPMENT IN URBAN AREAS – DOEHG 2009

Section 7.4 recommends adequate separation between opposing first floor windows, which is traditionally around 22m between 2 storey dwelling. Careful positioning and detailed design of opposing windows can prevent overlooking even with shorter back-to-back distances.

6.2 FLOOD RISK MANAGEMENT GUIDELINES FOR PLANNING AUTHORITIES' DOEHG 2009

These guidelines advocate a precautionary approach, and recommend that the appropriate landuses be assigned to distinct areas of differing flood risk. Some of the guidelines' core principles are:

¹ Note that the '77' prefix was added to City planning histories following the recent merger of the City and County Councils, and would not appear on contemporaneous records relating to this case.

- To avoid development in areas at risk of flooding by not permitting development in flood risk areas, particularly floodplains, unless where it is fully justified
- To adopt a sequential approach to flood risk management based on avoidance, reduction and then mitigation of flood risk.
- The guidelines set out 3 zones of Flood Risk; A, B, and C. Zone A represents probabilities of less than 1 in 100 for river flooding or 1 in 200 for coastal flooding. Zone C represents probabilities of less than 1 in 1000 for both types of flooding. Zone B represents probabilities between those of A and C.
- To incorporate flood risk assessment into the process of making decisions on planning applications and planning appeals.
- The guidelines clearly identify the OPW (Office of Public Works) as the lead state agency with regard to the topic of flood risk.

The 'justification test' for development plans sets out a number of criteria, which make provision for development in or adjoining the core of urban areas that are targeted for growth under the National Spatial Strategy, notwithstanding flooding risk.

6.3 LIMERICK CITY DEVELOPMENT PLAN 2010 - 2016

The site is zoned '2A Residential'

Policy WS.9 relates to Flood Risk and states that *"It is the policy of Limerick City Council to ensure that development should not itself be subject to an inappropriate risk of flooding nor should it cause or exacerbate such a risk at other locations."* The sections below flesh out this policy in practical terms.

7.0 GROUND OF APPEAL

The 3rd party appeal was submitted by Michael Conroy Architects on behalf of 'Thomondgate Residence Rights Group'. The main grounds of this appeal can be summarised as follows.

7.1 BUILDING FORM, SCALE, AND LAYOUT

- 7.1.1 The car parking arrangement at ground floor level creates a dead streetscape, particular at Brown's Quay and the steps. This would foster anti-social behaviour at street level. If the objective was to address flood risk, the applicant should have had regard to Paragraph 4.1 of the Flood Risk Management Guidelines [fig B6 replicated], which suggested commercial uses at ground floor level.
- 7.1.2 By raising the building one storey, it increases its height to 11m on Brown's Quay, which is excessive. The building would be out of

scale with the existing residential character. It should be no more than 2 stories in height.

- 7.1.3 The proposed development would overshadow adjacent residences. The building should be reduced in height by one story to address this. The drawings are unclear as to how it is proposed to detail and deal with the common boundaries with [the properties to the immediate north], 7 Collins Cottages and 6 Belfield Court. This should be addressed by the use of sections and proof of consent, as required.
- 7.1.4 The proposed windows would overlook properties to the north. 24 of 32 north facing windows are to be fitted with obscure glass. This is indicative of the design having failed. The wing of the building facing onto Brown's Quay should be omitted or reduced. It is not clear whether the windows facing east onto the courtyard would be obscurely glazed. The distance between these windows and the rear of Belfield Court is given as 13.55m, rather than the 22m required. Refers to Section 7.4 of 'Sustainable Residential Development in Urban Areas' (DoEHG 2009) in this regard. Furthermore, the obscurely glazed windows would result in a poor standard of residential amenity for the occupants of the proposed development.

7.2 FLOOD RISK

- 7.2.1 The submitted Flood Risk Assessment (FRA) is in contravention of the 'Flood Risk Management Guidelines for Planning Authorities' (DoEHG 2006) in that it seeks to justify the locating of an unsuitable use on a Category A flood risk site. There is ample stock in the city centre that is currently available.
- 7.2.2 The proposed development would also be contrary to Policy WS.9 of the Limerick City Development Plan 2010-2016 [see section 6.3 above]. The proposed development exposes the rate and taxpayer to financial liabilities in respect of flooding.
- 7.2.3 The City Development Plan [WS.9] also requires that €2m Professional Indemnity Insurance to the effect that the development will not contribute to flooding be required in respect of developments of 1ha or less. This has not been provided.
- 7.2.4 The FRA states that "*There is no evidence of the site of the proposed development ever flooding*". This is not the case. The site has flooded, and the appeal includes photos to this effect. Had the applicant asked any of the residents, they would have informed them of this. Most of the residents on Brown's Quay have been refused home insurance because of flood risk.

7.3 PROPOSED USE

- 7.3.1 While the proposed use is socially admirable, the residents of the area are already weary of the anti-social behaviour present in the Thomondgate Area, much of which is generated by the presence of Thomond House and some of its residents. Thomond House was originally only intended to house vulnerable women over the age of 40. When it operated as such, there was little if any anti-social behaviour. Now it is used to house other vulnerable younger persons and as a consequence, the anti-social behaviour has increased significantly. The proposed development would exacerbate these issues.
- 7.3.2 It would seem to be appropriate to accommodate such people with disparate life challenges in more manageable groups in conventional housing, rather than in one location.

7.4 ATTACHMENTS

- 7.4.1 The appeal is accompanied by a number of enclosures which are intended to support the appeal grounds.

8.0 <u>SUMMARY OF RESPONSES</u>
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8.1 PLANNING AUTHORITY

- 8.1.1 The planning authority have not responded to the matters raised in the appeal.

8.2 FIRST PARTY RESPONSE TO THIRD PARTY APPEAL

- 8.2.1 A response submitted by Brendan McGrath and Associates, Planning Consultants, on behalf of the applicant counters the grounds of the appeal. Matters of note not covered previously in 1st party submissions can be summarised as follows.

8.2.2 Proposed use

- 8.2.3 It is intended that the scheme would be a long term, supported housing project for single homeless men and women who have been assessed as being able to live independently with a low level of ongoing support.
- 8.2.4 The adjacent 'Thomond House' is also run by the trust. It provides emergency short term accommodation on a short term basis for people in crisis. The subject proposal is markedly different, although it is proposed to share services. Appendix 2 consists of management proposals. Thomondgate is one of the top 10 areas for social housing demand in the county.

8.2.5 The trust accepts that there is anti-social behaviour associated with Thomond House, but that it is wrong to attribute all the anti-social behaviour in the area to Thomond House. Thomondgate is a low income residential area with a young population.

8.2.6 Flooding

8.2.7 CFRAM flood mapping was not available at the time of the assessment, but has since been published. Figure 9 consists of a map extract which shows the flood risk extents. It confirms that the eastern end of the site has a significant probability of flooding (1:100), while the western end has no risk of flooding. Having reviewed the appeal, the applicant's engineers state that they do not change their recommendation, which was based on the assessment carried out. Appendix 1 consists of a response in this regard, which also asserts that a Stage 3 FRA would not be required given the scale of development.

8.3 THIRD PARTY RESPONSE TO FIRST PARTY RESPONSE TO THIRD PARTY APPEAL

8.3.1 Submissions from John P. Long and 'Thomond Residence Rights Group' largely covers issues previously put on record by the 3rd parties.

9.0 OBSERVERS

9.1.1 Two observations have been submitted from the following

- John Long of Osmington Terrace, which faces High Road, 3 (small) blocks to the south.
- Nuala Mulcahy and Tim Mulcahy of Old Thomondgate, which I would assume to be in the near vicinity of the site (exact location unclear from mapping).

9.1.2 The main issues raised in this observations can be summarised as follows.

- Refers to anti-social behaviour connected with the existing homeless facility to the west of the site [Thomond House].
- The site is only 75m from the Treaty Stone, and is close to King John's Castle. These tourist amenities should be protected. The new boardwalk next to the treaty stone has been a focus for anti-social behaviour. The proposed development would exacerbate problems.
- The homeless should be housed in the vacant St. Joseph's hospital.

10.0 ASSESSMENT

Having inspected the site and reviewed the file documents, I consider that the issues raised by this appeal can be assessed under the following broad headings:

- Principle of development
- Issues relating to the proposed use of the scheme as a managed facility
- Flood risk
- Visual impact and overlooking
- Site development standards
- Screening for Appropriate Assessment

10.1 PRINCIPLE OF DEVELOPMENT

10.1.1 The proposed use is residential, and these lands are zoned for residential uses. As such, it is acceptable in principle from a zoning perspective. It is also notable that there is an expired permission on the site for a comparable scheme with the same number of units, and indeed on foot of an application by the current applicant.

10.2 ISSUES RELATING TO THE PROPOSED USE OF THE SCHEME AS A MANAGED FACILITY

10.2.1 I note that the majority of the 3rd party submissions on file deal predominantly with concerns surrounding the nature of the proposed use, which is as a long term, supported housing project for single homeless men and women who have been assessed as being able to live independently with a low level of ongoing support.

10.2.2 The residents' concerns are entirely understandable. However, there is a broad consensus at a national level that it is necessary to provide a full range of housing types, commensurate to the needs of the community. In particular, there is a need to provide suitable housing in configurations and settings between 'standard' public and private housing and institutional settings. It is clear that this scheme seeks to address that need.

10.2.3 The appellants assert that there is an over concentration of such accommodation in the Thomondgate area, particularly with reference to the applicant's adjacent facility at Thomond House. The applicants assert that this is an area where a need arises for such housing. In reconciling these positions, I do not consider that there is sufficient information to come to a determination that an over concentration exists. I note that the planning authority, who would be familiar with the spatial distribution of such facilities, have not raised this as an issue.

10.2.4 On the question of whether this is an appropriate quantum of such units, I would tend to see the logic in providing a development in the

15-20 unit range, which would have the critical mass to provide support services, but not be so large as to be an undue imposition on the area.

- 10.2.5 On balance, I do not consider that there are grounds to refuse permission for this form of residential development in this area.

10.3 FLOOD RISK

- 10.3.1 It is clear from the information available on file, summarised in some detail in previous sections of this report, that the eastern portion of this site has a history of flooding, is currently subject to intermittent flooding, and is almost undoubtedly going to be subject to future flooding from the adjacent River Shannon. Photographs of the site under floodwater were submitted by the appellant. They appear to show a depth of less than half a metre at Slater's garage to the southeast of the site (judging by comparative photos of the site not under floodwater). The floodwaters can be seen extending to the subject site at an unknown depth. Even if flood defences or alleviation measures are constructed, a risk will be present.
- 10.3.2 The 'Flood Risk Management Guidelines for Planning Authorities' (DoEHG 2009) set out clear requirements for addressing flood risk in planning applications. I note that the planning authority refused an extension of duration of the '08' permission due to the introduction of these guidelines in the interim. The entrance to the '08' scheme was from Brown's Quay, at a level subject to flooding. As such, it is not surprising that the applicant undertook a sizeable amount of work in this area.
- 10.3.3 The Flood Risk Assessment (stage 1 and 2) undertaken by the applicant (see Section 2.3 above) is consistent with the requirements of the guidelines, in my opinion. It clearly identifies and accurately quantifies the ongoing flooding risk. The eastern portion of the site is in an 'A' flood risk zone. It is clear that the scheme was, from the outset, designed to take account of this flood risk.
- 10.3.4 The basic design approach is to raise up the ground floor level such that while the parking area would be at 4.3mODM, the lowest level of accommodation would be 5.6mODM. This compares favourably with the projected flood levels contained in the FRA, and is consistent with applicable guidance, as set out earlier in my report. I am satisfied that the proposed development would not be at undue risk from flood damage, and that adequate means of access/egress are available during a flood event.
- 10.3.5 As per the requirements of the guidelines, the question arises as to whether the proposed development would exacerbate the effects of flooding elsewhere. It is clear that the floodwaters would arise from the River Shannon to the east, and flood Brown's Quay and the area between the subject site and Slater's Garage to the southeast, as

per the photographs submitted. There might reasonably be a concern that the proposed building volume, extending to the full site extents to the south and east, would create a constriction on onward flows that would have unforeseen consequences.

- 10.3.6 However, on inspecting the site, it is clear that the local topography rises up somewhat from Brown's Quay to Thomondgate and Thomond Bridge, such that the area in and around the subject site would effectively be a 'cul de sac' from a flooding perspective unless floodwaters were to rise to levels significantly higher than even the most cautious models suggest. As such, I do not consider that the proposed development would be likely to have undue impacts on flooding in the wider area.
- 10.3.7 The proposed development would reduce flood storage by virtue of the loss of the area taken up by the building's footprint. I do not accept the applicant's argument that there would be no net difference due to the presence of buildings on site, as the lowest part of the site is occupied by open sheds. However, I do accept the applicant's argument that in the context of the overall size of the floodplain, the building's footprint would be insignificant. It is not clear as to what is proposed for the space beneath the ground floor level at the east of the site. Conceivably, the scheme could be designed to allow for floodwaters to enter and/or pass through this void. However, I do not consider it necessary to pursue this matter.
- 10.3.8 I note that the CFRAM study for this area was not available at the time of the application, but that it was addressed by the applicant in the 1st party response. I am satisfied that no requirement arises for revised assessment or redesign on foot of this new document. The applicant's work in this area to date is constant with the data and recommendations of the CFRAM study.

10.4 VISUAL IMPACT AND OVERLOOKING

- 10.4.1 The proposed building would be contemporary in its design, but would not be visually injurious, in my opinion. While somewhat bold in its materials and fenestration, it is relatively subdued in its form. I consider that it would be a positive addition to the building stock of the area. I would direct the board towards the submitted photomontages on this issue.
- 10.4.2 The major constraints on the site in terms of overlooking are the two end-of-run 2-storey houses to the immediate north, on Cashel's Lane and Brown's Quay. To address this, the scheme is designed with a 'sawtooth' elevation to the north above ground floor level, with clear windows facing northeast and obscurely glazed windows facing northwest. While not necessarily an ideal form of development, I have seen it used in many instances to address this particular site constraint. I consider it to be an appropriate response on this issue, that could be implemented successfully. Elsewhere within the

scheme, to the northwest, obscure glazing is used on the north-facing windows. However, affected rooms all have at least one clear window facing east or west.

- 10.4.3 I note that the separation distances between the western wing and the houses to Brown's Quay are less than the 22m guideline set out in the 'Sustainable Residential Development in Urban Areas' guidelines (DoEHG 2009). However, given the offset floorplates, I consider that no direct overlooking would arise.

10.5 SITE DEVELOPMENT STANDARDS

- 10.5.1 All the proposed units are one-bed units within the range of 55m²-58m², which are in excess of the minimum 45m² set out in the recently issued Design Standards for New Apartments' (DoECLG 2015).
- 10.5.2 I note that the applicant has sought a derogation on the issue of private open space, and is not providing any balconies, due to the profile of the intended occupants. I consider this to be acceptable in this instance. Similarly, the applicant is seeking a derogation on the issue of car parking, which I also consider acceptable in the circumstances.
- 10.5.3 If this were to be a standard 'speculative' residential scheme, I would consider the proposed mix of units to be inappropriate, but am prepared to offer a dispensation on this issue on the basis of the specific requirements of the applicant. I note that Conditions 2 and 3 of the planning authority's decision require that there be no fragmentation of ownership of the building.
- 10.5.4 In my opinion, it is worth considering a scenario whereby the proposed building would no longer be required for its current use, and would be subsumed within the wider residential building stock. In such an instance, I consider that it would be appropriate for a subsequent application to be made that would address a wider range of development standards, particularly in the area of housing mix, private open space, and car parking. I consider it likely that in addressing these issues, that at least part of the solution would lie in amalgamating units. Potential pairings would seem to be 2/4, 3/4, 5/6, 9/11, 10/11, 12/13, 16/18, 17/18.
- 10.5.5 In conclusion, I consider the proposed development to be acceptable in terms of development standards, subject to ensuring an appropriate check on these standards, should the scheme no longer be required for the currently intended purpose.

10.6 SCREENING FOR APPROPRIATE ASSESSMENT

- 10.6.1 The nearest Natura 2000 site is the Lower River Shannon SAC, a matter of metres to the east. Given the minor nature of the proposed development, I do not consider that the proposed development would be likely to have any significant effects on the integrity of a European site having regard to its conservation objectives.

11.0 CONCLUSION AND RECOMMENDATION

Based on the above, I recommend that permission be granted. The scheme is consistent with the zoning, is an appropriate type of residential use for this area, is acceptable from the perspective of flood risk, and is consistent with applicable development standards.

12.0 REASONS AND CONSIDERATIONS

Having regard to the nature and scale of the proposed development, the pattern of development in the vicinity, and the zoning objective for the site and the policies of the planning authority as set out in the Limerick City Development Plan 2010-2016, 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, would not detract from the character of the area, would be acceptable from the perspective of flood risk, and would be in accordance with the policies set out in the said development plan. 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, 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 order to clarify the development to which this permission applies.

2. The development shall be operated as a managed scheme under single ownership. No unit, units, parking spaces, or any part of the development may be let or sold separately, and no unit may be subdivided. These requirements shall be adhered to unless a separate grant of permission for a change of use is secured.

Reason - In the interest of residential amenity and proper development.

3. All north facing windows in the north-facing elevations of the scheme other than those to Apartments 1 and 2 shall be obscurely glazed and shall be permanently maintained a such.

Reason: In the interest of preserving the residential amenity of adjoining properties.

4. Drainage arrangements, including the 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.

5. Site development and building works shall be carried out only between the hours of 0800 to 1800 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.

6. 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 management measures and off-site disposal of construction/demolition waste.

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

7. 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 house plot] 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.

8. Any proposed lighting to the outdoor area shall shine directly onto the hard surfaced area and within the development and shall not affect the amenity of any neighbouring development. The said lighting (if any) shall be switched off by 10.00 p.m. Sunday to Friday and 11 00 p.m. on Saturday.

Reason: in the interests of residential amenity.

9. A proposal for the naming and numbering of the scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of urban legibility.

10. 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.

G. Ryan
Planning Inspector
25th January 2016