

8th July 2016

To the Mayor and each member of the Metropolitan District

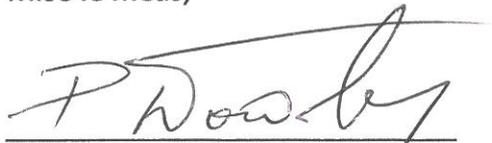
**Re: Part VIII Planning Report for 45a and 46a Cliona Park, Moyross and Cloncannane Road,
Ballynanty**

A Chomhairleoir, a Chara,

I enclose herewith report prepared in accordance with Section 179(3) of the Planning & Development Act 2000-2015, and Part VIII of the Planning & Development Regulations 2001-2015.

In accordance with Section 179 (4) (b) of the above Act, it is proposed to proceed as indicated in Section 5 of this report.

Mise le meas,



Pat Dowling,
Deputy Chief Executive.

**PLANNING REPORT IN ACCORDANCE WITH
SECTION 179 3(a) OF THE PLANNING & DEVELOPMENT
ACT 2000 - 2015**

Re: Permission for residential development consisting of the construction of a 94.8m² detached dwelling adjacent to 45 Cliona Park and the proposed extension of 80.6m² to an existing terraced house at 46 Cliona Park and all associated site works. The proposed works will include a change of use of the existing 520m² green space at the junction of Cliona Park, Moyross and Cloncannane Road, Ballynanty to a proposed Homezone access road between Cliona Park, Moyross & Cloncannane Road, Ballynanty with new street lighting and all associated site works

At: Cliona Park, Moyross & Cloncannane Road, Ballynanty

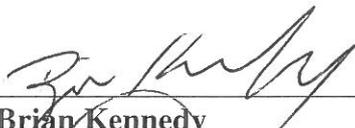
Planning Reference No. 16/8003



Karen Burke
Executive Planner

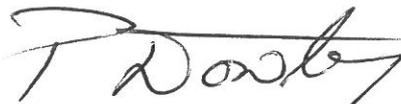


Donogh O'Donoghue
Acting Senior Executive Planner



Brian Kennedy
Senior Executive Officer
Operations & Maintenance

Pursuant to Section 179 3(a) of the Planning & Development Act 2000-2015, this report is submitted to the members of Limerick City & County Council. In accordance with Section 179(4) (b) of the above Act, it is proposed to proceed as indicated in Section 5 of this report.



Pat Dowling
Deputy Chief Executive
Limerick City & County Council

Date: July 2016

TABLE OF CONTENTS

1. Foreword
2. Description of the nature and extent of the proposed development
3. Likely implications, if any, with respect to the proper planning and sustainable development of the area
4. Submissions with respect to the proposed development
5. Action taken by Local Authority

1.0 Foreword

This planning report has been prepared pursuant to Section 179 of the Planning and Development Act 2000-2015, and Part 8 of the Planning and Development Regulations 2001-2015.

2.0 Description of the nature and extent of the proposed development

The proposed development is located in the Moyross Regeneration Area in Cliona Park, Moyross & Cloncannane Road, Ballynanty, located north of the city centre. The proposed development includes for the construction of a 94.8m² detached dwelling adjacent to No.45 Cliona Park and the proposed extension of 80.6m² to an existing terraced house at No. 46 Cliona Park and all associated site works. The proposed works will include a change of use of the existing 520m² green space at the junction of Cliona Park, Moyross and Cloncannane Road, Ballynanty to a proposed Homezone access road between Cliona Park, Moyross & Cloncannane Road, Ballynanty with new street lighting and all associated site works.

The purpose of the proposed development is to provide a new access street with associated footpaths, lighting and drainage between Cliona Park and Cloncannane Road, Moyross, while also increasing density of the residential built environment, maximising the quantity of housing with direct street entrances and ensuring that new/replacement houses overlook the surrounding public spaces and streets to create a sense of enclosure and natural surveillance, while also improving local connections and facilitating a walkable community.

The area of the proposed development is 0.08607ha, the development provides for one number two bedroomed unit (No. 45 A Cliona Park) and one number extension to No. 46 Cliona Park. The lands are zoned residential in the Limerick City Development Plan 2010 - 2016 and identified in the Limerick Regeneration Framework Implementation Plan identifies the lands for housing in the short to medium term. The site between the two existing dwelling houses is a green field with a pedestrian route across it and it is book ended by two existing 2 storey 3 bedroom semi detached houses.

The proposed development will involve an extension to No. 46, which includes kitchen store and downstairs toilet and two bedrooms and a bathroom on the upper floor, which makes No. 46 a five bedroomed house. The applicants will maintain a rear garden of 14.077 metre garden. Two car parking spaces are been provided to the front of the site. The proposed detached dwelling at No. 45 A consists of kitchen/living room and downstairs toilet on ground floor and two bedrooms and bathroom on the upper floor, with a 12 metre rear garden and one car parking space to be provided.

There is a significant level difference across the site and the proposal includes for filling, and the use of railings and retaining walls to facilitate the development.

Issues were raised by the Roads Authority in relation to lighting, bollards, road, footpath and driveway gradients and pedestrian access points. Additional information was submitted on the 06/07/16 to address these issues.

The plans and particulars went on public display from Thursday 7th April 2016 to Friday 20th of May 2016. Submissions and observations had to be submitted by Friday 10th June 2016.

3.0 Likely implications, if any, with respect to the proper planning and sustainable development of the area

It is considered that the proposal to create a vehicular link from Cliona Park to Cloncannane Road on an area of open space, will create a new street with footpaths, lighting etc and the proposed natural surveillance that will be created by the proposed residential development will create a home zone, which will allow for additional pedestrian and vehicular traffic through the area and create a more permeable neighbourhood. Home zones encourage the use of shared space, where the street is not strongly divided into exclusive pedestrian and traffic areas.

3.1 Policies and Objectives relevant to the Proposed Development

Limerick City Development Plan 2010 – 2016*

Policy RG.1 Implementation of Regeneration

It is the policy of Limerick City Council* to support the implementation of the Regeneration Programme in a coordinate and sustainable manner and to co-operate with the Regeneration Agencies and the other agencies in the Region to deliver the goals and objectives set out in the Regeneration Programme.

Policy EDS.4

It is the policy of Limerick City Council to facilitate the regeneration agency in accordance with an approved masterplan

Policy EDS.6

It is the policy of Limerick City Council to mobilise the potential of brownfield sites in the City.

Policy H.3

It is the policy of Limerick City Council to encourage the establishment of sustainable residential communities by ensuring that a mix of housing and apartment types, sizes and tenures is provided within the City.

Policy H.4

It is the policy of Limerick City Council to have regard to the policies and objectives of the following Strategies and Plans:

- Sustainable Residential Development in Urban Areas (DEHLG 2008)
- Urban Design Manual – A Best Practice Guide (DEHLG 2008)
- Quality Housing for Sustainable Communities (DEHLG 2007)

Policy H.5

It is the policy of Limerick City Council to promote increased density where appropriate to do so, having regard to the existing or proposed public transport provision and proximity to the City Centre.

Policy H.6

It is the policy of Limerick City Council to ensure a balance between the reasonable protection of existing residential amenities, the established character of the area, and the need to provide for sustainable residential development.

Limerick Regeneration Framework Implementation Plan

Moyross Framework Implementation Plan

The following are the key local principles that the Moyross Framework Plan shall address:

- To protect the integrity of all Natura 2000 sites in the vicinity. In this regard the development proposals developed shall be subject to HDAA and SEA.
- To protect the existing biodiversity of the area and to provide interpretation for the public.
- To develop a large public park that connects the river Shannon, Moyross and Caherdavin for a range of active and passive recreational uses.
- To create a civic area of suitable scale in Moyross that can act as a focal point for community, civic and educational facilities including a rail station.
- To promote Watchhouse Cross as the District Centre for the area of Moyross, Kileely, Ballynanty and Parteen in accordance with the Mid West Retail Strategy.
- To complete the northern distributor road and to provide access from it to Moyross.
- To provide for greater linkages between Moyross and the adjacent areas to the west including the educational institutions.
- To protect the existing alignment of the Limerick/Galway rail line.

Objective ZO.3 Regeneration

To support the social, economic and physical regeneration of Moyross, Kings Island and Southill in accordance with the proper planning and sustainable development of the City as a whole

*Please note 'Limerick City Council' is now Limerick City & County Council (LCCC) – this development plan was prepared before the amalgamation of the Local Authorities.

3.1 Habitats Directive Project Screening Assessment

Both construction and operating phases of the proposed development to be considered.

<p>Construction Phase: N/A</p> <p>Are effects significant? N/A</p> <p>Are substantial works required: No</p> <p>Are effects significant? No</p> <p>Operating phase effects: Are effects significant? No</p>	<p>Ex-situ effects: Are effects significant? Yes/No</p> <p>Run-off: Are effects significant? Yes/No</p> <p>Abstraction: Are effects significant? Yes/No</p> <p>Displacement: Are effects significant? Yes/No</p>
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Identification of Natura 2000 sites which may be impacted by the proposed development

1	Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species e.g. bogs or otters -see abstraction/run off etc above.	<i>Is the development in the relevant catchment of or immediately up/downstream of a watercourse that has been designated as a Natura 2000 site?</i> Name of sites: <i>Lower river Shannon Sac site.</i>	No
2	Impacts on terrestrial habitats and species.-see area and disturbance/displacement effects above.	<i>Is the development within 1km of a SAC site with terrestrial based habitats or species?</i> Name of site:	No
3	Impacts on designated marine habitats and species.	<i>Is the development located within marine or intertidal areas or within 5 km of a SAC site whose qualifying habitats or species include the following habitats: Salmonid, Lamprey Mudflats, sandflats, saltmarsh, shingle, reefs, sea cliffs</i> Name of site: <i>Lower river Shannon Sac site</i>	No
4	Impacts on birds in SPAs-	<i>Is the development within 1km of a Special Protection Area</i> Name of site: No site	No
5	Cumulative effects	Would consideration of a number of significant projects nearby such as forested areas, quarries, wind energy together with the proposed development significantly increase the impacts listed above:	No

The development has been subject of an Appropriate Assessment Screening in accordance with Article 6 (3) of the EU Habitats Directive (Directive 92/43/EEC) and the Planning & Development Acts 2000-2015. An Appropriate Assessment Screening Report Prepared by

Tom O'Neill, Heritage Officer, Limerick City & County Council and submitted with the proposal. The screening assessment concluded that a full Appropriate Assessment is not required and that the project will not have negative impacts or effects on any Natura 2000 sites.

3.2 Land Acquisition

The applicant is the owner of the site as indicated in the documents submitted with the proposal

3.4 Conclusion

The proposed development is considered to be acceptable in principal and would offer a positive asset to the local residents of the area and shall be carried out in accordance with the actions for the Local Authority hereby attached. It is considered that the proposed development is in accordance with policies of the *Limerick City Development Plan 2010 – 2016* and *Limerick Regeneration Framework Implementation Plan*, and is therefore acceptable and in accordance with the proper planning and sustainable development of the area.

4.0 Submissions with respect to the proposed development

A total of 6 no. written submissions/observations were received and are listed below:

LIST OF SUBMISSIONS RECEIVED		
SUB REF	FROM	
(A)	Planning & Environmental Services Department (Waste Management) Limerick City & County Council	Received 10/05/16
(B)	Fire & Emergency Services, Limerick City & County Council	Received 31/05/16
(C)	Planning & Environmental Services Department (Air, Noise & Water Pollution) Limerick City & County Council	Received 06/05/16
(D)	Gas Networks Ireland	Received 13/05/16
(E)	Irish Water	Received 13/05/16
(F)	Operations & Maintenance Services, Limerick City & County Council	Received 06/07/16

SUB (A)	Planning & Environmental Services Department (Waste Management) Limerick City & County Council
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Submission description

Prior to the commencement of development the appointed contractor shall submit to Planning Authority for agreement in writing a site specific waste management plan for the recovery/disposal of all wastes arising from the construction of the development. The waste management plan shall include:

- a) A list of proposed waste collection permit holders to be employed
- b) A list of the proposed waste facility permit sites, the wastes maybe recovered or disposed of.

- c) Estimates of the proposed tonnages of the soil and stone and or the construction and demolition (Construction and Demolition) waste.
- d) A detailed list of the collectors and the waste recovery sites including estimated tonnages shall be submitted.

Planning Authority Comments:

Noted and conditions to be attached

SUB (B) Fire & Emergency Services, Limerick City & County Council

Submission description

The Fire Authority has no objection to the proposed development

Planning Authority Comments:

Noted

SUB (C) Planning & Environmental Services Department (Air, Noise & Water Pollution) Limerick City & County Council

Submission description

The following conditions shall be applied to any grant of permission:

- Dust, Fume and Noise Control (Construction Phase)

Given the close proximity of high density residential accommodation, any external construction works on site shall be limited to the following times, Monday – Friday 08.00 - 19.00 and Saturday 09.00 – 14.00, no works shall be undertaken on Sundays or public holidays. Where construction site management requires derogation from these time constraints for safety or traffic reasons, advance consultations must be held with the Environment Department. These constraints would not apply to external or internal finishing works such as carpeting, painting, plastering, plumbing or wiring etc.

Reason: In order to minimise the perception of noise, dust or fume nuisance by the occupiers of the adjacent properties

- Protection of Surface Waters (Construction Phase)

Under no circumstances shall any construction materials such as cement, lime, or other aggregates etc. be rinsed down into surface water drains or any other water courses.

Reason: In order to minimise the risk of contamination of any surface water or drainage channels

Planning Authority Comments:

Noted and conditions to be attached

Submission description

Gas Network Ireland have provided details for 45 – 46 Cliona park Limerick in the form of a map outlining the location of gas pipe lines etc. The map provided shows a 90 population equivalent 80 – 75 mbar inserted low pressure pipe running through the site.

Gas network information is provided as a general guide. Gas Networks Ireland cannot guarantee its accuracy and it should not be relied upon for accurate distance or depth of cover measurements. The exact location and depth of distribution gas pipes must be verified on site by hand digging trial holes along the route of the pipe. Service pipes are not generally shown but their presence should be always be anticipated.

You are also reminded that all work in the vicinity of the Gas Networks Ireland Pipelines and Installations must be completed in accordance with the current edition of the Health & Safety Authority Publication, 'Code of Practice for Avoiding Danger from Underground Services' which is available from the Health & Safety Authority or can be downloaded free of charge at www.hsa.ie.

Planning Authority Comments:

Noted

Submission description

- Where the applicant proposes to connect to a public water/wastewater network operated by Irish Water, the applicant must sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.
- In the interest of Public Health and Environmental Sustainability, proposed connections to the Water and Waste Water Infrastructure will be subject to the constraints of the Irish Water Capital Investment Programme.
- A drawing has been supplied titled 'Proposed Drainage & Watermain Layout' Drawing Number 210 Rev A1, showing individual connections to the foul sewer, (with the existing foul sewer to House 46 being removed), a new portion of the surface water sewer in the public road and a portion of the watermain realigned to the public road with individual connections to both houses. The applicant is to construct as per this drawing. The applicant is to note that watermeter boxes are to be located on the public footpath or publicly accessible area.
- The applicant is to note that in accordance with the requirements of section 104 of the 2007 Water Services Act there shall be no building over water mains, common pipes, or sewers, and if found the applicant must contact Limerick City and County Council Water Services Department/Irish Water with a proposal for altering at the cost of the applicant.
- The integrity, operation and access to the foul sewer, surface water and watermain systems shall not be compromised by the proposed development works.
- The proposed development works involved shall not adversely affect the operation of the foul sewer, surface water and watermain systems for the neighbouring properties.

Planning Authority Comments:

Noted and conditions to be attached

SUB (F)

Operations & Maintenance Services, Limerick City & County Council

Submission description

Operations and Maintenance are satisfied with the information submitted on the 06/07/16 and recommend the following condition shall be attached to the development:

The height/type of pole and the specification for the lamp and the site layout of the public lights can be agreed on-site with Derek Stundon of Operational & Maintenance Services, Central Services prior to work commencing.

Planning Authority Comments:

Noted and conditions to be attached

5.0 Action taken by Local Authority

It is proposed to proceed with the development in accordance with the information submitted on file dated the 7th of April, 2016, amendment details submitted on the 06th July 2016 and the details and specifications contained in this report.

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, on the 07/04/16 and amendment details submitted on the 06/07/16 except as may otherwise be required in order to comply with the following conditions.

Reason - In order to clarify the development to which this permission applies.

2. A final palette of materials including all types, finishes and colours shall be submitted to the Planning Authority for written agreement, these shall be appropriate to the setting.

Reason: In the interest of orderly development and visual amenity

3. Prior to the commencement of development the appointed contractor shall submit to Planning Authority for agreement in writing a site specific waste management plan for the recovery/disposal of all wastes arising from the construction of the development. The waste management plan shall include:
 - a) A list of proposed waste collection permit holders to be employed
 - b) A list of the proposed waste facility permit sites, the wastes maybe recovered or disposed of.
 - c) Estimates of the proposed tonnages of the soil and stone and or the construction and demolition (Construction and Demolition) waste.
 - d) A detailed list of the collectors and the waste recovery sites including estimated tonnages shall be submitted.

Reason: In the interest of orderly development

4. All site works shall be carried out to the satisfaction of the Planning Authority in accordance with the Department of the Environment 1998 publication "Recommendations for Site Development Works for Housing Areas", except in the case of the road surfacing where only paragraph 2.23 of these recommendations shall apply.

Reason: In the interest of the proper planning and sustainable development of the area.

5. During construction of the proposed development, the following shall apply:
 - a. No work shall take place on site outside the hours of 8.00 a.m. to 8.00 p.m. Monday to Friday and 8.00 a.m. to 4.00 p.m. Saturday, or on Sundays or public holidays, unless otherwise agreed in writing by the Planning Authority.
 - b. No surface water run-off shall be discharged onto public roads, foul sewers or adjacent property.
 - c. Adequate car parking facilities shall be provided on site for all workers and visitors.

Reason – To protect the residential amenities of the area in the interest of proper planning and sustainable development.

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

Reason: In the interest of the proper planning and sustainable development of the area

7. Under no circumstances shall any construction materials such as cement, lime, or other aggregates etc. be rinsed down into surface water drains or any other water courses.

Reason: In order to minimise the risk of contamination of any surface water or drainage channels

8. Prior to the commencement of development, full details of the public lighting design and specification shall be agreed with the Planning Authority, it shall include the necessary alterations to the existing lighting on the proposed through road between Cliona Park, Moyross and Cloncannane Road, Ballynanty.

Reason: In the interest of public safety

9.
 - a) Where the applicant proposes to connect to a public water/wastewater network operated by Irish Water, the applicant shall sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.
 - b) In the interest of Public Health and Environmental Sustainability, proposed connections to the Water and Waste Water Infrastructure shall be subject to the constraints of the Irish Water Capital Investment Programme.
 - c) A drawing has been supplied titled 'Proposed Drainage & Watermain Layout' Drawing Number 210 Rev A1, showing individual connections to the foul sewer,

(with the existing foul sewer to House 46 being removed), a new portion of the surface water sewer in the public road and a portion of the watermain realigned to the public road with individual connections to both houses. The applicant shall construct as per this drawing. The applicant shall note that watermeter boxes are to be located on the public footpath or publicly accessible area.

- d) The applicant shall note that in accordance with the requirements of section 104 of the 2007 Water Services Act there shall be no building over water mains, common pipes, or sewers, and if found the applicant must contact Limerick City and County Council Water Services Department/Irish Water with a proposal for altering at the cost of the applicant.
- e) The integrity, operation and access to the foul sewer, surface water and watermain systems shall not be compromised by the proposed development works.
- f) The proposed development works involved shall not adversely affect the operation of the foul sewer, surface water and watermain systems for the neighbouring properties.

Reason: In the interest of public health