

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

Re: Permission for the following:

The refurbishment of the existing properties, to include the demolition of existing rear single storey extensions to 2A & 2B High Street (15.8m²), the construction of new two storey extension to the rear of 2A & 2B High Street (23.5m²) and to combine the two units as one single property.

At: 2A & 2B High Street, Kilfinane, Co. Limerick

Planning Reference No. 22/8009



Karen Mc Donnell

Executive Planner

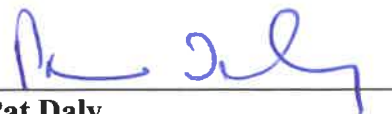


Nuala O' Connell

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Director of Services

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 6 of this report.



Dr. Pat Daly
Chief Executive
Limerick City & County Council

Date: 9.9.2022

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1. 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. Description of the nature and extent of the proposed development

The proposed development is located within Kilfinane, a Level 4 settlement as set out in the Limerick Development Plan 2022 – 2028. The site has an area of 0.013Ha and comprises two vacant houses known as 2A & 2B High Street, Kilfinane.

The Applicant, Local Authority Housing and Construction Maintenance, Limerick City & County Council proposes the following:

The refurbishment of the existing properties, to include the demolition of existing rear single storey extensions to 2A & 2B High Street (15.8m²), the construction of new two storey extension to the rear of 2A & 2B High Street (23.5m²) and to combine the two units as one single property.

The plans and particulars were placed on public display from the 13th of June 2022 up to and including 12th of July 2022. Submissions and observations were invited up to the 25th of July 2022.

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

3.1 Key Policy Provisions

Limerick Development Plan 2022 - 2028

The Limerick Development Plan sets out the following policies and objectives with respect to acceptable development in the location in question:

The site is zoned ‘Existing Residential’

Objective: To provide for residential development, protect and improve existing residential amenity.

Purpose: This zone is intended primarily for established housing areas. Existing residential amenity will be protected while allowing appropriate infill development. The quality of the zone will be enhanced with associated open space, community uses and where an acceptable standard of amenity can be maintained, a limited range of other uses that support the overall residential function of the area, such as schools, crèches, doctor’s surgeries, playing fields etc.

Policy CS P2 Compact Growth

It is a policy of the Council to support the compact growth of Limerick City Metropolitan Area, towns and villages by prioritising housing and employment development in locations within and contiguous to existing City and town footprints where it can be served by public transport and walking and cycling networks, to ensure that development proceeds sustainably and at an appropriate scale, density and sequence, in line with the Core Strategy Table 2.7.

Policy CGR P1 Compact Growth and Revitalisation

It is a policy of the Council to achieve sustainable intensification and consolidation, in accordance with the Core Strategy, through an emphasis on revitalisation and the delivery of more compact and consolidated growth, integrating land use and transport, with the use of higher densities and mixed-use developments at an appropriate scale on brownfield, infill, backland, state-lands and underutilised sites within the existing built footprint of Limerick's City, Towns and Villages.

Objective HO O4 Re-use of Existing Buildings

It is an objective of the Council to encourage redevelopment and reuse, including energy retrofitting, of existing housing stock and conversion of other suitable buildings to sustainable housing accommodation

Objective CGR O20 Town and Village Revitalisation

It is an objective of the Council to:

- a) Promote and support the renewal and revitalisation of rural town and village centres to enhance the vitality and viability of settlements as attractive residential and service centres.
- b) Support and work with State Bodies, private landowners, community and voluntary groups to successfully achieve the renewal and revitalisation of Limerick's towns and village centres, including projects to re-use vacant premises and underutilised sites, enhance the unique characteristics and assets of Main Streets and improve the public realm.

Objective CGR O15 Requirements for Developments within Level 4 Settlements

It is an objective of the Council within these settlements to facilitate development, subject to compliance with the following:

- a) To ensure that the scale of new housing developments both individually and cumulatively shall be in proportion to the pattern and grain of existing development. Generally, no one proposal for residential development shall increase the existing housing stock by more than 10 – 15% within the lifetime of the Plan, unless the applicant can demonstrate that the settlement has adequate capacity in terms of both physical and social infrastructure to support additional growth.
- b) The development of these centres shall provide for serviced sites and a variety of other house types and densities as appropriate.
- c) New commercial developments shall generally be located within the core area and shall contribute positively to the village urban fabric and streetscape.
- d) New community and social facilities shall be provided in conjunction with residential development as required.

- e) Where there is no treatment plant or limited capacity in the existing treatment plant, sewerage treatment for serviced sites shall generally be by means of individual treatment systems, subject to satisfactory site assessment and compliance with EPA guidelines. All systems shall be constructed so as to allow connection to public sewers in due course when capacity becomes available.

Objective ECON O12 County Towns and Villages

It is an objective of the Council to strongly support the strengthening of the vitality and viability of town and village centres to enhance economic growth, enterprise and employment opportunities.

Objective EH O53 Architectural Conservation Areas

It is an objective of the Council to:

- a) Protect the character and special interest of an area, which has been designated as an Architectural Conservation Area (ACA) as set out in Volume 3.
- b) Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character briefs for each area.
- c) Ensure that any new development or alteration of a building within an ACA or immediately adjoining an ACA, is appropriate in terms of the proposed design, including scale, height, mass, density, building lines and materials.
- d) Seek a high quality, sensitive design for any new development(s) that are complementary and/or sympathetic to their context and scale, whilst simultaneously encouraging contemporary design which is in harmony with the area. Direction can also be taken from using traditional forms that are then expressed in a contemporary manner, rather than a replica of a historic building style.
- e) Seek the retention of all features that contribute to the character of an ACA, including boundary walls, railings, soft landscaping, traditional paving and street furniture.
- f) Seek to safeguard the Georgian heritage of Limerick.

3.2 Habitats Directive Project Screening Assessment

An Appropriate Assessment Screening Report has been undertaken for the proposed development and was prepared by ASH Ecology & Environmental Ltd. The report concludes that on the basis of objective information, the possibility may be excluded that the proposed works will have a significant effect on any Natura 2000 site. Overall the Planning Authority is satisfied 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.

3.3 EIA Screening

An EIAR Screening Report has been undertaken for the proposed development and was prepared by ASH Ecology & Environmental Ltd. The development does not fall within any of the threshold requirements for a mandatory EIA as specified in Section 5 of the Planning and Development Regulations 2001, as amended. The size and scope of the development is limited and does not require the preparation of an Environmental Impact Assessment Report.

3.4 Land Acquisition

Limerick City & County Council is the owner of the site.

4. Submissions with respect to the proposed development

Public Submissions

Table 1 provides a schedule of the submissions received from members of the public during the public consultation process.

Submission Ref.	Prescribed Bodies/External Consultations	Date Received	Method
No. 1	Marie Watson & Paul Philpot	12/07/2022	Letter

Table 1: Submissions Received During the Public Consultation Process

Prescribed Bodies / External Consultations

Table 2 provides a schedule of the Prescribed Bodies/External Consultations consulted, and responses received during the consultation process.

Submission Ref.	Prescribed Bodies/External Consultations	Date Received	Method
No. 2	Irish Water	11/07/2022	Letter via Email

Table 2: Prescribed Bodies/External Consultations and Responses Received

RESPONSES TO PRESCRIBED BODIES / EXTERNAL CONSULTATIONS

Submission Ref. No. 1. Marie Watson & Paul Philpot

Submission Summary

1. We are concerned that the proposed works may affect the structural integrity of our property, given the age and proximity to the site. It would be important that a full structural survey is taken of all properties affected by the planned works and suitable measures put in place to ensure the stability and integrity of all adjacent structures is not compromised during or after the works. Any measures put in place must be checked and recorded during the works with any non-compliances notified and works halted accordingly.
2. The proximity of the planned works to a restaurant facility is also of great concern to us, given the possibility of dust, noise, vibration and vermin likely to emanate from the site. Suitable protection and mitigation measures must be put in place by the Contractor to ensure there is no adverse effects on our business. These must be in place ahead of any planned works and must be in place for the full duration of the works.

3. Any Contractor appointed to carry out the works must be a suitably qualified and experienced professional with their own insurances. They should be instructed to liaise with us at the earliest possible opportunity.
4. Any residual effects that manifest themselves during or after the works, whether or not they were caused by the works, must be resolved by LCCC. The Contractor at the earliest possible opportunity. Such residual effects may include cracking, dampness, leaks or structural distortion of any kind.

Response

1. A structural survey by a qualified professional of party wall structures will be carried out prior to the works. Suitable measures will be put in place to ensure the structural stability and integrity of adjoining structures.
2. There are standard conditions of contract preliminaries that specify noise, dust and vibration mitigation measures. Also the length of the working day, the days and the duration of the contract is also specified in the Contract Preliminaries.
3. All Contractors engaged by Limerick City & County Council are screened for qualifications, safety records and insurances as part of the procurement process. Non-compliant Contractors are ejected from the process before they are considered for appointment.
4. Any residual effects that manifest themselves during or after the works if proven to be caused by the works will be resolved by Limerick City & County Council. The appointed Main Contractor at the earliest possible opportunity.

Submission Ref. No. 2. Irish Water

Submission Summary

Irish Water made the following observations and conditions:

1. 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. Connections will be subject to the Irish Water Capital Investment Programme.
2. All development shall be carried out in compliance with Irish Water Standards codes and practices.

Response

Noted.

5. Summary of key planning issues:

Principle of the development

The proposed development is located on residential zoned land on High Street in Kilfinane. The proposal provides for the refurbishment of two vacant residential units to form one two-bedroom unit. The principle of the proposed development at this location is acceptable subject to all other material considerations.

Planning History

None

Topography

The subject site is accessed directly from the public footpath on High Street and is located between a two-storey dwelling and a three-storey building which is in use as a restaurant at ground floor level. The most up to date flood map information shows that the site is not located within or immediately adjacent to a designated flood zone.

Layout

The proposal is for the amalgamation of the two residential units into one unit. The existing single storey rear extension is to be demolished and a new replacement two-storey extension constructed. The proposed extension would comprise of a kitchen and WC at ground floor level and a bathroom and landing at first floor level. The front door serving no. 2A is to be removed at blocked up.

The dwelling size and room sizes comply with the relevant Section 28 guidelines. The proposed unit is a high quality design and finished in painted render with fiber cement slates. New windows, doors and rainwater goods are proposed.

Internal Correspondence has been received from Environment (Waste Management) Limerick City & County Council. The correspondence received outlines specification regarding waste disposal and management. Appropriate action to apply. Internal Correspondence has also been received from the Conservation Officer at Limerick City & County Council. The correspondence received outlines details regarding the street frontage of the building and the use of materials appropriate to the character of the Architectural Conservation Area. Appropriate action to apply.

6. Conclusion

The proposed development is considered to be acceptable in principle 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 and objectives of the Limerick Development Plan 2022-2028, and is therefore acceptable and in accordance with the proper planning and sustainable development of the area as a whole.

7. 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 13th of June 2022, 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. 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.

3. A Construction & Environmental Management Plan shall be prepared prior to commencement. This plan shall provide details of intended construction practice for the development, including surface water management, noise/vibration and traffic management measures and off-site disposal of construction/demolition waste.

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

4.
 - a. Prior to commencement of development a Refurbishment Demolition Asbestos Survey, RDAS shall be carried out in accordance with section 8 of the Health and Safety Authority, Asbestos guidelines (Practical Guidelines on ACM Management and Abatement) and submitted for the written agreement of the Planning Authority.
 - b. Prior to the commencement of the development the site developer or appointed contractor shall submit to Planning and 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.

Reason - In the interests of public safety, residential amenity and sustainable waste management.

5. A schedule of materials and external finishes to be used within the development shall be submitted and agreed in writing with the Planning Authority prior to the commencement of the development.

Reason - In the interest of visual amenity and to protect the character of the Architectural Conservation Area.