



An
Bord
Pleanála

Inspector's Report

ABP-306292-19

Development	Demolition of existing house and construction of a two-storey building with 4 no. 2 bed apartments.
Location	Laurel Lodge, Mill Road, Corbally, Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	18/1191
Applicant(s)	Darragh Foley
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party V. Grant
Appellant(s)	Gerardine Kennedy
Observer(s)	None
Date of Site Inspection	29 th April 2020
Inspector	Elaine Power

1.0 Site Location and Description

- 1.1. The appeal site is located on Mill Road, Corbally, approx. 3km north of Limerick City centre. The area is suburban in nature and there are a variety of house styles and sizes within the immediate vicinity of the site.
- 1.2. The site is irregular in shape and has a stated area of 0.0897ha. The site is divided into two elements. A derelict house, which sits at the boundary with Mill Road, and an associated rear garden. The single storey house has a stated gross floor area of 60.7sqm. The site also accommodates an overgrown vehicular route. These two elements are separated by a low stone wall, mature trees and overgrown vegetation. The site boundaries includes mature trees, overgrown vegetation and a stone wall.
- 1.3. The site is bound to the north by a large detached house ' Laurel Cottage' and by a residential development currently under construction, to the south and east by the 'Spring Grove' residential estate which comprises large detached and semi-detached houses. To the east the site is bound by Mill Road and a number of detached houses.
- 1.4. There is an existing gated vehicular access to the site from Mill Road.

2.0 Proposed Development

- 2.1. It is proposed to demolish the existing derelict house and construct a 2-storey building comprising 4 no. 2-bed apartments. The proposed apartment building is a contemporary design, with a flat roof and large windows. The building has a maximum height of 6.1m. The external materials include a render finish with selected cladding.
- 2.2. It is proposed to retain the existing vehicular access and provide 6 no. surface level car parking spaces within the site. An area of open space is proposed in the northern portion of the site. The development would be connected to the public water main and public sewer system.
- 2.3. ***Further Information lodged 4th November 2019***

The response to further information resulted in minor amendments to the scheme, including the reposition of balconies / terraces, alterations to the front elevational treatment and the rearrangement of the internal vehicular route and car parking area.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 22 no. conditions. The relevant conditions are outlined below: -

Condition 1: clarified that permission was granted for the scheme submitted by way of further information.

Condition 4: Related to flood resistance and resilience measures to be incorporated into the design and construction of the development.

Condition 14: Required a revised site layout plan be submitted indicating proposed footpath and road arrangements.

Condition 22: Required a landscaping plan to be submitted indicating the number and species of trees and planting proposed to offset the removal of trees proposed.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial Area Planners report raised some concerns regarding the proposed development and recommended that further information be sought regarding the following: -

1. A photographic survey of the site
2. Details of the site boundaries
3. A tree survey, indicating which trees would be retained
4. Revised plan and cross sections indicating the existing ground level and finished floor level of the development in the context of adjoining properties.
5. Details of boundary treatments in context of level differences with adjoining properties
6. Details of the front boundary and vehicular entrance
7. A Refurbishment Demolition Asbestos Survey shall be submitted
8. Revised elevations indicating internal balcony elements

9. Revised layout with regard to roads and footpath requirements
10. Revised public lighting layout
11. Revised car parking arrangements
12. Revised Surface Water Disposal arrangements

3.2.2. **Other Technical Reports**

Environmental Services: Final report no objection to the Refurbishment Demolition Asbestos Survey report submitted.

Operations and Maintenance Services: Final report recommends clarification of further information regarding (1) sightlines, (2) internal road and footpath widths, (3) auto-track drawings, (4) details of tactile paving at the vehicular entrance, (5) a longitudinal section is required (6) support calculations for hydraulic modelling.

Fire and Emergency Services: No objection subject to compliance with building control regulations.

3.3. **Prescribed Bodies**

Irish Water: No objection subject to a pre-connection agreement

3.4. **Third Party Observations**

9 no. third party submissions were received by the planning authority. The concerns raised are similar to those in the appeal.

4.0 **Planning History**

None.

5.0 Policy Context

5.1. Limerick City Development Plan 2010 – 2016 (as extended)

The appeal site is located in Corbally, approx. 3km north of the city centre. The site is zoned Residential 2A with the associated land use objective *to provide for residential development and associated uses.*

Chapter 14: Area Profiles sets out key objectives for a number of neighbourhoods. With regard to Corbally the key objectives include a high standard of urban design with a clear sense of place and architectural quality that respects the existing character and improved footpaths. Policy H.6 is considered relevant.

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.*

Chapter 16 of the Plan sets out guidance for infill developments:

Infill Housing

In order to comply with general policy on infill sites and to make the most sustainable use of land and existing urban infrastructure, the Planning Authority will permit the development of infill housing on appropriate sites. In general, infill housing should comply with all relevant Development Plan standards for residential development, however, in certain limited circumstances; the Planning Authority may relax the normal planning standards to allow development to take place.

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.*

The relevant policies and objectives of the Limerick County Development Plan are set out below.

- Policy CP 03 - Quality of Life
- Objective SS O6: Compliance with other guidelines
- Policy HOU P 3: High Quality Living Environment
- Policy HOU P 6: Existing Residential Areas
- Objective HOU O1: Density of Residential Developments.
- Objective IN O29: Water Services and Settlement strategy
- Chapter 10 – Development Management Guidelines is also relevant

Corbally is identified in the plan as a wetlands areas, with the associated lands use objection LBR.9 to ensure an appropriate balance of uses within the environment to avoid adverse impact on Natura 2000 sites and sensitive natural receptors associated with the River Shannon

5.2. ***National Planning Framework***

The relevant policies of the National Planning Framework which relate to creating high quality urban places and increasing residential densities in appropriate locations are set out below.

- Policy Objective 4
- Policy Objective 6
- Policy Objective 11
- Policy Objective 33
- Policy Objective 35

5.3. ***National Guidance***

- Urban Development and Building Height Guidelines (2018)
- Sustainable Urban Housing: Design Standards for New Apartments (2018)
- Urban Design Manual, A Best Practice (DOEHLG, 2009)
- Design Manual for Urban Roads and Streets DMURS (2013)

5.4. Natural Heritage Designations

The appeal site is located in the centre of a peninsula, bound to the north, east and west by the River Shannon and is located approx. 300m north, east and west of the Lower River Shannon SAC (002165).

5.5. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal was submitted by Gerardine Kennedy. The concerns raised are summarised below: -

- The proposed development would result in undue overlooking of adjoining properties.
- Concerns that the development would result in a traffic hazard. This issue was not dealt with comprehensively by the planning authority. Condition no. 14 requires the applicant to agree traffic management with the planning authority. There is no way for third parties to assess this information.
- The development is at a significantly higher level than adjoining properties. To screen the proposed development a new 2m high boundary wall is proposed, to be agreed by way of condition 22. The existing boundary wall with the appellants property is 1.2m in height. As the final details of the boundary wall are to be agreed by condition, the appellant can not fully assess the impact of the new boundary wall on her existing residential amenities.

- To offset the loss of existing mature trees the planning authority attached a landscaping condition (condition 22) to the grant of permission. These details should have been agreed prior to the granting of permission. It would appear that no soft landscaping is proposed to the rear of the site, at the boundary with adjoining properties.

6.2. Applicant Response

The applicant's response included revised drawings to address concerns raised by the appellants. The response is summarised below: -

- The appeal site accommodates a run-down gate lodge. The structure is a stand along building having been separated from the main house by various developments over time.
- The application is to replace a single dwelling with 4 no. apartments. The development would address the housing need in the area and increase the density of the urban area in accordance with national, regional and local policy objectives. The site is zoned for residential use.
- The dwelling is modest in size and would not impact on the existing visual amenities of the area.
- The site is located within an urban area and would not negatively impact on existing residential amenities.

Overlooking / loss of privacy

- Drawing no. 1711-17-21 has been submitted with the appeal which shows a separation distance of approx. 20m between the nearest apartment window and the rear boundary wall of the appellants house. There is a separation distance of 13m between the apartment building and the boundary wall. Having regard to the separation distances there would be no undue overlooking.
- To address the concerns raised regarding undue overlooking, the applicant has submitted a revised eastern elevation (Drawing no. 1711-17-22), which indicates high level windows to serve the open plan kitchen / living / dining area and the provision of a wall along the eastern boundary of the balcony.

- To address concerns raised by the appellant the applicant has also submitted section drawings (drawing no. 1711-17-23) for the approved scheme and the proposed amendments submitted with the appeal.

Traffic

- A letter and revised drawings were submitted with the appeal from the applicants consulting engineers to address concerns regarding a potential traffic hazard. It notes that sightlines and stopping distances are in accordance with the DMURS, a 1.8m wide pedestrian route is provided within the site and tactile paving at the proposed entrance is in accordance with the Local Authority's requirements. Revised auto-track drawings have been submitted.
- The drawings submitted with the appeal show the relocation of car parking spaces to ensure that vehicles can access and egress spaces without impinging on car parking spaces. The applicant considers that this is a more appropriate layout to address concerns regarding car parking.
- It is also noted that the internal road is 5m in width and can, therefore, accommodate 2-way traffic.

Boundary Wall and Landscaping

- In response to concerns raised regarding the proposed boundary wall the applicant has submitted a revised drawing (1711-17-23) showing the height of the wall in the context of adjoining sites. The height and design of the wall would ensure the protection of the appellants residential amenity and prevent undue overlooking.
- In response to concerns raised regarding the lack of landscaping the applicant submitted a site layout plan (1711-17-21) indicating the areas for landscaping and tree planting. It is considered that the trees would provide additional screening between the site and the appellants property. It is standard practice to agree landscaping proposals by way of condition.

6.3. Planning Authority Response

None

6.4. Further Responses

Gerardine Kennedy

The appellants response to the applicant's response is summarised below: -

- The landscaping proposals are still limited and should include a minimum 1.2m deep continuous planting with additional trees with a height of 3m. No bin storage should be provided along the rear boundary wall, as indicated in the submitted drawings.
- The provision of high-level windows is welcomed to reduce overlooking. The cill of the window should be a minimum of 1.8m from the finished floor level. It should also be fitted with translucent glazing.
- Discrepancy in the plan and elevational drawings. The elevation indicates that the balcony for the first-floor level apartment could result in undue overlooking of the appellants property while the plans should a solid wall on the side of the balcony.
- The auto-track drawings shows a one-way system this differs from the applicant's statement that two-way traffic is possible. The auto-track drawing does not take account of the landscaping proposals.

Department of Culture, Heritage and the Gaeltacht

Department of Culture, Heritage and the Gaeltacht's response to the appeal raised concerns regarding (1) the potential negative impact of the development on water quality in the Lower River Shannon SAC, (2) mitigation measures may be required, (3) bats may be roosting in the site and (4) nesting birds are evident within the site.

7.0 Assessment

- 7.1. In response to concerns raised in the appeal the applicant submitted a revised drawing with minor amendments to the rear (east) elevation and the car parking layout. This layout was circulated to the appellant who welcomed some of the changes. The following assessment, therefore, focuses on that proposal with reference to the original scheme, where appropriate. The main issues relate to residential amenity and traffic. Appropriate Assessment requirements are also considered. I am satisfied that no other

substantial planning issues arise. The main issues can be dealt with under the following headings:

- Residential Amenity
- Traffic
- Appropriate Assessment

7.2. ***Residential Amenity***

- 7.2.1. It is proposed to demolish an existing derelict house and construct a 2-storey building comprising 4 no. 2-bed apartments. The proposed apartment building is a contemporary design, with a flat roof and large windows. The building has a maximum height of 6.1m.
- 7.2.2. Concerns have been raised that due to the proximity of the development to the rear (eastern) boundary the proposed development would result in undue overlooking of existing houses within the 'Spring Grove' residential estate. The proposed building is located approx. 14m from the rear boundary wall and approx. 20m from the rear of the existing houses. In response to the concerns raised the applicant amended the first-floor windows on the eastern elevation of the building to be high level windows. The Section drawing (1711-17-23) shows that the proposed windows are located approx. 1.8m above the proposed finished ground floor level. The windows serve the open plan kitchen / living / dining room of a first-floor apartment. The revised drawing also indicates that the eastern elevation of the balcony, that serves this apartment, would be blocked by a wall.
- 7.2.3. Having regard to the design and layout of the apartment building and the separation distances from the existing dwellings, it is my view that the proposed development would not result in undue overlooking of adjoining properties.
- 7.2.4. Concerns were also raised regarding the proposed rear boundary treatment and landscaping within the scheme. It is proposed to provide a 2m high rear boundary wall. It is noted that the subject site is approx. 1m higher than the existing properties within 'Spring Grove' residential estate. The wall would be finished with a dry dash plaster and would be capped. The site layout plan submitted in response to the appeal indicates areas of planting and soft landscaping. The appellant also suggested that

the proposed bin storage be relocated away from the rear boundary to the front boundary wall, as indicated on drawing no. 2017.100.100, wall to allow for additional landscaping.

- 7.2.5. I have no objection to the proposed landscaping arrangements or the location of the bin storage. However, it is recommended that a condition be attached that the final landscaping details and location of the bin storage area be agreed with the planning authority.

7.3. **Traffic**

- 7.3.1. Concerns have been raised that the internal road layout would result in a traffic hazard as it does not allow for 2-way traffic. In response the applicant has stated that the proposed development, including sightlines and stopping distances has been designed in accordance with DMURS and would not result in a traffic hazard.
- 7.3.2. The proposed development is set back along the western boundary of the site, to provide a 1.8m wide public footpath and a 5.5m wide carriageway on Mill Road. The set back also allows for improved sightlines from the site.
- 7.3.3. The proposed layout provides a 5m wide shared surface along the southern and eastern boundary of the site. A 1.5m wide pedestrian route is delineated along the northern side of the route adjacent to the apartment building. The access route is approx. 40m in length and provides access to 4 no. car parking spaces located at the northern boundary of the site and to 2 no. car parking spaces located at the southern boundary of the apartment building.
- 7.3.4. A 5m wide internal access road allows for 2-way traffic and, therefore, would not result in any queuing or reversing onto the public road or within the development. It is acknowledged that this is a shared surface, however, having regard to the limited number of residential units and the potential number of vehicular and pedestrian movements generated, it is my view that the proposed development would not result in a traffic hazard or generate any road safety issues. It is also noted that the layout has been designed in accordance with the standards set out in DMURS.

7.3.5. The appellant also noted that the auto-track drawings do not take account of the proposed landscaping areas. Auto-track drawing (2017.100.102) does not include the landscaping proposals for the site and shows a vehicle encroaching on a proposed landscaping area as indicated in drawing no.1711-17-21. However, having regard to the overall width of the turning area provided, approx. 11m, it is my opinion that vehicles can access and manoeuvre safely and efficiently within the site. Having regard to the information submitted it is also considered that all car parking spaces can be accessed and egressed independently of one another.

7.4. ***Appropriate Assessment***

7.4.1. In response to the appeal the Department of Culture, Heritage and the Gaeltacht's raised concerns regarding the potential negative impact of the development on Lower River Shannon SAC.

7.4.2. The appeal site is located in the centre of a peninsula, bound to the north, east and west by the River Shannon. It is located approx. 300m north, east and west of the Lower River Shannon SAC (002165). The proposed development would not be located within the SAC and there would be no direct effects as a result of the works.

7.4.3. The Lower River Shannon SAC stretches for over 120km through counties Clare, Limerick and Kerry. The site is of great ecological interest as it contains a high number of habitats and species listed on Annexes I and II, including the priority habitats lagoon and alluvial woodland, Bottle-nosed dolphin and lamprey.

7.4.4. As indicated on the OPW flood maps the site is located outside of any flood zones. Foul water from the site would be connected to the public mains. The potential pathways for impacts on the Lower River Shannon SAC are, therefore, confined to surface water run-off. The site is located in a serviced urban area and in the absence of a pathway to the SAC there is no likely effects.

7.4.5. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect Lower River Shannon SAC European Site No 002165

or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required

8.0 Recommendation

It is recommended that permission be granted subject to conditions.

9.0 Reasons and Considerations

Having regard to the residential zoning objective of the site, the pattern of development in the area and the small scale of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the amenities of the area and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 4th day of November 2019 and by the further plans and particulars received by An Bord Pleanála on the 29th day of January, 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. The high level windows on the eastern elevation shall be located a minimum of 1.8m from the finished floor level.

Reason: In the interest of residential amenity.

3. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

4. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials [and for the ongoing operation of these facilities] for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage

5. The formation of the vehicular access and the provision of a public footpath along the front (western) boundary of the site, on Mill Road, shall be constructed in accordance with the requirements of the planning authority.

Reason: In the interest of orderly development and traffic safety

6. Proposals for a naming scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs, and apartment numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

8. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

9. The applicant shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

10. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

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

11. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

12. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

Elaine Power

Planning Inspector

13th May 2020