

11th January 2018

To the Mayor and each member of the Metropolitan District of Limerick

**Re: Part VIII Planning Report for the construction of 5 new Residential units at Sycamore Avenue,
Rathbane, Limerick.**

A Chomhairleoir, a chara,

I enclose herewith report prepared in accordance with Section 179(3) (a) of the Planning and Development Act 2000 (as amended) and Part VIII of the Planning and Development Regulations 2001 (as amended).

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,



GORDON DALY
DIRECTOR OF SERVICES
SERVICE OPERATIONS DIRECTORATE

Encl

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

Re: **Permission for the following:**

- (a) Provision of 5 x No. residential terraced (all two storey);
- (b) All associated site works;
- (c) Drainage and landscaping.

At: Sycamore Avenue, Rathbane, Limerick

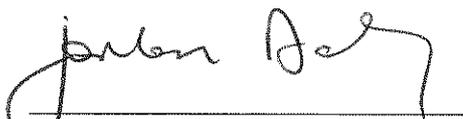
Planning Reference No. 17/8015



**Donogh O'Donoghue,
A/Senior Executive Planner,
Planning & Environmental Services**



**Stephane Duclot,
A/Senior Planner,
Planning & Environmental Services**



**Gordon Daly,
Director of Services,
Service Operations Directorate**

Pursuant to Section 179 3(a) of the Planning & Development Act 2000 (as amended) 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.



**Conn Murray
Chief Executive
Limerick City & County Council**

Date: 11th January 2018

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. Conclusion**
- 6. Action taken by Local Authority**

1.0 Foreword

This planning report has been prepared pursuant to Section 179 of the Planning & Development Act 2000 (as amended), and Part 8 of the Planning & Development Regulations 2001 (as amended).

2.0 Description of the nature and extent of the proposed development

The proposed works will be carried out at Sycamore Avenue, Rathbane, Limerick.

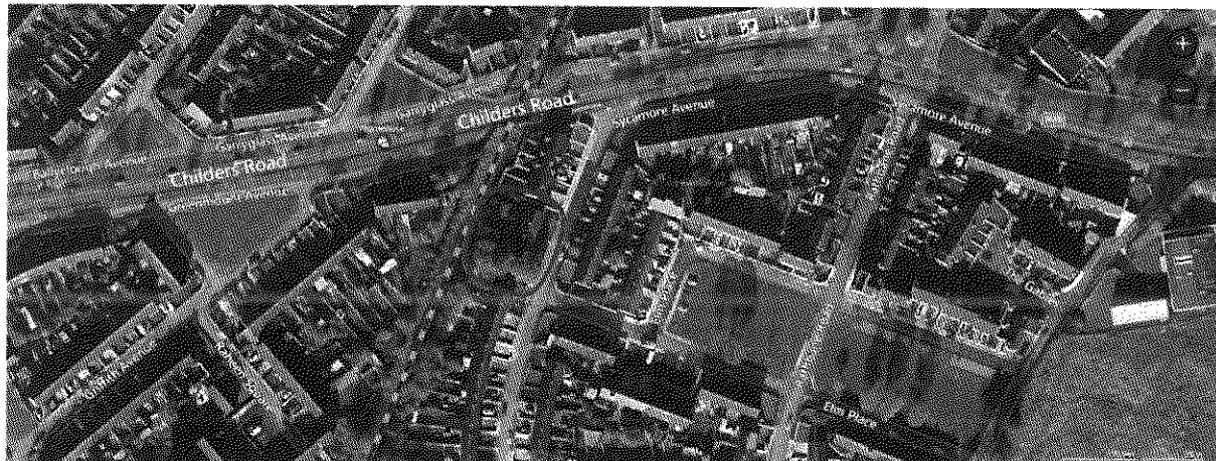
Sycamore Avenue, Rathbane is located in the Southill Regeneration Area to the south-east of Limerick City. The site in question currently consists of a green open space area where houses were previously located and demolished. The site is bounded by a rail line to the rear and grotto and a terrace of existing dwellings along the site boundaries.

Under this planning application the Applicant, Design & Delivery Services, Limerick City & County Council proposes the following:

- (a) Provision of 5 x No. residential terraced (all two storey);
- (b) All associated site works;
- (c) Drainage and landscaping.

The plans and particulars went on public display from 3^{1st} of October, 2017 to 29th of November, 2017. Submissions and observations had to be submitted by 14th of December, 2017.

Location:



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

Limerick City Development Plan 2010 – 2016*

The CDP sets out the following with respect to acceptable development in the location in question:

- Map 1 - Land Use Zoning – the site is identified for 2(A) Residential land use;
- Map1C - Regeneration Areas – the site is identified in Area D – Southhill;

Footnote No. (vii) attached to the Land Use Zoning Matrix Table states the following – ‘*development in the regeneration area shall accord with the principles set out in Chapter 7*’ of the CDP. Please see Policy RG.2 Zoning below as set out in Chapter 7 in this regard:

Policy RG.2 Zoning

It is the policy of Limerick City Council to zone the regeneration areas in a flexible manner to facilitate the delivery of the master plans.

This development plan has provided in its projections of population and economic growth the need for the Regeneration Programme. It is accepted by all parties that the Programme needs to be fluid and will evolve with circumstances locally, regionally and nationally. Therefore this plan will offer sufficient flexibility that will allow the master plans to be implemented in a coordinated and sustainable manner.

Policy RG.2 Zoning - affords the Local Authority flexibility with regard to the facilitation of development which would not generally be considered under a specific land use zoning in order to deliver the regeneration programme i.e. facilitate a non-compliant land use such as residential in a light industrial zoning. Policy EDS.4 states the following:

Policy EDS.4

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

Policy EDS.6

It is the policy of Limerick City Council* to facilitate the regeneration agency in accordance with an approved master plan.

Regeneration Areas

The proposed regeneration of Moyross, Southhill/Ballinacurra Weston and Kings Island will provide significant employment opportunities during the construction and operational phases subject to funding being made available. The areas also contain a number of strategic assets which can, if developed appropriately contribute to the economic base of the City i.e. LEDP, Galvone Industrial Estate. More detailed policies in respect of the regeneration project are presented in Chapter 7 Regeneration.

Policy EDS.6

It is the policy of Limerick City Council* to facilitate the regeneration agency in accordance with an approved master plan.

The Limerick City Development Plan*, 2010-2016 under Chapter 6 – Housing - deals with the regeneration areas as follows:

Chapter 6 – Housing

Regeneration

The regeneration of three of the larger areas of social housing in the City namely, Moyross, Southill/Ballinacurra Weston and St. Mary's Park has commenced under the direction of the regeneration agencies. The delivery of a much stronger social mix is paramount to the success and sustainability of these areas. Such a mix has to be greater than just mixed tenure, it is essential that over the period of the Plan that these areas achieve a population that has a greater level of income than at present. This will be achieved by the development of private/affordable housing, the expansion of home-ownership within the existing community and more importantly improving the life chances of the current child population through education and job opportunities which clearly highlight the sheer importance of Social Regeneration. The achievement of a stronger social mix in the newly regenerated communities is a crucial objective of the programme.

Within this context the general objectives for housing provision in the City are as follows:

- To develop and deliver effective public housing policy.
- To increase the availability of affordable, social and private housing, and to ensure the adequate provision of residential zoned land for all.
- To enhance the support network in the provision of social housing.
- To promote integration and reduce social segregation in housing development.
- To develop an effective system for the management of Local Authority housing stock
- To promote sustainable housing developments and provide appropriate residential development.
- To promote high quality living environments and the protection of the character of residential neighbourhoods.
- To support the RAPID initiatives.
- To facilitate the accommodation of the 'Homeless'.
- To facilitate the provision of appropriate facilities and accommodation for the 'Travelling' community.
- To secure the objectives of the regeneration programme.

Policy H.2

It is the policy of Limerick City Council* to ensure that sufficient land is zoned to meet the housing requirements of the City over the lifetime of the Plan.

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.

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

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.

The Limerick City Development Plan, 2010-2016* under Chapter 7 – Regeneration - deals with the regeneration areas as follows:

Chapter 7 Regeneration

Policy RG.1 Implementation of Regeneration

It is the policy of Limerick City Council to support the implementation of the Regeneration Programme in a coordinated 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 RG.2 Zoning

It is the policy of Limerick City Council* to zone the regeneration areas in a flexible manner to facilitate the delivery of the master plans.

Southill Framework Plan

The following are the local objectives that the Southill Framework Plan shall address:

- The re-establishment of the N7/N20 Rosbrien interchange into Southill to establish Southill as a gateway to the city centre.
- To develop the Roxboro Shopping Centre and adjacent lands as a mixed use district centre in accordance with the Retail Strategy
- To develop the existing commercial and industrial lands along the south boundary of the Childers Road for mixed use employment related development.
- To develop a mobility strategy for the area connecting the residential zones to the district centre and employment zones and amenity area.
- To develop a new educational campus to serve the needs of the entire area.
- To develop an amenity strategy for the area.
- To establish the need for additional local shopping facilities throughout the area.
- To identify strategic sites for the construction of landmark/gateway buildings.
- The framework plans shall be approved by the City Council* and they shall form the basis of a variation to the zoning proposals contained in this plan.

Applications in the Regeneration Areas

In adopting a flexible zoning approach to the Regeneration Areas, the Planning Authority sets out the following Framework within which all applications will be assessed:

- All applications made by the Regeneration Agency on publicly owned land can be processed in accordance with Part XI of the Planning & Development Act, 2000-2014 subject to adherence to the requirements below.
- All applications shall be accompanied with a statement as to how they accord with the master plans and framework plan when approved. In the absence of the framework plans being approved the application shall be accompanied by a statement in respect of adherence to the standards contained in the City Development Plan and the principles set out above. In this regard any proposed development on lands currently zoned open space may be permissible where it can be demonstrated that there is no diminution in the residential amenities of the general area.

Limerick Regeneration Framework Implementation Plan, 2013

- As per the implementation plan, the area in question is identified as lands for 'residential' land use in the Southill Framework Implementation Plan.
- Volume 1 (pages 98-105) – Physical overview and analysis - deals specifically with Southill
- Volume 2 (pages 202-223) – Framework Strategy - deals specifically with Southill

3.1 Habitats Directive Project Screening Assessment

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

<p>Construction Phase: Yes – Residential development</p> <p>Are effects significant? Yes</p> <p>Are substantial works required: Yes</p> <p>Are effects significant? No</p> <p>Operating phase effects: Are effects significant? No</p>	<p>Ex-situ effects: Are effects significant? No</p> <p>Run-off: Are effects significant? No</p> <p>Abstraction: Are effects significant? No</p> <p>Displacement: Are effects significant? 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:	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: Lower river Shannon Sac site	Yes

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

Conclusion

The site is located on zoned lands and it is considered that the development as proposed should not exercise a significant effect on the conservation status of any SAC or SPA and therefore an Appropriate Assessment is not necessary.

3.2 Land Acquisition

The Applicant is the owner of the site

4.0 Submissions with respect to the proposed development

A total of 4 x No. written submissions/observations was received and are listed below:

LIST OF SUBMISSIONS RECEIVED	
SUB REF:	FROM:
1.	Irish Water
2.	Fire & Emergency Services, Limerick City & County Council
3.	Operations & Maintenance, Limerick City & County Council
4.	Iarnrod Eireann

4.1 Submissions:

SUB (1) Irish Water

Submission description

The applicant proposes to connect to the public water/wastewater network operated by Irish Water, In this regard the applicant shall be required to comply with the recommendations of Irish Water and sign a connection agreement with Irish Water.

Design & Delivery Services Comments

The comments have been noted and it is recommended that proposed actions are attached to any decision to grant permission in relation to items / requirements (which can be dealt with through detail design) raised by Irish Water.

No Change to Planning Application.

Planning Authority Comments:

Noted and actions to be attached

SUB (2) Fire & Emergency Services, Limerick City & County Council

Submission description:

The housing shall comply with the Fire Safety Dwelling House (Vol 2), Part B of the Building Regulations 2017.

Design & Delivery Services Comments:

Comments noted

Planning Authority Comments:

Noted.

SUB (3) Operations & Maintenance, Limerick City & County Council

Submission description:

- The Applicant is to demonstrate how they will comply with the car and cycle parking requirements set out in the city development plan.
- All surface water run-off from the public road which flows into the site shall continue to be accommodated within the site unless alternative arrangements acceptable to Limerick City & County Council are carried out. Full details of any such alternative arrangements shall be submitted to the Planning Authority and agreed prior to commencement of development.
- No surface water shall be allowed discharge onto adjoining properties or onto the public road.
- At the vehicular entrances to the proposed development, the footpath shall be dished and the appropriate kerbs installed. Prior to construction the applicant shall provide details of the works required to the public footpath for approval by LCCC Roads Engineers;
- Any construction outside of the development on the public road will require a road opening licence;
- A construction management and delivery plan for the construction of the development should be agreed with LCCC Roads Engineer prior to commencement;
- Each residential unit shall have its own storm water sewer connection.

Design & Delivery Services Comments:

- The development is situated within Zone 3 - Suburban. The Limerick city development plan 2010 – 2016 requires the allocation of No. 2 Parking spaces per house and a 25% allowance for visitors. We will be able to create No. 12 standard car parking spaces (2.44m x4.88m) to the front of the property which will cover both the household requirements + visitor parking. For the cycle provision, Houses 1 & 5 have direct external access to the rear of the dwelling, allowing them secure storage

for bicycles. Houses 2, 3, & 4 will have secure bicycle parking to the front of the dwellings located beside the bin storage area, inside a boundary wall.

- Surface water run-off from the public road which flows into the site will be dealt with by providing an aco-drain along the front boundary between the public road/footpath and the residents parking area. This will also prevent any water being discharged from the new property to adjoining properties or the public road etc
- No surface water shall discharge onto the adjoining properties or onto the public road
- Dished kerbs will be provided where needed, This has been noted on our 'Site Layout' Drawing (P-02-Lb) attached. Detailed instructions shall be provided.
- A license for road opening will be sought for connections to existing services and alteration to the footpath.
- A construction management plan for these works will be provided to the LCCC Roads Engineer prior to commencement.
- Each residential unit will have its own storm water sewer connection.

Planning Authority Comments:

Noted and actions to be attached

SUB (4) Iarnrod Eireann

Submission description:

- The existing Palisade Fence to the railway boundary at the rear of the proposed dwellings is to be replaced by a 2.7m high concrete block wall with 450mm x 450mm piers at 3.0m center to center, as shown on submitted drawings.
- Permission must be sought from Iarnród Éireann prior to the interference or removal of any part of the existing railway boundary fence. It will also be necessary to provide details of the method of work in order to ensure that the integrity of the railway boundary is not exposed during the construction of the boundary treatment and that a safe system of work is in place while the work is being carried out.
- The boundary treatment should be completed before work commences on site
- No development to take place within 2m of the railway boundary
- No Liquid either surface water or effluent shall be discharged onto the railway property
- All works on and adjacent to the railway are required to meet the terms of the Railway Safety Act 2005.

Design & Delivery Services Comments:

- It is agreed to install a 2.4m high block wall, as 2.7m high block walls are not regarded as standard blockwork construction
- It is agreed to contact Iarnród Éireann prior to the removal of boundaries.
- It is agreed to complete works prior to the house construction.
- All development will be a min of 2.0m from railway boundary
- No runoff will enter the railway site.
- All works will comply with the 2005 Railway Safety Act.

Planning Authority Comments:

Noted and actions to be attached

5.0 Conclusion

The proposed development is considered to be acceptable in principal 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 is therefore acceptable and in accordance with the proper planning and sustainable development of the area.

6.0 Action taken by Local Authority

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, on the 27/10/17 and the report received by the Planning Authority on 08/01/18, 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. Within one month of the receipt of this Notification the Applicant shall submit a detailed palette of materials and finishes for written agreement of the Planning Authority, for the proposed dwelling units to include windows, doors, vents, external railings and walls, louvered screens, photovoltaic panels etc

Reason – In the interest of orderly development and proper planning

3. 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 any development on site and adhere to the standards and conditions set out in that agreement. All aspects of the development shall comply with the details set out in the Irish Water Report on file dated 15/12/17.

Reason – In the interest of proper planning and public health and safety

4. Within one month of the receipt of this Notification the Applicant shall submit a Landscaping Plan indicating the location of on-street tree planting stands, trees species and the number of trees and hard landscaping proposed for written agreement of the Planning Authority. The agreed work shall be completed before any of the dwellings are made available for occupation.

Reason - In order to ensure the satisfactory development of the public open space areas and their continued use for this purpose

5. Within one month of the receipt of this Notification the Applicant shall submit plans and elevations for all boundary treatments on site to include front of dwelling and rear divisional boundaries for written agreement of the Planning Authority. Details to include materials and finishes.

Reason – In the interest of orderly development and proper planning

6. 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

7. 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, road safety and to protect the amenity of the area

8.
 - a. Equivalent sound levels arising from all sources within the proposed development, when measured at the boundary of noise sensitive locations (i.e. dwelling houses) shall not exceed a level of 55 dB (A) L_{Ar} (60 minutes) between 0800 hours and 2000 hours Monday to Friday and 0800 hours and 1400 hours on Saturday. Noise levels shall not exceed 45dB (A) L_{Ar} (15 minutes) at any other time.
 - b. Mechanical machinery systems shall not produce clearly audible tonal noises at night-time (22:00 to 08:00hrs) when assessed from the nearest noise sensitive location.

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

9. All service cables associated with the proposed development including electrical, communal television, telephone and street lighting cables shall be laid underground within the site.

Reason - In the interest of orderly development and the visual amenities of the area

10. A 2.4 metre high privacy wall shall be constructed along the rear of the site and a 2 metre side dividing wall boundary shall be constructed between houses. The walls shall be solid block, capped and rendered. Where there is a difference in ground levels between this site and adjoining properties, the level shall be taken as their average level. Screen walls abutting open space or estate roads shall be plastered and capped with piers. Prior to commencement of development full details shall be submitted for the written agreement of the Planning Authority.

Reason - In the interest of privacy and residential amenity

11. (a) The water main service connection to each residential unit shall be fitted with an individual boundary box including a stopcock and provision for a water meter in accordance with Irish Water/Uisce Eireann requirements.
(b) Each house shall have its own independent foul and surface water sewer connections to the main foul and surface water sewers.

Reason - In the interest of proper planning and orderly development

12. Prior to commencement of development on site the Applicant shall submit a detailed public lighting scheme for written agreement of the Planning Authority to include the following information:
 - (i) The public lighting shall be erected and operational prior to the making available for occupation of any house;
 - (ii) Light stands shall not be located near tree stands;
 - (iii) Energy efficient LEDs shall be used and light and switch types shall be agreed.

Reason - In the interest of public safety

13. Footpaths shall be dishd at all road junctions.

Reason - To facilitate access for all in the interest of proper planning and development of the area

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

Reason- In the interests of public safety and residential amenity

15. Prior to the commencement of this development the site developer or appointed contractor shall submit to Planning & Environmental Services for agreement in writing a site specific waste management plan for the recovery/disposal of all wastes arising from the demolition, refurbishment and/or construction related activities of this development. The waste management plan shall include:
 - a. A list of proposed authorised waste collection permit holders to be employed
 - b. A list of the proposed waste facility permitted sites at which the wastes may be recovered or disposed of.
 - c. Estimates of the proposed tonnages of construction and demolition (C&D) wastes by type e.g. soil and stone, rubble, wood, metal and plastic. A template waste management plan can be found at:<https://www.limerick.ie/council/construction-and-demolition-waste>.
 - d. If asbestos containing materials have been identified as present, they shall be included in items a, b and c above.

Reason- In the interests of public safety and residential amenity

16. Appropriate road markings and traffic signage shall be provided on all newly constructed roads and maintained until formally taken-over by Limerick City & County Council.

Reason – In the interest of traffic safety

17. 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.

18. 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

19. Prior to commencement of development, the developer shall submit for the written agreement with the Planning Authority details relating to bin storage for the development.

Reason: In the interest of traffic and pedestrian safety

