



An
Bord
Pleanála

Inspector's Report ABP-305441-19

Development

Demolition of existing sheds and shop unit and construction of 6 townhouses, 2 semi-detached houses, car parking, and all ancillary site works.

Location

Site on the south eastern corner of the junction between Ballysimon Road and Woodlawn Park, Limerick City.

Planning Authority

Limerick City & County Council

Planning Authority Reg. Ref.

18/1260

Applicant(s)

Seaboro Ltd

Type of Application

Permission

Planning Authority Decision

Refusal

Type of Appeal

First Party -v- Decision

Appellant(s)

Seaboro Ltd

Observer(s)

Woodlawn Park Residents Association

Date of Site Inspection

5th December 2019

Inspector

Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located 1.9 km to the ESE of Limerick city centre, i.e. O'Connell Street, and within the city's partial inner ring road, i.e. the R509. This site lies within a predominantly residential area and at the entrance to Woodlawn Park, an established housing estate, which is presently the subject of extension by means of a small housing development to the NE. While it is accessed off the spine road to this estate, it maintains a frontage not only to this road but to Ballysimon Road, too, which, as the R527, forms a radial route into the city centre from the SE where it is continuous with the N24.
- 1.2. The site is of somewhat irregular shape and it extends over an area of 0.14 hectares. While this site is presently vacant, it accommodates a single storey building, which was last used as a shop and which adjoins a two storey dwelling house outside the site, i.e. No. 2 Woodlawn Park. This site also accommodates a fenced-off grassed area to the north of the said building and, to the rear of a wall that dissects the site, an overgrown area to the east/NE that includes two sheds. The site adjoins Ballysimon Road to the north and Woodlawn Park to the west. It also adjoins a back lane to Nos. 3 – 23 (inclusive) Woodlawn Park and the rear garden to a cottage on Ballysimon Road.

2.0 Proposed Development

- 2.1. The proposal would entail the demolition of the existing single storey building (75 sqm) and the existing two sheds.
- 2.2. The proposal would also entail the construction of 8, two-storey, three-bed dwelling houses (850 sqm): These dwelling houses would comprise 6 townhouses, which would be laid out to address the two site frontages and a pair of semi-detached dwelling houses, which would be laid out towards the SE corner.
- 2.3. The site would be accessed by means of a new access point in its SW corner off Woodlawn Park. This point would be continuous with a new access road, which in turn would be continuous with an extensive courtyard between the aforementioned dwelling houses. This forecourt would include car parking spaces, i.e. 11 as originally proposed and 8 as revised. The dwelling houses would be accompanied by

front and rear gardens of varying size and the forecourt and Woodlawn Park frontage would be landscaped.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information permission refused for the following reason:

It is considered that the design and layout of the proposed development and in the absence of comprehensive details on surface water disposal, footpaths, public lighting and boundary treatments would lead to a sub-optimal outcome for the development site, in terms of its streetscape presence and the achievement of both satisfactory standards of amenity for neighbours and future occupiers of the development. The proposed development would therefore constitute a sub-standard form of residential development that would seriously injure the residential amenities of the area, would be contrary to the Sustainable Development in Urban Area – Guidelines for Planning Authorities as published by the Department of the Environment, Heritage and Local Government, 2009, and would be contrary to proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information was requested with respect to the following matters:

- Revised type, design, and layout of proposal,
- Water main layout, including hydrants,
- Consider incorporating back lane into site,
- Details of protection during and finishes after the demolition of the shop to the adjoining dwelling house,
- Details of revised on-site road and car park,
- Details of surface water drainage arrangements,
- Details of public lighting scheme, and
- Response to third party objections.

3.2.2. Other Technical Reports

Limerick City & County Council

- Fire Officer: Further information requested with respect to water main layout and fire hydrants. No comment on receipt of the same.
- Roads/Surface Water Disposal/Public lighting: Following receipt of further information, response on engineering matters considered to be inadequate.
- Environmental Services: No objection, subject to conditions.

4.0 Planning History

The site has been the subject of several applications, each of which proposed the demolition of the existing sheds and shop unit and new development as summarised below:

- 99/770278: Three storey block – 3 shops with 12 apartments above: Refused at appeal PL30.119413 on the grounds of excessive retail provision, lack of car parking, and removal of trees.
- 01/770210: 9 dwelling houses (3 three-bed, 3 four-bed, and 3 five-bed): Refused at appeal PL30.130791 on the grounds of over development and out of character with the pattern of existing development.
- 04/770272: 10 dwellings (4 three-bed townhouses, 3 two-bed apartments, and 3 three-bed duplexes): Refused on the grounds of over development.
- 05/770168: Building A -pharmacy and shop with 2 two-bed apartments above + Building B – doctor's surgery with 1 two-bed apartment above + car park: Refused on the grounds of over development.
- 07/770164: 11 dwellings (1 three-bed house, 3 three-bed duplexes, and 2 one-bed and 5 two-bed apartments): Refused on the grounds of over development.
- 08/770304: 10 dwellings (3 three-bed duplexes and 7 two-bed apartments): Permitted at appeal PL30.233449.

- Application for Part V exemption certificate to shadow current proposal granted 15th January 2019.

5.0 Policy and Context

5.1. Development Plan

Under the Limerick City Development Plan 2010 – 2016 (CDP), the site is shown as lying within an area that is zoned “2A Residential”, wherein the Objective is “To provide for residential development and associated uses.” For car parking purposes, this site is in Zone 3.

The CDP’s Development Management Chapter addresses infill housing. It states the following:

In all cases where permitted infill housing should:

- *Have regard to the existing character of the street by paying attention to the established building line, proportion, heights, parapet levels and materials of surrounding buildings.*
- *Comply with the appropriate minimum habitable room sizes.*
- *Have a safe means of access to and egress from the site which does not result in the creation of a traffic hazard.*

5.2. Natural Heritage Designations

- Lower River Shannon SAC (002165)
- River Shannon and River Fergus Estuaries SPA (004077)
- Fergus Estuary and Inner Shannon pNHA (002048)

5.3. EIA Screening

Under Items 10(b)(i) & (iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2019, where more than 500 dwelling units would be constructed and where 10 hectare-urban sites would be developed, the need for a mandatory EIA arises. The proposal is for the development of a 0.14-hectare site

to provide 8 new build dwelling units. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall below the relevant thresholds, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- The applicant critiques the draft reason for refusal as follows:
 - The layout of the current proposal reflects that which was previously permitted by the Board under PL30.233449, when the national planning guidelines cited were operative.
 - The only significant addition is that of the pair of semi-detached dwelling houses, which would enclose the proposed courtyard.
 - The engineering matters could have been conditioned.
- The proposal would have a density of 57 dwellings to the hectare and it would have a plot ratio and a site coverage of 1.4 and 43%, respectively.
- At the appeal stage the applicant has revised its proposal: Thus, all but one of the dwellings would be accessed via the courtyard with corresponding changes to elevations, the re-specification of the courtyard as a shared surface with hard and soft landscaping, and a reduction in the number of car parking spaces from 11 to 8.
- The applicant comments on the planning history of the site: Only the above cited appeal decision resulted in permission being granted. In the light of this history, exception is taken to the Planning Authority's request for the current proposal to be re-worked as an apartment scheme and the view is expressed that, notwithstanding recent national planning guidelines, it is important to ensure that development reflects local conditions, i.e. physically, socially, and from the perspective of what is marketable.

- The applicant comments on how the proposal would comply with the advice on infill sites on transport corridors set out in the Sustainable Residential Development in Urban Areas Guidelines with respect to density and car parking provision.
- The applicant responds further to the draft reason for refusal as follows:
 - Principle of development: Notwithstanding the Planning Authority's position outlined above, the proposal would be of an appropriate type and density for the site.
 - Design and layout: The proposed townhouses would be an appropriate addition to the streetscape, e.g. they would be of a comparable height to existing dwelling houses. Their form was previously permitted under PL30.233449. These townhouses and the pair of semi-detached dwelling houses would be compatible with the amenities of existing residential properties in the area. Revisions brought forward at the appeal stage would enhance the amenities of the scheme for future occupiers. In this respect, if the Board considers that the balance between hard and soft landscaping in the courtyard needs to be re-struck more in favour of soft landscaping, then a condition to this effect is invited.
 - Technical details and associated infrastructure: Proposed connections to public services would replicate that which was permitted under PL30.233449. The applicant has explained that as the connection manhole is at a depth of 1.2m, it would not be feasible to construct an attenuation system with the necessary cover in the site. Accordingly, surface water from the courtyard would drain to the public sewer, while such water from roofs would drain to soakaways within the house plots. The road layout and sightlines would accord with DMURS and public lighting would accompany this layout.

6.2. Planning Authority Response

None

6.3. Observations

The observer supports the Planning Authority's decision. It adds the following comments:

- The site has been left in a derelict, unsightly, and dangerous condition since the 1990s and this has had a blighting effect on the area.
- Attempts to clean-up the site have come to naught.
- The traffic generated by the proposal would exacerbate existing congestion and be an added hazard.
- Another development for 11 social housing units is proceeding in the area: Further development at this time would be excessive.
- The observer would welcome the development of the site for bungalows to house those over 55, thereby enabling local residents to downsize and free-up family size dwelling houses.

6.4. Further Responses

None

7.0 Assessment

7.1. I have reviewed the proposal in the light of national planning guidelines, the CDP, relevant planning history, the submissions of the parties and the observer, and my own site visit. Accordingly, I consider that the current application/appeal should be assessed under the following headings:

- (i) Land use and density,
- (ii) Development standards,
- (iii) Amenity,
- (iv) Traffic, access, and parking,
- (v) Water, and
- (vi) Stage 1 Screening for AA.

(i) Land use and density

- 7.2. Under the CDP, the site is zoned “2A Residential”, wherein the Objective is “To provide for residential development and associated uses.” This site is located at the entrance to the established Woodlawn Park housing estate and it lies along a stretch of Ballysimon Road which is predominantly in residential use. Thus, in terms of the zoning objective and surrounding land uses, its proposed development for residential use would, in principle, be appropriate.
- 7.3. The proposal is for the construction of 8 dwelling units on a 0.14-hectare site. This number of dwelling units represents a density of 57 dwellings per hectare. The site itself is at least partially a brownfield one and it abuts Ballysimon Road (R509), a radial route, which is served by public transport, i.e. inward and outward-bound bus stops lie within 500m of the site.
- 7.4. Under the Sustainable Residential Development in Urban Areas (SRDUA) Guidelines, brownfield sites and sites on public transport corridors are discussed with respect to density. “In general, minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors.”
- 7.5. The proposal, at 57 dwellings per hectare, would exceed the minimum net density applicable to a site on a public transport corridor. The Planning Authority’s draft reason for refusal, insofar as it refers to the contravention of SRDUA Guidelines, cannot be referring to density but, perhaps, to considerations cited under the heading of “Inner suburban/infill”.
- 7.6. The applicant has sought to defend the density of its proposal by reference to the planning history of the application site, which illustrates that larger schemes have consistently been refused on the grounds of over development, except for that which was permitted under PL30.233449, when 10 dwellings were permitted, i.e. 7 apartments and 3 duplexes. The current proposal is for dwelling houses rather than apartments or duplexes.
- 7.7. I conclude that the proposal would be appropriate from land use and density perspectives.

(ii) Development standards

- 7.8. The proposal is for 8 two-storey three-bed/5-person dwelling houses, 6 of which would be townhouses and 2 of which would be semi-detached. Of the 8, 7 would be of similar design and layout, while the remaining 1 would differ in these respects, due to its “hinge” siting between the 2 townhouses, which would be orientated NNE/SSW, and the 3 townhouses, which would be orientated NW/SE.
- 7.9. Under the Quality Housing for Sustainable Communities: (QHSC) Best Practice Guidelines, the target gross floor area for two-storey three-bed/5-person dwelling houses is 92 sqm. Under the proposal, the 7 similar dwelling houses would each have a gross floor area of 105 sqm and the remaining dwelling house would have a gross floor area of 115 sqm.
- 7.10. The QHSC Best Practice Guidelines also make recommendations with respect to living and bedroom space. These recommendations would be met. However, the recommended aggregate storage space of 5 sqm in each dwelling house would not be met. In this respect, while I acknowledge that the proposed hot presses would be of generous dimensions and that there may be scope to provide some storage space under the staircases, there would still be the need for additional internal storage space to be specified if this recommendation is to be met.
- 7.11. The significance of the aforementioned shortfall also relates to the small amount of private open space that would accompany the townhouses especially. Thus, there would be realistically no opportunity to provide external storage in the form, e.g. of conventional gardens sheds. I also note that no provision has been made for the storage of bicycles.
- 7.12. As revised the proposed site layout would entail an unduly expansive courtyard area. The applicant acknowledges this, in effect, by inviting that this area be reapportioned. However, notwithstanding this invitation, the CDP's standards with respect to private open space and car parking provision would militate against a successful outcome in these respects. Thus, as the site is located in an inner suburban as distinct from an inner city location, the requisite standard of private open space for each bedspace is 12 – 15 sqm and the requisite number of car parking spaces is 2 for residents and 25% for visitors. Essentially, the current proposal, which is for townhouses as distinct from apartments/duplexes, is unable to

meet CDP standards, which for townhouses have not been relaxed by more recent national planning guidelines.

- 7.13. In the light of the foregoing paragraph, while a scenario could be envisaged within which the courtyard would be redesigned to accommodate external storage buildings, including bicycle storage, and increased garden areas, such a scenario would manifestly fail to meet the aforementioned requisite CDP standards.
- 7.14. Turning from quantitative to qualitative factors, 7 of the 8 dwelling houses would enjoy sunlit aspects. The remaining “hinge” dwelling house would face NNE and NW. The introduction of a generously dimensioned rooflight on the rear roof plane over the first-floor landing would be a way of introducing some direct sunlight to the interior. In other respects, this dwelling house would have greater floorspace than the other 7, but no rear garden. While the former could be considered as some compensation for the aforementioned lack of sunlight, the latter could be compensated for by means of a freestanding dedicated garden elsewhere within the forecourt.
- 7.15. I conclude that the proposal would, under CDP standards, fail to afford a satisfactory standard of amenity to future occupiers, as it would not be possible to provide the requisite amount of private open space for the townhouses deemed to be appropriate to an inner suburban location. While other matters such as the shortfall in internal storage space and the need for a rooflight to No. 3 could be conditioned, the aforementioned failure would not be capable of being overcome. Thus, the case planner’s insistence that, if the site is to be developed for residential use, it be developed for apartments/duplexes would appear to be vindicated.

(iii) Amenity

- 7.16. The observer recounts how the vacant and neglected site has blighted the area over many years and how its redevelopment for retirement housing in the future would be welcome, once the existing extension to Woodlawn Park housing estate in the form of 11 social dwelling houses has had time to be assimilated.
- 7.17. During my site visit, I observed the current state of the site, its “gateway” location at the entrance to the said housing estate, and hence the desirability of its development. While I understand the observer’s aspirations for the site and the timing of its development, the CDP’s zoning of this site is insufficiently prescriptive to

require that it be reserved for retirement housing and so I am not in a position to object to the current proposal on the basis that it would comprise dwelling houses more suitable as starter homes rather than retirement ones.

- 7.18. During my site visit, I observed that the social housing site is at an advanced stage and so I do not anticipate that, if the current proposal were to be permitted, its implementation would coincide with the construction period of this other site. Thus, local residents would not face the heightened disruption of overlapping construction periods.
- 7.19. The Planning Authority's draft reason for refusal refers not only to the current proposal as providing a "sub-standard form of residential development", but that it would "seriously injure the residential amenities of the area".
- 7.20. The proposed layout of the site would entail the siting of the pair of semi-detached dwelling houses towards the SE corner of the site. The rear elevations of these dwelling houses would be between 3 and 6.5m from a back lane, beyond which lie the rear gardens to existing dwelling houses. A degree of overlooking would arise from first floor bedroom windows. However, "on the ground" the existence of outbuildings in the nearest of these gardens, in particular, would limit the ensuing loss of privacy.
- 7.21. The proposed layout of the site would also entail the siting of the townhouses along the site's frontages with Ballysimon Road and Woodlawn Park. The former frontage would align with the existing front building line to the east, while the latter frontage would be forward of the front building line exhibited by the dwelling house that would be retained outside the site once the former shop building is demolished. This line is set at a diagonal to the adjacent building line exhibited by the dwelling houses at Nos. 3 – 6 (inclusive). Beyond these dwelling houses, the building line exhibited by the dwelling houses at Nos. 7 – 10 (inclusive) is set at a diagonal to correspond with the curved alignment of the adjacent road. Within this context, the pronounced forward siting of the said frontage would strike a somewhat discordant note in streetscape terms.
- 7.22. The original design of the proposal was modified at the appeal stage to ensure that the majority of townhouses have "front doors" onto the courtyard and to achieve a more contemporary aesthetic. The two storey form of these townhouses and indeed

the dwelling houses would complement existing single and two storey dwelling houses and so they would be in scale with the streetscape.

- 7.23. At the level of detail, if it is assumed that the brick finished parapet topped front elevation features would project forward, then clarification is needed as to how they would interface with the eaves line. The submitted plans should be augmented and revised accordingly to fully reflect these features. If the proposal were to be permitted, then this matter could be conditioned.
- 7.24. I conclude that, while the proposal would be compatible with the residential amenities of the area, it would not be fully reconciled with the visual amenities of the area.

(iv) Traffic, access, and parking

- 7.25. The proposal would generate traffic during its construction and operational phases. The former could be addressed by means of a construction traffic management plan, while the latter would be accommodated by means of a new access point off Woodlawn Park and an accompanying access road/courtyard/8 car parking spaces.
- 7.26. The proposed access point would be sited in the SW corner of the site in a position where it would be at the furthest remove from the junction between Ballysimon Road and Woodlawn Park and thus where sightlines/forward visibility would be capable of being maximised. A speed hump across the carriageway adjacent to the proposed access point has not been addressed by the applicant. Presumably, it would be capable of being re-sited in conjunction with the provision of the same.
- 7.27. Under further information, the Planning Authority sought revisions to the access point and the accompanying access road/courtyard/car parking spaces, e.g. specification of radius kerbs and the inclusion of a footpath and a formal turning head. At the appeal stage, the applicant has submitted its own revisions in a bid to comply with the Design Manual for Urban Roads and Streets (DMURS). It has thus specified a raised paved shared surface for the 4.8m wide access road, i.e. a home zone. Radius kerbs continue to be omitted and the sightlines available to exiting drivers have not been superimposed. Under Table 4.2 of DMURS, the relevant “y” distances for various design speeds are specified. If it is assumed that a lower design speed could be acceded to, given the proximity of the proposed access point to the above cited junction, then *prime facie* compliance would be achievable.

- 7.28. As cited above under paragraph 7.12, the CDP's car parking standards indicate that 18 spaces should be provided, i.e. 16 for residents and 2 for visitors, whereas 8 are proposed (11 under the original proposal), a significant shortfall that would be likely to lead to overspill parking on Woodlawn Park.
- 7.29. The applicant draws attention to the discussion of car parking under the SRDUA Guidelines. Realism is counselled having regard to the proximity of public transport routes and so some reduction in the above cited requirement could reasonably be acceded to. However, I consider that this should not extend to only 8 spaces.
- 7.30. The proposal omits to show any bicycle parking. Under the CDP, 1 space per dwelling unit would be required as a minimum. Under paragraph 7.13 above, I discuss how such parking could be provided as part of external storage buildings.
- 7.31. I conclude that, whereas the proposal would be capable of being provided with access arrangements that comply with DMURS, the significant shortfall in car parking spaces would not be capable of being overcome.

(v) Water

- 7.32. The proposal would be served by the existing public water mains and public foul and surface water sewerage system. Irish Water does not appear to have commented on the proposal.
- 7.33. Under further information, the Planning Authority requested that the applicant submit details of the proposed on-site surface water drainage arrangements, which should include SuDS such as a stormwater attenuation tank. The applicant responded by stating that, due to the shallow depth of the target manhole in Woodlawn Park, the provision of such a tank below ground would not be possible and so the requirement for the same should be waved. Soakaways would however be installed to serve each of the proposed dwelling units.
- 7.34. While I note the applicant's response, I am concerned that it has not explicitly explored the existence or otherwise of alternative manholes that may allow for the installation of an attenuation tank and/or the question of pumping from such a tank has not been addressed. I am also concerned that over the compatibility of soakaways and the very limited garden area that would accompany some of the dwelling units has not been explicitly investigated. I, therefore, agree with the

Planning Authority's critique that insufficient information has been submitted with respect to surface water drainage.

- 7.35. Under the OPW's flood maps, the site is not shown as being the subject of any identified flood risk.
- 7.36. I conclude that the applicant has failed to submit sufficient information with respect to the proposed surface water drainage arrangements for the proposal.

(vi) Stage 1 Screening for AA

- 7.37. The site is not in a Natura 2000 site and it lies at some considerable remove from such sites. This site is one that is capable of being serviced by public infrastructure for the purposes of foul and surface water disposal.
- 7.38. Having regard to the nature of the receiving environment, no Appropriate Assessment issues arise, and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. That permission be refused.

9.0 Reasons and Considerations

1. Under the Limerick County Development Plan 2010 – 2016, which remains the relevant operative development plan, the amount of private open space that would accompany the proposed dwelling houses would fall short of the minimum specified for dwelling houses in inner suburban locations, such as that of the site, and so the proposal would fail to provide a satisfactory standard of amenity to future occupiers and it would contravene the Development Plan. It would thus be contrary to the proper planning and sustainable development of the area.
2. Under the Limerick County Development Plan 2010 – 2016, which remains the relevant operative development plan, the number of car parking spaces would fall short of the number required to serve dwelling houses in inner suburban locations, such as that of the site. Overspill on-street car parking would be likely to ensue leading to obstruction and congestion on Woodlawn Park. The proposal would thus fail to uphold good traffic management principles and it would contravene the Development Plan. It would thus be contrary to the proper planning and sustainable development of the area.
3. The applicant has submitted insufficient information to establish that the proposal would be capable of being served by satisfactory on-site surface water drainage arrangements. Thus, to accede to it in these circumstances would be premature and may heighten the risk of flooding from the public sewer. Accordingly, this proposal would be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

3rd January 2020