



An
Bord
Pleanála

Inspector's Report

ABP-314355-22

Development	The construction on Site B of 99 no. residential units and all associated site works.
Location	Mungret Gate, Baunacloka, Mungret Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	211217
Applicant(s)	Homeland QCM Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	First Party v. Conditions Third Party
Appellant(s)	1. Homeland QCM Ltd. 2. Baunacloka Residents 3. Seán O'Grady
Observer(s)	1. Mary Moore 2. Raymund & Geraldine Byrne

3. Patrick & Margaret Moore

4. Maureen & Donal McAuliffe

Date of Site Inspection

23rd February 2023

Inspector

Liam Bowe

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1.0 Site Location and Description

- 1.1. The subject site is located in the Mungret area of Limerick City suburbs, approximately 4.2km to the southwest of Limerick City centre. The site lies to the south of the junction (2) of the N69 and N18 national roads at the edge of a predominantly residential area. The ruins of Mungret Abbey, a national monument, is located to the north of the appeal site and Mungret Park is located to the west. There is a row of one-off houses running along the western boundary of the site. There are also a number of educational facilities in the area.
- 1.2. The site is accessible via the R510 regional road to the east. The site will then be accessed over the existing estate road and entrance which serves the residential development at Mungret Gate. There is currently no direct access to the subject site from this estate road as part of a relief road that will provide direct access is presently under construction.
- 1.3. The appeal site has a stated area of 2.23 hectares and is currently greenfield in nature. The appeal site comprises the westerly sections of two large fields. There is also a residential development proposal for the easterly parts of these fields that is under a concurrent appeal. The land rises in a north to south direction. The eastern site boundary is open and the remaining site boundaries comprise a mixture of block walls, hedgerows, and hedging.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of 54 no. houses and 45 no. apartments. The appeal site forms part of the overall site at Mungret Gate residential development where 178 no. houses and 23 no. apartments were permitted under P.A. Ref. No. 16/1196. The development will be accessed via the existing access to Mungret Gate, which is presently being extended to the appeal site under a LIHAF project i.e., stage 2 of a relief road at Mungret Gate, Limerick.
- 2.2. The development comprises the construction of 10 no. 4-bed semi-detached houses, 2 no. 4-bed detached houses, 1 no. 4-bed semi-detached house, 30 no. 3-bed semi-detached houses, 3 no. 3-bed terraced houses, 2 no. 3-bed detached houses, 4 no. 2-bed terraced houses, 34 no. 2-bed apartments and 11 no. 1-bed apartments. The

development comprises 10 no. different dwelling types. All houses are 2-storeys with a maximum height of 9.378m, the triplex units are 12.056m in height, and the four-storey apartment building is 12.36m in height. The detached houses have a gross floor area of approx. 105m² to 130m²; the gross floor area of the semi-detached houses ranges from 105m² to 130m²; and the terraced houses have a gross floor area of 87m² to 107.6m². The gross floor areas of the apartments range from 49.94m² for 1-bed to 95.31m² for a duplex unit. The design of the scheme is a contemporary approach. The external finishes include painted render with some brick on the apartment building. Private open space has been provided to the rear of each house and within a terrace / balcony for each of the apartments.

- 2.3. The scheme provides for 3 no. three-storey blocks of duplex / triplex units and the four-storey apartment building to be sited along the eastern site boundary with the buildings addressing the relief road that is shown within the site edged red but is presently under construction by Limerick City & County Council. The remaining detached and semi-detached houses are sited off three cul de sacs that run west from the relief road to the western boundary of the appeal site. Amenity space is proposed in the southwestern and northwestern corners of the site as well as to the rear of the apartment building.
- 2.4. Vehicular access is provided via the existing estate road and part of new section of road currently under construction by the local authority. The new estate road is approx. 6m in width with a 2m wide footpath, 2m wide cycle path, and some parallel parking on each side. 2 no car parking spaces are provided for almost all of the houses along with street and communal parking provided for the apartments.
- 2.5. Ancillary site development works include road infrastructure, drainage and stormwater network, bin storage and landscaping. The development would be served by a mains water supply and public sewer.
- 2.1. The application included a number of supporting documents including as follows:
 - Plans, particulars and completed planning application form.
 - Planning Statement
 - Childcare Needs Assessment
 - Archaeological Impact Assessment

- Geophysical Survey
- Outdoor Lighting Report
- Waste Management & Construction Management Plan
- Infrastructure Report
- Schedule of Accommodation & Residential Standards
- Design Statement
- Report in support of Appropriate Assessment Screening

2.2. Following a request for further information, the applicant submitted additional information in terms of:

- Landscape Design Report
- Updated Waste Management & Construction Management Plan
- Updated Infrastructure Report
- Appropriate Assessment Screening Report
- EIAR Screening Statement
- Updated Outdoor Lighting Report
- Traffic & Transportation Assessment
- Stage 1/2 Roads Safety Audit

3.0 Planning Authority Decision

3.1. Further Information Request

3.1.1. Prior to issuing a notification of decision, the Planning Authority issued a further information request on 21st October 2021 requiring details in relation to a revised layout omitting the LIHAF Road from the site edged red and omitting proposed car parking along this road, an EIAR Screening Statement, pedestrian connectivity, a revised Landscaping Statement, revisions to house designs to create passive surveillance, calculations for quantity of public open space, car parking designation, a Traffic & Transport Assessment, details of public lighting, a revised surface water disposal layout plan, revised fire safety details, and an archaeological assessment.

3.1.2. The applicant submitted a response to this further information request to the Planning Authority on 27th June 2022, which included:

- Revised proposals for the residential development and future public transport measures aligning it with the LIHAF Road within the site edged red,
- An EIAR Screening Statement,
- A revised site layout plan showing pedestrian connectivity, a revised Landscaping Statement, revisions to house designs to create passive surveillance, and calculations for quantity of public open space,
- A Childcare Needs Assessment with justification for providing no on-site childcare facility,
- Comments on the third party submissions,
- A revised site layout plan identifying car parking designations,
- A TTA and a Road Safety Audit,
- Revised public lighting proposals,
- Revised proposals for the disposal of surface water,
- Revised fire safety proposals,
- Confirmation that an archaeologist has been engaged to assess/monitor possible impacts.
- A Waste Management Plan, and
- A Construction Management Plan.

3.2. **Decision**

3.2.1. By order dated 22nd July 2022 Limerick County Council issued a Notification of a Decision to grant permission for the proposed development, subject to 29 no. conditions. Of note are the following conditions:

Condition No.2: Requiring that no part of the Mungret Local Infrastructure Housing Activation Fund (LIAHF) Stage 2 Road shall be built as part of this planning permission, requiring a revised site edged red, and that no development commence on-site until this road has been completed by Limerick City & County Council.

Condition No.4: Requiring details of the location a childcare facility for the development to be constructed prior to occupation of the houses.

Condition No.13: Requiring revised surface water disposal details to be agreed with the planning authority.

Condition No.24: Restricting first occupation of each house to individual purchasers.

3.3. Planning Authority Reports

3.3.1. Planning Reports

There are two Planning Reports on file dated 21st October 2021, and 21st July 2022, respectively. The Planning Officer in the initial report stated the relevant development plan policies, planning history, pre-planning, summarised the third-party submissions and the responses from the internal and statutory consultees. The Planning Officer accepted the principle of the proposed development but raised issues in relation to a revised layout omitting the LIHAF Road from the site edged red and omitting proposed car parking along this road, an EIAR Screening Statement, pedestrian connectivity, a revised Landscaping Statement, revisions to house designs to create passive surveillance, calculations for quantity of public open space, car parking designation, a Traffic & Transport Assessment, details of public lighting, a revised surface water disposal layout plan, revised fire safety details, and an archaeological assessment, which is reflected in the decision of the Planning Authority.

Screening for AA was carried out and concluded that there is no likely potential for significant effects to any Natura 2000 site.

A second Planner's Report (dated 21st July 2022) refers to the further information submitted and considered that, having regard to the additional information, permission should be granted for the proposed development, which is reflected in the decision of the Planning Authority.

3.3.2. Other Technical Reports

Place Making & Public Realm Section – The Senior Executive Engineer's report dated 12th October 2021 states that the Mungret LIHAF Stage 2 road (1.7km in length) includes a section of road through the appeal site, is due to commence in Q1 2022 and will have a construction period of 18 months. The report also notes that the

proposed development does not match the LIHAF road layout, stormwater layout, foul sewer layout, seeks amendments to the red line boundary, will result in a loss of amenity space, queries the necessity for an apartment block, highlights amendments to the detail of the surface water disposal system, seeks revisions to the design/layout for the creation of a streetscape, and recommends that further information should be sought on these matters.

A second report following the response to the RFI confirms that works for the construction of the Mungret LIHAF Stage 2 road commenced on 30th May 2022 and are due to be completed by 30th November 2023. Conditions recommended.

Roads & Traffic - The Senior Executive Technician's report dated 10th October 2021 outlines concerns about car parking arrangements, the details of public lighting, deficiencies in the proposals for surface water attenuation and disposal and highlights the lack of a TTA and RSA. The report recommends that further information should be sought on these matters.

A second report dated 7th July 2022 stated that the area of land where the extension to the LIHAF Road is to be constructed is in the control of Limerick City & County Council and will be constructed by Limerick City & County Council. Stated no objections. Conditions recommended.

Fire Authority – The Executive Engineer's report dated 3rd October 2021 highlighted issues with means of escape in the 4-storey apartment block, general access and facilities for the Fire Service and sought a surface water management plan for the overall development.

A second report dated 19th July 2022 stated no objections. Condition recommended.

Archaeologist - The report dated 11th October 2021 highlighted the need to carry out an investigation into an area 20m x 20m around a pit feature found during test trenching and sought further information to address this.

The second report dated 19th July 2022 stated no objections. Conditions recommended.

Environment – No objections. Conditions recommended.

A second report dated 18th July 2022 stated no objections. Condition recommended.

3.4. **Prescribed Bodies**

Uisce Eireann – No objections. Conditions recommended.

3.5. **Third Party Observations**

- 3.5.1. Submissions were received from Mary Moore, Seán O’Grady, Bridget & Dominic Kenihan, Raymund & Geraldine Byrne, Aidan Byrne, Damien Walsh & Claire Byrne, Margaret & Patrick Moore, Maureen & Donal McAuliffe, David Moore, Baunacloka Residents, and John Scanlon & Karen Kennedy. The issues raised are similar to those referenced in the third party appeals and the observations on this appeal. These include concerns regarding visual impact, water quality, traffic, surface water run-off, anti-social behaviour, typology (apartments), proximity to existing houses, overlooking, loss of light, and construction traffic.

4.0 **Planning History**

4.1. **Appeal site:**

P.A. Ref. No. 19/8011: Part 8 permission granted for the construction of a new 1700-metre length of road with verge, footpaths, cycleway, on-street parking, public lighting and associated services.

4.2. **Adjacent Sites:**

ABP-314356-22 (P.A. Ref. No. 21/1216): Concurrent appeal on site immediately to the east for permission for the construction on Site A of 99 no. residential units comprising 4 no. 4-bed semi-detached dwellings, 4 no. 3-bed terraced dwellings, 38 no. 3-bed semi-detached dwellings, 2 no. 3-bed detached dwellings, 12 no. duplex apartments comprising 24 no. 2-bed units, 9 no. triplex apartments comprising 19 no. 1-bed units and 8 no. 2-bed units, all with associated secure bicycle parking and bin storage.

PL91.249186 (P.A. Ref. No. 16/1196): Permission granted on site to east and north for the construction of a mixed-use development consisting of 201 no. dwelling units, neighbourhood crèche, and associated access roads.

P.A. Ref. No. 21/1195: Permission granted on site to east for the construction of 66 no. residential units.

5.0 Policy Context

5.1. National Planning Framework – Project Ireland 2040 (DoHP&LG 2018)

- 5.1.1. The National Planning Framework addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it considers would support the creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place.
- 5.1.2. Table 2.1 sets out a summary of the key national targets. With regards to Limerick city and suburbs it sets an additional population target of 50,000 – 55,000 to provide an overall population of 145,000 by 2040. It also states that to create compact, smart and sustainable growth 50% of new housing should be provided within the cities and suburbs and 30% elsewhere within the existing urban footprint. The National Planning Framework includes a specific Chapter, No. 6, entitled ‘People Homes and Communities’. It includes 12 objectives among which:

National Policy Objective 13 - In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

National Policy Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.

National Policy Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

National Policy Objective 35 - Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-base regeneration and increased building heights.

National Policy Objective 57 - Enhance water quality and resource management by “ensuring flood risk management informs place making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities.”

5.2. **Housing for All - A New Housing Plan for Ireland** (September 2021)

5.2.1. A multi-annual, multi-billion euro plan which will improve Ireland’s housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes:

- to purchase or rent at an affordable price,
- built to a high standard and in the right place, and
- offering a high quality of life.

5.3. **Rebuilding Ireland – Action Plan for Housing and Homelessness 2016**

5.3.1. The Plan provides a multi-stranded, action-oriented approach to achieving many of the Government’s key housing objectives. It aims to significantly increase the supply of social housing, to double the output of overall housing from the current levels to at least 25,000 per annum by 2020, to service all tenure types, and to tackle homelessness in a comprehensive manner. The Plan is comprehensive and addresses all aspects of the housing system under five Pillars:

- Address Homelessness,
- Accelerate Social Housing,
- Build More Homes,
- Improve the Rental sector, and
- Utilise Existing Housing.

5.4. **Section 28 Ministerial Guidelines**

5.4.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including submission from the planning authority, I am of the opinion, that the directly relevant Section 28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).
- Design Manual for Urban Roads and Streets (DMURS December 2013) (as updated) (Including Interim Advice note Covid-19 May 2020).
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the ‘Building Height Guidelines’).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) (the ‘Apartment Guidelines’).
- Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities (May 2021).

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

5.5. **Southern Regional Assembly Regional Spatial & Economic Strategy (RSES)**

- 5.5.1. A key component of the RSES is to strengthen the settlement structure of the Region and to capitalise on the individual and collective strengths of the three cities (Cork, Limerick and Waterford), the metropolitan areas, and a strong network of towns, villages and rural communities.
- 5.5.2. The site is located within the ‘Limerick-Shannon Metropolitan Area’. The RSES incorporates Metropolitan Area Strategic Plans (MASP) to ensure coordination between local authority plans. A key component of the RSES is building partnerships and a collaborative approach between the cities and metropolitan areas to realise

combined strengths and potential, and to support their development as a viable alternative to Dublin.

- 5.5.3. The MASP notes that Limerick City is the largest urban centre in the Mid-West and the country's third largest city. Limerick City and Shannon are interdependent, with their complementary functions contributing to a combined strength that is a key economic driver for the Region and Ireland. Limerick Regeneration, the amalgamation of Limerick City and County and the Limerick 2030 initiative have all contributed to enhancing Limerick's growth potential. There is capacity to build on recent successes and add to the ambitious vision for this Metropolitan Area.

5.6. Limerick Development Plan 2022-2028

- 5.6.1. The Board will note that the subject application was considered under the Limerick City Development Plan 2010-2016 (as amended) and the Southern & Environs Local Area Plan 2021-2027. In the interim, the Board will note that the elected members of Limerick City & County Council adopted the Limerick Development Plan 2022-2028 at a full Council Meeting on the 17th of June 2022 and the Plan came into effect on the 29th of July 2022, six weeks after the date of adoption. Therefore, the 2022 Development Plan is the relevant policy document pertaining to the subject site.
- 5.6.2. The Plan is set out over 6 Volumes with Volume 1 comprising the Written Statement and Volume 2 dealing with Settlements. The remaining volumes deal with Record of Protected Structures and ACAs, Environmental Reports, Designated Sites & RMPs and accompanying strategies such as the Housing Strategy, Retail Strategy etc.
- 5.6.3. The subject site lies in the suburbs to the southwest of Limerick City Centre, on lands zoned 'New Residential'. It is the stated objective of this zoning 'to provide for new residential development in tandem with the provision of social and physical infrastructure'. The stated purpose of this zoning is stated in the Plan as follows:
- "This zone is intended primarily for new high quality housing development, including the provision of high-quality, professionally managed and purpose built third-level student accommodation. The quality and mix of residential areas and the servicing of lands will be a priority to support balanced communities. New housing and infill developments should include a mix of housing types, sizes and tenures, to cater for all members of society. Design should be complimentary to the surroundings and should not adversely impact on the amenity of adjoining residents. These areas

require high levels of accessibility, including pedestrian, cyclists and public transport (where feasible).

This zone may include a range of other uses particularly those that have the potential to facilitate the development of new residential communities such as open space, schools, childcare facilities, doctor's surgeries and playing fields etc..."

5.7. Natural Heritage Designations

- 5.7.1. The site is not located within any designated site. The closest Natura 2000 sites are the Lower River Shannon SAC (Site Code: 002165) which is located approximately 1.7km to the northeast of the site and the River Shannon and River Fergus Estuaries SPA (Site Code: 004077) lies approximately 1.7km to the north of the site. The closest proposed Natural Heritage Area is Loughmore Common Turlough (Site Code: 000438) which is located approximately 300m to the south of the site.

5.8. EIA Screening

- 5.8.1. The application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.
- 5.8.2. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units
 - Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other parts of a built-up area and 20ha elsewhere.
- (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)
- 5.8.3. The proposed development comprises the construction of 99 residential units on a greenfield site of 2.23ha. The site is located within the designated development boundary / built-up area of Limerick City and on lands zoned for residential purposes in the 2022 CDP.

- 5.8.4. As such, I am satisfied that the development does not fall within the identified classes of development and does not require mandatory EIA.
- 5.8.5. The third party appellants (Baunacloka Residents) have raised serious concerns in relation to the site and contend that as the site is part of a much larger area for residential development, that this particular project should be assessed as part of this entire development and that any departure from this would be considered project splitting. I acknowledge that the site does form part of a larger development area with permission issued (P.A. Ref. No. 16/1196 refers) for 201 residential units to the north, 66 residential units to the east (P.A. Ref. No. 21/1195) and the concurrent appeal for 99 residential units (ABP-314356-22 refers) to the east of the appeal site. These lands are in the ownership of the current applicant.
- 5.8.6. The first party submitted an EIAR Screening report in response to the RFI. The conclusions in this report are also clear in that the proposed development does not meet any thresholds set out in Schedule 5 of the 2001 Regulations and in relation to Schedule 7 that the overall probability of impacts on the receiving environment arising from the proposed development is considered low.
- 5.8.7. The Development Plan is clear that this phase of development can be accessed independently from the rest of the zoned lands in this area. The current application proposed in my opinion would constitute limited development, in line with that envisaged in the Development Plan. In these circumstances I would consider that this phase of the development is not reliant upon the completion of any other part of the plan area and is in fact a stand-alone project. If each part of the plan area is subject to the EIA Directive (in terms of screening and/ or assessment), then no project splitting arises.
- 5.8.8. In accordance with section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority

unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

5.8.9. Having regard to:

- (a) the nature and scale of the development,
- (b) the location of the site within the development boundaries of Limerick City,
- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

it is concluded that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

First Party

6.1.1. The grounds of appeal submitted by the First Party, Homeland QCM Ltd., can be summarised as follows:

- Seeks the omission/amendment of Condition No.'s 2 and 4 that the planning authority attached to the grant of permission.
- States that the first party has no issue with the local authority's delivery of the relief road, welcomes its commencement, and its inclusion within the site edged red was only to provide certainty that the proposed residential development could be accessed.
- Seeks amendment to Condition No.2 allowing construction to be commenced on site before the completion of the relief road. Requests that the condition be reasonably amended to restrict occupation of the dwellings until the road is completed.

- Contends that an evidence-based approach suggests that there is no need for a creche as required by Condition No.4 and highlights that there has been no commercial interest in the childcare facility permitted on the adjacent site under P.A. Ref. No. 16/1196.
- States that the planning authority presents no evidential basis for justifying the imposition of such a condition.
- Considers the wording of the condition to be imprecise requiring a revised site layout plan and requests that Condition No.4 be removed.

Baunacloka Residents

6.1.2. The grounds of appeal submitted by the third party can be summarised as follows:

- Contend that the proposed development represents project splitting.
- Contend that the density of the proposed development is 34 units per hectare which is well below the minimum requirement of 45 units per hectare.
- Contend that the public open space is ill-thought out and below the minimum required standard of 15%.
- Concerned about two-storey houses being constructed in proximity to their single storey houses and highlight units no.'s 13-17, 54, 55 and 80 as causing most concern.

Seán O'Grady

6.1.3. The grounds of appeal submitted by the third party can be summarised as follows:

- Concerned that his property may be subject to flooding as a result of the proposed development.
- Contends that his septic tank and percolation system is located at a distance that is less than the minimum required.
- Contends that the first party has breached an agreement to connect his house to the storm and foul sewer systems within the Mungret Gate housing development.

- States that his concerns outlined in part 3(xv)¹ of the RFI issued by the planning authority have not been addressed.

6.2. Applicant Response

6.2.1. The first party response to the grounds of the appeal can be summarised as follows:

- Contend that the third party's concerns about flood impact and interference with his wastewater treatment system, first raised under a 2017 planning application, are baseless and should be dismissed by the Board.
- States that addressing the third party's concerns as requested under 3(xv)² of the RFI is unnecessary and unwarranted.
- States that the residential density of the proposed development is 44.4 units/ha. based on a net developable area of 2.23 ha, i.e., it excludes the area of the LIHAF road.
- Contend that this proposed development and the concurrent application under appeal represents the normal phasing of development. States that the proposal is not project splitting and that an EIAR Screening Statement was submitted within the RFI response.
- Contend that the first party's landscape architect prepared a detailed drawing in response to the RFI that demonstrates public open space of 15.9% of the developable area of the appeal site.

6.3. Planning Authority Response

The Planning Authority has not responded to the grounds of the appeal.

¹ Under 3(xiv) of the RFI issued by the planning authority on 21st October 2021 the applicant was asked to address the issues raised in the third party objections.

² Ibid.

6.4. Observations

6.4.1. There are 4 observers noted in relation to the subject appeal, including:

1. Mary Moore

- Contends that the proposed development will have a significant impact on her privacy, water supply and domestic wastewater treatment system.

2. Raymond & Geraldine Byrne

- Requests, if the Board is minded to grant permission, that certain conditions are attached in relation to boundary height, connection to sewage system, anti-social behaviour and site security.

3. Patrick & Margaret Moore

- Requests, if the Board is minded to grant permission, that certain matters are of concern i.e., boundary heights, anti-social behaviour, the facilitation of a connection to the sewer, and the dimensions of the road being constructed.

4. Maureen & Donal McAuliffe

- Concerned about the impact that the proximity of a proposed two-storey house and four-storey apartment block will have on their privacy.
- Contend that a 2m high boundary is insufficient to protect their security.
- Contend that a four-storey building is out of character with the area and will have a negative impact on the skyline and local heritage buildings.
- Concerned that the proposal will impact on their water supply.
- Concerned about flooding to neighbour's garden.
- Object to the laneway from the proposed development to/from Mungret Woods.
- Contend that the proposed development will increase noise and environmental pollution in the area.

- Concerned about impact on their property during the construction phase.
- Contend that 159 no. car parking spaces is insufficient.

6.5. Further Responses

6.5.1. Limerick Childcare Committee responded to a request for an observation on the appeal and this can be summarised as follows:

- States that the current level of childcare provision in the Ballycummin DED is below the EU recommendations across all age ranges.
- Contends that the development of a further 198 residential units in this area will increase demand.
- Contends that 2 no. creches are needed and this would be in line with current planning guidelines.

7.0 Assessment

I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

- Principle of the Development
- Design Standards & Guidelines
- Provision of Relief Road (Condition No.2)
- Childcare Provision (Condition No.4)
- Other Issues
- Appropriate Assessment

7.1. Principle of the Development

7.1.1. The proposed development seeks to construct a residential development comprising 99 residential units in the form of detached houses, semi-detached houses, terraced houses, duplex apartments, triplex apartments and standard apartments. The site

lies to the south and west of the Mungret Gate development in the Mungret area of Limerick City and is currently a green field.

- 7.1.2. Under the Limerick Development Plan 2022-2028, the subject site is zoned 'New Residential'. It is the stated objective of this zoning 'to provide for new residential development in tandem with the provision of social and physical infrastructure'. The stated purpose of this zoning objective is to provide for new high quality housing development, whereby the quality and mix of residential areas and the servicing of the lands are identified as a priority to support balanced communities. The Plan further requires that new housing and infill developments should include a mix of housing types, sizes and tenures, to cater for all members of society and such areas are noted to 'require high levels of accessibility, including pedestrian, cyclists and public transport (where feasible)'.
- 7.1.3. While I acknowledge that the application the subject of this appeal was lodged under the previous policy framework for Limerick, I would advise the Board that the subject site was also previously zoned for residential purposes. The principle of the proposed residential development, therefore, accords with the provisions of the Development Plan.

7.2. Design Standards & Guidelines

- 7.2.1. The objective of the Sustainable Residential Development in Urban Areas 2009 Guidelines, and its companion design manual, is to produce high quality, and crucially, sustainable developments and communities through the reduction, as far as possible, of the need to travel, particularly by private car, and promoting the efficient use of land. Having regard to the location of the subject site in Limerick City, together with the zoning afforded to the site, I am satisfied that the principle a residential development can be considered acceptable and in accordance with the general thrust of national policy.

Design & Layout

- 7.2.2. The site is predominantly north facing and rises steadily from its northern boundary. It is a long site on a north to south axis. The residential part of this suburb is more generally located to the north and east of the appeal site but there is a residential development (Mungret Woods) to the west of the site. I, therefore, consider that the

proposed development will consolidate the existing urban development in this part of Limerick City.

- 7.2.3. The first party submitted an Architectural Design Statement with the planning application prepared on their behalf by Meitheal Architects in August 2021. It outlined a design concept that attempts to integrate into the existing residential fabric and with the LIHAF road as well as providing pedestrian entrances to the appeal site and to the residential development to the west. It is intended to create a strong street along the LIHAF road with 2, 3 and 4 storey buildings. The architect's intention is to respect the adjacent housing development by placing the taller buildings overlooking the LIHAF road and retreating to 2 storey semi-detached houses to the western boundaries of the scheme.
- 7.2.4. With respect to the design, the scheme includes a residential development comprising 99 no. residential units (10 no. 4-bed semi-detached houses, 2 no. 4-bed detached houses, 1 no. 4-bed semi-detached house, 30 no. 3-bed semi-detached houses, 3 no. 3-bed terraced houses, 2 no. 3-bed detached houses, 4 no. 2-bed terraced houses, 34 no. 2-bed apartments and 11 no. 1-bed apartments).
- 7.2.5. The layout consists of a main access in the form of a LIHAF road from the R510 regional road to the east of the appeal site. The access road runs westwards and then turns southwards at the eastern edge of the proposed development and runs along the western edge of the proposed development on the adjoining site. The appeal site is then further divided by a number of local roads running westwards off the main access road with some shared surfaces and creating pockets for housing and public open spaces. The tallest buildings overlook the main access road.
- 7.2.6. I note that some of the third parties have expressed concern about two-storey houses being constructed in proximity to their single storey houses and highlight units no.'s 13-17, 54, 55 and 80 as causing most concern. Similarly, some of the observers on the appeal are concerned about the impact that the proximity of a proposed two-storey house and four-storey apartment block will have on their privacy. Another of the observers contends that a four-storey building is out of character with the area and will have a negative impact on the skyline and local heritage buildings.

- 7.2.7. On the day of my site inspection, I walked the public road to the west of the appeal site and noted the proposed siting of the dwelling units and apartment block mentioned in the appeal and observations. I am satisfied that the proposed design and layout will result in the proposed development integrating into the existing residential fabric of this part of Limerick City, as intended by the architect. I am also satisfied that, given the distance of the appeal site from Mungret Abbey and intervening trees and residential development in area, that views of Mungret Abbey will not be interfered with or impacted in any significant way.
- 7.2.8. I consider that the architect also took due regard of existing residential properties, particularly to the west of the appeal site, and has sited proposed houses within this scheme in such a manner and at appropriate distances so as not to overlook the private amenity spaces associated with these existing houses. Further to this, I consider the proposed apartment block to be sited at a suitable distance from the nearest boundary and house to the west of the appeal site i.e., 37m and 65m, respectively, so as not to give rise to overlooking or overbearing impacts on this or other residential property.
- 7.2.9. In terms of the proposed public open space provision, the first party advises that the required 15% of the total site area has been provided to serve the development. Private open space is proposed for each residential unit in the form of gardens, balconies and terraces. These are assessed in detail later in this section of the report.
- 7.2.10. Vehicular access to the site is proposed via the existing estate road network and part of new section of a LIHAF road currently under construction by the local authority. This access is also proposed to serve the proposed development on the adjacent site to the east that is under a concurrent appeal (ABP-311356-22 refers).
- 7.2.11. Having regard to the information presented, I have no objection in principle to the proposed scheme in terms of design and layout.

Density

- 7.2.12. The Urban Development and Building Height Guidelines for Planning Authorities (Dec 2018), builds on the wider national policy objective to provide more compact forms of urban development as outlined in the National Planning Framework. Increased building heights is identified as having a critical role in addressing the

delivery of more compact growth in urban areas, particularly cities and larger towns. Specific Planning Policy Requirements (SPPRs) of the height guidelines take precedence over any conflicting policies, and objectives of the Limerick Development Plan 2022, if any exist.

- 7.2.13. I note the requirements of SPPR 4 as detailed in the Urban Development & Building Height Guidelines 2018 which states that, in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “Sustainable Residential Development in Urban Areas (2009)” or any amending or replacement Guidelines.
- 7.2.14. I note the assertion by Baunacloka Residents in their appeal that the density of the proposed development is 34 units per hectare which is well below the minimum requirement of 45 units per hectare outlined in the Southern Environs Local Area Plan 2021-2027 (now subsumed into the Limerick Development Plan 2022-2028). The development proposes 99 residential units on an application site with a stated area of 2.23 ha. In calculating the density for the site, the first party has advised that the development site area is 2.23 ha. and as such, the density for the development is 44 units per hectare.
- 7.2.15. Under Section 7.3 Density and Housing Type of the Southern Environs Local Area Plan 2021-2027, the policy of the planning authority was outlined as follows:
“On brownfield, infill and greenfield sites within 800m of the University Hospital and Raheen Business Park, and within 500m of a bus stop, the Planning Authority shall require densities in excess of 45 dwelling units per hectare. Where a proposed site exceeds the distance requirements above, a minimum density of 35 units per hectare shall be applied.”
- 7.2.16. However, this LAP has been superseded by the Limerick Development Plan 2022-2028. Under the Settlement Hierarchy in the new Development Plan, the appeal site is located within Level 1 Limerick City and Suburbs (in Limerick), Mungret and Annacotty. The density zones are also mapped under the new Development Plan.

Map 2.2³ in the Development Plan identifies the appeal site to be within Density Zone 3: Suburban Edge, which states:

“A minimum net density of 35+ dwelling units per hectare are required at sites in suburban development areas that do not meet proximity or accessibility criteria of the Intermediate Urban Locations.”

7.2.17. I also note, and draw the Board’s attention to, the location of the appeal site adjacent to Density Zone 2: Intermediate Urban Location / Transport Corridors and I consider that the appeal site satisfies some of the criteria in the Development Plan associated with this higher density area i.e., proximity to employment area and transport corridors.

7.2.18. I am satisfied that the developable area of the appeal site i.e., excluding the area where the LIHAF road is under construction, is 2.23 ha. I also am satisfied that the density of the proposed development is 44 unit/ha. and that this density is suitable for this location. Therefore, having regard to the location of the subject site on zoned and serviced land within a Suburban Edge location, and proximate to an Intermediate Urban Location in Limerick City, I consider the proposed development to be in accordance with SPPR4.

Height

7.2.19. The issue of height was raised by third parties, with particular reference to the character of the existing area comprising essentially single and two storey houses. While I would note the third party objections to the introduction of apartments in this area, which are not considered to be in keeping with the existing character of the area, I have no objections in this regard. The proposed development adjoins the recently developed residential area to the east of the appeal site where three-storey duplex apartments have been successfully integrated into the built-up area. I am satisfied that the blocks are of a scale which are proportionate to the scale of the existing houses and are to be located at a sufficient remove from the existing houses so as not to have a significant impact on the existing landscape, or existing residential amenities.

³ P.27, Map 2.2 Limerick City and Suburbs (in Limerick), Mungret and Annacotty Density Zones, Limerick Development Plan 2022-2028.

7.2.20. In terms of visual impacts, I consider that the proposed scheme has been designed to be accommodated on the site and would, if permitted, represent an appropriate form of development which would not significantly impact on the existing visual amenities, and would be appropriate to the character of the wider area.

Unit Mix

7.2.21. A total of 99 residential units in the form of houses and apartments are proposed and these are summarised in the table below:

Unit Type	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Total
Number of Apartments	11	36	0	0	47
Number of Houses	0	4	35	13	52
Total	11	40	35	13	99

7.2.22. As can be seen from the above table, there is a good mix of unit types, and a good mix within the apartment / house types. The proposed unit mix demonstrates compliance with Specific Planning Policy Requirement 1 (SPPR 1) of the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’.

Quality of Units – Floor Area

7.2.23. A Schedule of Accommodation submitted with the application provides a detailed breakdown of each of the proposed apartment units within the duplex, triplex and apartment blocks. I have examined the drawings and confirm that the 11 no. 1-bed apartments have a floor area in excess of 45m²; and the 20 no. 2-bed apartments have a floor area in excess of 73m². The 16 no. 2-bed duplex units have a floor area in excess of 63m². Therefore, all units exceed the minimum required floor areas. The proposed apartments are considered to be acceptable and demonstrate compliance with SPPR 3 of the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’.

- 7.2.24. The proposed houses are also well in excess of the required minimum standards as set out in the 'Quality Housing for Sustainable Communities, 2007' in terms of room sizes and the overall floor area provision.
- 7.2.25. The apartment block is a four-storey building providing for a total of 16 apartments. A central lift and stairwell provide access to the upper floors. The provision of a lift to serve the upper floors in the apartment block demonstrates compliance with SPPR 6 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'. All apartments are provided with adequate storage space, which is easily accessible for future occupants of these units.
- 7.2.26. In conclusion, the proposed development provides for an adequate mix of unit types, and the internal layout of these units is acceptable and complies with recommended requirements. There is no reason to recommend a refusal of permission to the Board in terms of the unit mix and internal floor area quality.

Quality of Units – Amenity Space

- 7.2.27. The apartment block units are provided with adequate private amenity space in the form of balconies for the upper floor units and terraced areas for the ground floor units. This private open space is accessed from living room areas and can be used without impacting on adjoining bedrooms ensuring the protection of residential amenity.
- 7.2.28. The proposed houses are provided with adequate private amenity space. The two-bedroom houses are all provided with 48m² and more in most cases; the three-bedroom houses are all provided with well in excess of 60m²; and the four-bedroom houses are also all provided with well in excess of the required 60m².
- 7.2.29. I am satisfied that the proposed development provides for suitable private open space areas and that the development will provide for a good standard of residential amenity.

Unit Aspect

- 7.2.30. All of the proposed apartment units are dual aspect and are therefore to be provided with a good aspect and receive good daylight and sunlight. In this regard, I am satisfied that the proposed development block demonstrates compliance with SPPR

4 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'.

Daylight and Sunlight

- 7.2.31. The Limerick County Development Plan 2022-2028 refers to the requirements in relation to daylight and sunlight under Objective CGR O9 Building Heights, where it is stated that it is an objective of the Council to ensure applications for tall buildings, at the discretion of the planning authority are supported by Sunlight and Daylight Analysis, amongst other assessments.
- 7.2.32. No specific daylight and / or sunlight study was provided with the application. Given design and dual aspect nature of the apartment block and the separation distances to other buildings, I do not consider a that a specific daylight and / or sunlight study is necessary. I have had full regard to the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' and which describe recommended values (e.g., ADF, VSC, APSH, etc) to measure daylight, sunlight and overshadowing impact. It should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria (para.1.6). The BRE guidelines also state in paragraph 1.6 that: 'Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design.'
- 7.2.33. The BRE document notes that other factors that influence layout include considerations of privacy, security, access, enclosure, microclimate etc. in Section 5 of the standards. In addition, industry professionals would need to consider various factors in determining an acceptable layout, including orientation, efficient use of land and the arrangement of open space, and these factors will vary from urban locations to more suburban ones.
- 7.2.34. I am satisfied that the proposed layout and separation distances will ensure that proposed units will receive adequate daylight and sunlight. The issue of topography and the orientation of units on site, ensures that all units will receive adequate sunlight and daylight.

Existing Site

- 7.2.35. The development of a greenfield site within an area that has existing residential development, primarily to the east and north, will give rise to a level of nuisance and disturbance to existing residents during the construction phase only.
- 7.2.36. The proposed four-storey apartment block located centrally in the site is suitably separated from the existing houses further to the west as not to impact on daylight or sunlight levels. I am satisfied that all other neighbouring properties are situated a sufficient distance away from the development and would not experience any, or significant loss of light and / or increased overshadowing.
- 7.2.37. Overall, I am satisfied that daylight, sunlight, and overshadowing impact from the proposed development upon existing properties will not be noticeable due to the topography of the site, layout and separation distances. I have applied the guidance within the BRE guidelines and associated BS 17037:2018 in my assessment of this issue, and I am satisfied that existing residential amenity will not be impacted upon.

Public Open Space

- 7.2.38. In terms of the proposed public open space provision, the third parties contend that the public open space is ill-thought out and below the minimum required standard of 15%. However, the first party advises that the required 15.9% of the total site area has been provided to serve the development. In response to the RFI, the first party submitted an Open Spaces and Pedestrian Links drawing (Drawing No. P475-121 refers) to the planning authority on 27th June 2022. This indicates that the public open space provision is 3,542m² i.e., in excess of 15% of the site area.
- 7.2.39. Table DM 2: Open Space Hierarchy within Residential Estates in the Development Plan states that there is a requirement that 'all residential areas in excess of 50 units should incorporate a play lot provided at a rate of 4sqm per residential unit.' Therefore, 99 no. residential units would accrue a public open space requirement for 396m². I note that play lots are indicated in the public open space area at the southwestern corner of the appeal site. I calculate that this area amounts to approximately 825m² in total and, consequently, would meet this requirement.
- 7.2.40. Overall, I am satisfied that the first party has provided for adequate useable public open space to serve future residents. In addition, the public open spaces and, in

particular, the proposed play lots will be overlooked with sufficient passive surveillance by houses.

Car Parking

7.2.41. In terms of car parking, Table DM 9(a): Car and Bicycle Parking Standards in the Development Plan states that the maximum spaces standard per residential unit in Zone 3 is:

- 2 bedroom house 1.5 spaces
- 3+ bedroom house 2 spaces
- 1/2 bedroom apartment 1 space

In addition, a maximum of 1 space is to be provided per 3 apartment units for visitor / short term use.

7.2.42. Parking for 159 no. cars is proposed within the scheme. I calculate that the maximum number of spaces provided should be as follows:

- 47 no. apartments = 47 spaces + 16 visitor spaces
- 48 no. 3+ bedroom houses = 96 spaces
- 4 no. 2 bedroom houses = 6 spaces

7.2.43. This accrues to a maximum of 156 no. spaces. Consequently, given the location of the appeal site in close proximity to Zone 2, large employers and a public transport corridor, I am satisfied that there is no over-provision of car parking in the scheme and there are adequate car parking facilities provided within the proposed development.

Bicycle Parking

7.2.44. Similarly, in terms of bicycle parking, Table DM 9(a): Car and Bicycle Parking Standards states that the maximum spaces standard per residential unit in Zone 3 is:

- 2 bedroom house 1 space
- 3+ bedroom house 2 spaces
- 1/2 bedroom apartment 1 space

In addition, a maximum of 1 space is to be provided per 2 residential units for visitor / short term use.

7.2.45. I calculate that the maximum number of spaces provided should be as follows:

- 47 no. apartments = 47 spaces + 24 visitor spaces
- 48 no. 3+ bedroom houses = 96 spaces + 48 visitor spaces
- 4 no. 2 bedroom houses = 4 spaces + 2 visitor spaces

7.2.46. This accrues to a maximum of 221 no. spaces. Based on the submitted information, the proposal includes four bike shelters and two outdoor areas for secure parking for bicycles to be provided within the development. The details of the bike shelters / stands to be provided are indicated on the revised site layout plan (Drawing no. 18253-PLA-003 REV J refers) submitted to the planning authority in response to the RFI on 22nd June 2022.

7.2.47. I am not satisfied that the information submitted is sufficiently clear to calculate the precise number of bicycle stands proposed. From the above drawing, I calculate that 21 sheltered stands and 14 unsheltered stands are proposed. It is stated on the landscape plan (Drawing no. P475-114 rev A refers) submitted to the planning authority in response to the RFI on 22nd June 2022 that each stand would cater for 2 bicycles. Therefore, 35 bicycle stands would provide 70 no. spaces. This is clearly inadequate to serve the development. In addition, I consider that there is no real commentary on bicycle parking provision for the development, noting that the Design Statement, submitted with the application, emphasises pedestrian connectivity only.

7.2.48. In conclusion, I am not satisfied that the development proposes an appropriate quantum of bicycle parking spaces. However, if the Board is minded to grant permission for the proposed development, I consider that a suitable condition could be attached to a grant of permission requiring the provision of additional sheltered bicycle storage areas to be agreed with the planning authority prior to commencement of development.

Refuse Storage

7.2.49. A separate bin storage area is proposed to service each of the duplex, triplex and apartment blocks. I accept the principle of the location of the proposed bin storage areas within the development, noting that the Guidelines advise that 'Waste storage

areas should not be on the public street, and should not be visible to or accessible by the general public. The level of impact associated with the proposed development in terms of refuse collection is considered minimal and acceptable.

Conclusion:

7.2.50. I am generally satisfied that the principle of the development is acceptable in terms of compliance with the guidelines. In addition, I am satisfied that the principle of the proposed development is acceptable in terms of the location of the site within Limerick City and the zoning objective afforded to the site. In terms of the development management standards within the Limerick Development Plan 2022-2028, I have identified a concern associated with the proposed development in terms of inadequate provision and quality of bicycle parking. However, given the general quality of the design and layout of the overall scheme, I recommend that this be addressed by means of an appropriate condition.

7.3. Provision of Relief Road (Condition No.2)

7.3.1. The first party seeks an amendment to Condition No.2 allowing construction to be commenced on site before the completion of the relief road and requests that the condition be amended to restrict occupation of the dwellings until the road is completed.

7.3.2. On this matter, I refer the Board to the issue being raised in the original Planning Officer's report and the planning authority's Place-Making and Public Realm (SEE's) reports dated 21st October 2021 and 12th October 2021, respectively. On examination of these reports, I understand that the main concern of the planning authority was the inclusion of the area where the LIHAF relief road is to be constructed within the site edged red in the planning application and the consequent implication that, if permission was granted for the overall development, the first party could proceed to construct this relief road. It is clear from the comments within these reports that the planning authority wished to retain control over the construction of the LIHAF road.

7.3.3. I draw the Board's attention to the dates of the original planning authority reports i.e., October 2021, and advise that since then the issue of the possibility of the developer being in a position to construct the road has now dissipated. The planning authority

confirmed in the relevant reports in response to the RFI that the lands needed for the construction of the LIHAF road had been transferred to the local authority and that a contractor had been appointed. On the day of my site inspection, I observed that the area within the site edged red where the LIHAF road is to be constructed was fenced off from the remainder of the appeal site and construction works on the road were underway. The planning authority and developer have advised that the contracted completion date for this relief road is November 2023.

- 7.3.4. In relation to the matter of the land needed for the construction of the LIHAF road indicated as within the site edged red for the proposed development under appeal, I am satisfied that this is essentially a legal matter that can be resolved between the parties concerned. In effect, I am satisfied that the matter has been resolved as the construction of the LIHAF road is underway, which would have required all necessary agreements to be in place.
- 7.3.5. On the basis of the above, I consider it reasonable to allow construction of residential development on the appeal site to be commenced on site before the completion of the relief road. The developer will need to agree how the site is accessed for the construction of the residential scheme and this can be agreed within a Construction Management Plan, prior to commencement of development. I do consider it necessary to restrict occupation of the residential units until the road is completed and I recommend to the Board that Condition No.2 be amended to reflect this.

7.4. Childcare Provision (Condition No.4)

- 7.4.1. The first party contends that an evidence-based approach suggests that there is no need for a creche as required by Condition No.4 of the notification of decision issued by the planning authority. They also highlight that there has been no commercial interest in the childcare facility permitted on the adjacent site under P.A. Ref. No. 16/1196. The first party states that the planning authority presents no evidential basis for justifying the imposition of such a condition and considers the wording of the condition to be imprecise requiring a revised site layout plan and requests that Condition No.4 be removed.
- 7.4.2. Coakley O'Neill Town Planning Ltd. submitted a Childcare Needs Assessment on behalf of the first party to the planning authority with the planning application on 30th

August 2021. It is argued within the Assessment, given the proximity of the appeal site to larger employment areas and Limerick City centre, “that a sizable portion of the existing and future population of this development will avail of childcare outside the local area identified, in line with existing commuting patterns.” It is also outlined in the Assessment that there are 63 no. childcare spaces available in the immediate area of the appeal site and it concludes that there is capacity within the existing facilities to accommodate the childcare needs arising as a result of the proposed development.

- 7.4.3. The planning authority sought a revised proposal to include a creche as part of the RFI. The third party highlighted that a creche facility was already provided within the Mungret Gate scheme and reiterated that there was sufficient capacity within the existing and proposed facilities.
- 7.4.4. Under Section 131 of the Planning and Development Act, 2000 (as amended), observations were sought from Limerick Childcare Committee. A response to this request was received on 18th October 2022. The response includes a Childcare Provisioning Report for Ballycummin DED carried out in October 2022. This report demonstrates that the current level of childcare provision is below the EU recommendation of 35% coverage for children under 3 years and coverage of 95% for 3 years to school age. The manager of Limerick Childcare Committee states, given the planned development of a further 198 residential units⁴, that the demand for childcare in this area will significantly increase and the need for 2 childcare facilities is clearly established.
- 7.4.5. I consider this observation by Limerick Childcare Committee brings clarity to this issue and I also consider it to be definitive in relation to the current level of and need for childcare facilities in this area of Limerick City. I would be deferential to the detailed information provided in the observation and to the expert knowledge in childcare needs of Limerick Childcare Committee. Consequently, I conclude that it is clear that there is a requirement for a childcare facility to be provided with this proposed development.

⁴ Referencing this appeal in conjunction with the concurrent appeal under ABP-314356-22 also for 99 no. residential units.

7.4.6. This is supported by national guidance where it is stated in Section 3.3 of Childcare Facilities - Guidelines for Planning Authorities (2001) that:

“In relation to new housing areas, a standard of one childcare facility providing for a minimum 20 childcare places per approximately 75 dwellings may be appropriate. This is a guideline standard and will depend on the particular circumstances of each individual site.”

This is further supported by local planning policy under Objective SCS1 O14 Childcare Facilities in the Limerick Development Plan 2023-2029 where it is an objective of the Council to “encourage the provision of appropriate childcare facilities as an integral part of proposals for new residential developments...”.

7.4.7. On the basis of the above, I consider it reasonable to seek the delivery of a childcare facility in accordance with the national guidelines and local development plan policy and I consider it necessary to require the provision of a childcare facility for this proposed residential development in accordance with Condition No.4 of the notification of the decision issued by the planning authority on 22nd July 2022. I, therefore, recommend to the Board that Condition No.4 be retained.

7.5. Other Issues

Water Services

7.5.1. The proposed development would be connected to the existing public water and foul water mains. No significant concerns have been raised by the Area Planner or Area Engineer regarding capacity constraints within the public sewer system. I note that Irish Water in their statutory consultation with the planning authority state that a Confirmation of Feasibility for connection to the public water / wastewater infrastructure is required. As there are no capacity issues evident and a connection to the public sewer already exists at this location, I am satisfied that a suitable condition requiring a connection agreement with Irish Water, prior to commencement of any development on the appeal site, would be appropriate.

7.5.2. I also note the concerns raised by the four observers on the appeal in relation to the security of connections to the public sewer and public water supply. In this regard, I note the observations of Irish Water in their submission to the planning authority on 5th October 2021, which states the “the proposed development works involved shall

not adversely affect the operations of the foul sewer and watermain systems for the neighbouring properties.” I am satisfied that this condition forms part of a pre-connection agreement and this would ensure the security of water supply for the neighbouring properties and should allay the concerns outlined in the observations.

- 7.5.3. One of the appellants raised a concern about the proximity of his wastewater treatment system to the proposed houses and alleges that the first party has previously breached an agreement to facilitate him with a connection to the public sewer. The appellant has not submitted any evidence to substantiate the location of his wastewater treatment system and its proximity to proposed houses on the appeal site. I note that there are a number of houses located immediately to the west of the appeal site serviced by on-site wastewater treatment systems that could pursue such an agreement with the developer on the appeal site for connections to the public sewer. Although such a connection(s) would be a positive environmental gain, I am satisfied that this is entirely a civil matter between the parties and one that the Board has no jurisdiction over.
- 7.5.4. The site falls generally from the south to the north, which facilitates easy collection of surface water at the northern end of the site. Three attenuation tanks are proposed within the appeal site – one to the west of the apartment block, one in the north-western corner of the site, and one in the north-eastern corner of the site. It is then proposed to dispose of surface water by gravity from these attenuation tanks to the pipe network to the north of the appeal site.
- 7.5.5. I consider the proposals for the collection and disposal of surface water from the proposed development to be an acceptable approach and, consequently, the proposed development would be unlikely to give rise to any surface water ingress / issues to proposed houses or neighbouring properties. I recommend that the Board include a condition to facilitate the implementation of the proposed method of disposal of surface water or any revised method that the planning authority may seek.

Archaeology

- 7.5.6. The first party submitted an Archaeological Test Trenching and Impact Assessment to the planning authority with their planning application on 30th August 2021. A total of 13 test trenches were excavated over the appeal site area. A large irregular

shaped pit was identified as a new archaeological feature in Trench No.1 and a copper alloy stick pin was found in this trench. Existing archaeological features to the north of the appeal site are associated with the historic town in Mungret (LI013-009) such as churches (LI013-009002 and LI013-009005), graveyards (LI013-009003 and LI013-009004), an ecclesiastical site (LI013-009008), a bullaun stone (LI013-009009) and an enclosure (LI013-133).

7.5.7. Accordingly, I have examined the National Monuments Service (NMS) maps for records of monuments and places of archaeological interest. This clearly identifies the aforementioned recorded monuments in proximity to the appeal site. Furthermore, I consider that the statutorily protected archaeological zone of influence extends into the appeal site and into an area of the appeal site where development works are proposed. This archaeological zone of influence is clearly presented on the NMS's digitised map and the archaeological zone of influence extends over a small part of the northern section of the appeal site.

7.5.8. I note Limerick City & County Council's archaeologist's report seeking the monitoring, under licence, of the topsoil stripping of an area 20m x 20m around the identified pit feature. Limerick City & County Council's policy in this regard is outlined in Section 6.5.1 of the Development Plan and the objective for the protection and preservation of the archaeological heritage of the Mungret Monastic Complex is clearly enunciated under Objective EH O35. Consequently, I consider it necessary to include an archaeological condition for monitoring per the Council's archaeologist's recommendation. With these mitigation measures, I consider that it can be concluded that the proposed development would not have an adverse impact on the archaeological heritage of the area and the proposed development would be consistent with these policies and objectives.

Part V

7.5.9. The proposed development seeks to construct 99 residential units on a site covering 2.23 ha on a site which lies on zoned lands within Limerick City. The development will connect to public services. The development is subject to requirements of Part V of the Planning and Development Act 2000, as amended and the Board will note that the Housing Development Directorate of Limerick City & County Council confirmed in their observation on the planning application dated 19th August 2021 that an

agreement had been reached to transfer 10 no. houses to the planning authority. I am satisfied that the first party can provide for adequate Part V housing in accordance with the requirements for such housing and the specific details may be agreed by way of condition in the event that permission is to be granted for this development.

Development Contributions

7.5.10. The subject development is liable to pay development contribution, and a condition to this effect should be included in any grant of planning permission.

7.6. Appropriate Assessment

7.6.1. In determining the Natura 2000 sites to be considered, I have had regard to the nature and scale of the development, the distance from the site to the designated Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The impact area of the construction phase would be limited to the outline of the site.

7.6.2. In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a European site and therefore there will be no loss or alteration of habitat, or habitat/ species fragmentation as a result of the proposed development. The Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA are the sites most relevant to the subject site.

7.6.3. The conservation objectives of the Natura 2000 sites are as follows:

- Lower River Shannon SAC – Conservation objectives are set out in the ‘Conservation Objectives Series Lower River Shannon SAC 002165’ document published by the National Parks & Wildlife Service (NPWS). They are to restore the favourable conservation condition of the Freshwater Pearl Mussel and Atlantic Salmon, and to maintain the favourable conservation condition of all other species and habitats cited.
- River Shannon and River Fergus Estuaries SPA – Conservation Objectives are set out in the ‘Conservation Objectives Series River Shannon and River Fergus Estuaries SPA 004077’ document published by the NPWS. They are

to maintain the favourable conservation condition of bird species and the wetland habitat.

- 7.6.4. Based on my examination of the Screening Report, and supporting information, the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, I agree with the conclusion of the First Party's consultants that a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement is not required for two European sites referred to above, those being River Shannon and River Fergus Estuaries SPA (Site Code: 004077) and Lower River Shannon SAC (Site Code: 002165).
- 7.6.5. All other European sites can be screened out from further assessment because of the nature and scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests, the separation distances and the lack of a substantive hydrological or ecological linkage between the proposed works and the other European sites. No reliance on avoidance measures or any form of mitigation is required in reaching this conclusion.
- 7.6.6. No in-combination effects are foreseen having regard to plans and projects that are relevant to the Mungret area.

Appropriate Assessment Screening Determination

- 7.6.7. It is reasonable to conclude that on the basis of the information provided on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Lower River Shannon SAC (Site Code: 002165) and River Shannon and River Fergus Estuaries SPA (Site Code: 004077), or any European site, in view of these sites' Conservation Objectives, and having regard to the nature and scale of the proposed development and the location of the site in an established, serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise. It is therefore not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.
- 7.6.8. There is no requirement therefore for a Stage 2 Appropriate Assessment (and submission of a NIS).

8.0 Recommendation

I recommend that permission is GRANTED for the development as proposed for the reasons and considerations and subject to the conditions set out below.

9.0 Reasons and Considerations

Having regard to the zoning objective for the site, the design and layout of the proposed development and the policies and objectives of the Limerick Development Plan 2022-2028, it is considered, subject to the conditions set out below, that the proposed development would not seriously injure the residential amenities of the area, would not be prejudicial to public health and would be acceptable in terms of traffic safety. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and the further information submitted to the planning authority on the 27th day of June 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>No residential unit permitted hereunder shall be occupied until the part of the LIHAF relief road contained within the site edged red of this permission and permitted under P.A. Ref. No. 19/8011 is completed.</p> <p>Reason: In the interest of clarity and orderly development.</p>

3.	<p>The developer shall identify the location on the site and the type of childcare facility to be provided in association with the development of the residential units permitted hereunder.</p> <p>Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of clarity and residential amenity.</p>
4.	<p>Prior to commencement of development, the developer shall submit for the written agreement of the planning authority details and location of additional bicycle storage shelters in accordance with the requirements outlined in Table DM 9(a) of the Limerick Development Plan 2023-2029.</p> <p>Reason: To provide sufficient bicycle storage facilities within the proposed development and in the interest of sustainable travel.</p>
5.	<p>Details of the materials, colours and textures of all external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of visual amenity.</p>
6.	<p>Water supply and drainage arrangements, including attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interests of public health.</p>
7.	<p>The applicant shall enter into water and wastewater connection agreements with Uisce Eireann, prior to commencement of development. Any such agreement shall ensure the continuity of water supply to the existing houses to the west of the site that is the subject of this permission.</p> <p>Reason: In the interest of public health.</p>
8.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>

	<p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
9.	<p>A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.</p> <p>Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles</p>
10.	<p>The internal road network serving the proposed development, including the turning areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works. Details of any revised proposals shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
11.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>

12.	<p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. 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).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
13.	<p>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 installation of lighting. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p>Reason: In the interests of amenity and public safety.</p>
14.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. The cables shall avoid roots of trees and hedgerows to be retained in the site. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
15.	<p>A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials 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.</p>

	<p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
16.	<p>Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the apartment blocks. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.</p> <p>Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.</p>
17.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
18.	<p>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:</p>

	<p>a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and car parking facilities for site workers during the course of construction;</p> <p>b) 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; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</p> <p>c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>d) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. The measures detailed in the construction management plan shall have regard to guidance on the protection of fisheries during construction works prepared by Inland Fisheries Ireland. A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
19.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
20.	<p>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</p>

	<p>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.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
21.	<p>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.</p> <p>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.</p>
22.	<p>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, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible</p>

	<p>for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>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.</p>
23.	<p>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.</p> <p>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.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Liam Bowe
Senior Planning Inspector

19th June 2023