



An
Bord
Pleanála

Inspector's Report ABP-307359-20

Development	Demolition of an existing hay barn and construction of a residential development comprising 8 units, with site entrance, and all ancillary site development works.
Location	Foxhollow, Golf Links Road, Castletroy, Co. Limerick.
Planning Authority	Limerick City & County Council
Planning Authority Reg. Ref.	19/1037
Applicant(s)	Pat Hoare Building Contractors Ltd
Type of Application	Permission
Planning Authority Decision	Grant, subject to 23 conditions
Type of Appeal	Third Parties -v- Decision
Appellant(s)	Peggy Kerley Residents of Foxhollow Padraig Carmody & Kathleen Regan
Observer(s)	None

Date of Site Inspection

4th August 2020

Inspector

Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site lies in the eastern suburbs of Limerick, some 4km from the city centre. This site lies towards the entrance of Fox Hollow, a small estate of detached dwelling houses clustered around two cul-de-sacs, which has more recently been extended to the N to provide additional detached dwelling houses. Fox Hollow is accessed from the E off Golf Links Road, which runs between Dublin Road (R445) to the N and Ballysimon Road to the SW. It is the subject of downward gradients from its junction with Golf Links Road.
- 1.2. The site itself is of regular shape and it is the subject of downward gradients from the NE to the SW. This site extends over an area of 0.2457 hectares and it presently accommodates a freestanding Dutch barn, which is being used to store building materials. The site maintains an extensive frontage along the south eastern side of Fox Hollow from where it is accessed at two points via gated entrances. The upper gateway connects with an on-site track, which laps around to serve the Dutch barn, while the lower gateway connects to a hardstanding.
- 1.3. The site is enclosed by walls on each boundary apart from the SSE, where there is an agriculture fence and vegetation separating it from the field beyond. The NW boundary is continuous with the roadside. However, the existing wall along this frontage is set back behind a grass verge, within which there is a stand of several mature deciduous trees towards the northern corner of the site. To the ENE, the site adjoins the grounds of a two storey detached dwelling house of traditional design and appearance, which is accompanied by outbuildings. To the SW, the site adjoins the grounds of the nearest detached dwelling house, a dormer bungalow, on the cul-de-sac that adjoins the site. There is a vacant house plot opposite this dwelling house.

2.0 Proposed Development

- 2.1. The proposal, as originally submitted, entailed the following elements:
 - The demolition of an existing Dutch barn (70 sqm),
 - The construction of a pair of three-storey buildings (1312 sqm) comprising 8 residential units. Each building would be composed of 2 four-bed terraced

houses, 1 three-bed duplex house and 1 two-bed apartment. These buildings would be stepped in relation to one another, i.e. one would be higher and one would be lower, reflecting the fall across the site, and

- They would be served by a single access point from Fox Hollow, i.e. the lower of the two site entrances. This access point would connect with a forecourt around which would be clustered 15 car parking spaces, including 1 mobility impaired space. Communal amenity space would be provided in the northern most portion of the site and garden areas would accompany the rear of the said buildings.

2.2. Under FI, the proposal was revised to show a pair of two storey buildings with an additional roofspace storey. These buildings would provide 6 residential units, i.e. 3 four-bed terraced houses in each of them.

3.0 **Planning Authority Decision**

3.1. **Decision**

Following receipt of clarification of further information, permission granted subject to 23 conditions, including condition No. 5, which requires the following revisions, in the interests of residential amenity and orderly development of the area:

(a) The balconies shall be omitted,

(b) The attic space (top half storey) shall be centred to provide equal distance between the parapet walls to the front and rear, and

(c) The balcony doors shall be omitted, windows shall be used in lieu of doors.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

Further information requested with respect to the following:

- Scale and character of proposal and its impact upon residential amenity: The applicant's attention was drawn to permitted application 18/911 for a similar site and comparable proposal on Mill Road, Corbally, Limerick.
- Response to third parties, and

- Details of proposed access arrangements, surface water drainage, and public lighting.

Clarification of further information requested with respect to the following:

- Attic space and balconies to be omitted,
- Mobility impaired car parking space to be provided, and
- Footpaths to continue into the site.

3.2.2. Other Technical Reports

- Irish Water: No objection + Standard observations.

LCCC

- Fire & Building Control: No objection in principle.
- Environment: Condition re. construction phase waste management plan requested.
- Operations & Maintenance Services: Further information requested on engineering matters, no commentary on the same in the file.

4.0 Planning History

- The site has not been the subject of previous planning applications.
- To the north, several permissions have been granted for new housing off the same access road from Golf Links Road as that which serves the subject site. One of these, P13/447, was for 12 houses of similar height to that now proposed and it was granted permission by the Board under PL91.243690.

5.0 Policy and Context

5.1. Development Plan

Under the Castletroy Local Area Plan 2019 – 2025 (LAP), the majority of the site is zoned “existing residential”, while the northernmost portion is zoned “open space and recreation”. To the south of this site, an indicative link road with cycle lanes is shown, which would be accompanied on its northern side by a strip of land zoned as

a residential development area and on its southern side by land zoned for education and community facilities. It is also shown as lying beyond the flood plain of the Groody River to the W.

5.2. Natural Heritage Designations

- Lower River Shannon SAC (002165)
- River Shannon & Fergus Estuaries SPA (004077)

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 – 2020, 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 0.2457-hectare urban site to provide 6 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

(a) Peggy Kerley of Kilbane (residential property to the E of the site):

- The proposed three-storey development would be out of scale and character with existing dormer bungalows and two-storey dwelling houses. Thus, it would be overbearing in relation to these residential properties to the W.
- The NE side elevation of proposed Block 1 would be sited 14m from the rear elevation of the appellant's dwelling house, which contains windows that serve her main living areas. Likewise, her rear garden would lie within this stated dimension. This elevation would thus be overbearing, and it would lead to overshadowing and the obstruction of direct sunlight.

- Notwithstanding the PA's request that the proposal be reduced to two-storeys, the applicant did not do this and yet planning permission was granted without explanation.
- Attention is drawn to the provision for higher and denser development, under the LAP, elsewhere in Castletroy. In these circumstances, the subject site should be redeveloped in a manner consistent with surrounding residential properties.
- Notwithstanding the LAP's objective of protecting mature trees and allowing their removal only on the basis of a tree survey, the proposal would entail both the removal and the cutting back of several such trees and yet the application was not accompanied by a tree survey.

(b) Residents of Fox Hollow

- Attention is drawn to the PA's repeated requests that the proposal be revised to that of a two-storey development and yet it was granted permission as a three-storey one. Issues of scale, separation distances, and the need to avoid overlooking and overshadowing thereby persist.
- The proposed car park would be highly visible. No traffic management plan for the proposal has been submitted. Concern is expressed that overflow parking may occur on surrounding streets, which would not be suitable for the same.
- The subject site is at a local high point and so the proposal would be visually dominant, and it would lead to overlooking and overshadowing of surrounding residential properties.
- Elsewhere in the locality higher buildings were sited at the lowest points on sites.
- The proposal would reduce the available green area for children to play in. (While such areas have been provided elsewhere on the expanding estate, they are suitable for the children of new residents only). The future up-keep of a small replacement green area has not been conditioned.
- Two mature trees would be removed with possible adverse impacts upon bats.

- Under Paragraph 4.2 of the LAP, new residential development should integrate with existing residential development. The proposal would fail to do so as it would comprise three-storey terraced housing rather than two-storey detached housing.
- Attention is drawn to what appear to be outstanding questions pertaining to the applicant's Part V exemption certificate application.

(c) Padraig Carmody & Kathleen Regan of No. 8 Fox Hollow

- Out of character
 - Contrary to the agent's claim, permitted application 96/1775 was granted to the applicant for 21 dwelling houses. So far 19 dwelling houses have been constructed on individual plots and only 2 plots remain, i.e. the subject site and another one, which is the subject of permitted application 18/711.
 - The proposal for 6 four-bed townhouses would not be in keeping with the existing 8 dwelling houses in the cul-de-sac in question, i.e. 4 of which are dormer bungalows and 4 of which are two-storey.
 - The subject site is elevated and so the proposal would be prominent. Its roof type would differ from that exhibited by existing dwelling houses. The proposed car park would be highly visible at the entrance to the host cul-de-sac.
- Planning inconsistencies
 - Attention is drawn to the PA's repeated requests that the proposal be revised to that of a two-storey development and yet it was granted permission as a three-storey one.
 - Other issues are highlighted such as the absence of a tree survey, a Social Impact Statement, and outstanding queries with respect to the applicant's Part V exemption certificate application.
 - The applicant's planning consultant cites roof heights of existing dwelling houses without allowing for their lower site levels, e.g. the plot of the dwelling house opposite the subject site is 2.5m lower than the cul-de-sac.

- Elsewhere in the locality higher buildings were sited at the lowest points on sites.
- Housing mix

Attention is drawn to lands within the nearby LAP Opportunity Site, which are in the applicant's ownership and which would lend themselves to a higher and denser development rather than the current site.
- Health and safety
 - Not only would the proposed car park be highly visible, but it may in practise be inadequate resulting in overflow on-street parking.
 - The proposal would result in a reduction in green area within which children can play.
- Environmental impact
 - Contrary to the LAP, no tree survey was submitted and the removal of two trees may have an adverse impact upon bats and other wildlife, e.g. shrews.
 - Objective IN 09 seeks to ensure that bins are stored other than at the front of premises: The proposal would contravene this Objective.
- Existing residents
 - No objection was raised to the most recent applications for development in keeping with that on the host cul-de-sac, i.e. 15/333 and 18/711.
 - Exception is taken to Condition 5(b) of the draft permission, as this would have the effect of heightening the visibility of the second floor of the proposal.

6.2. Applicant Response

The applicant begins by noting that the issues raised by the appellants were previously addressed under FI and CFI. It then proceeds to describe the site and the evolution of the proposal to date and to refer to relevant CDP and LAP Objectives, before responding to the appellants grounds of appeal as follows:

- Scale
 - Attention is drawn to the existing eclectic mix of dwelling houses at Fox Hollow and to the incidence of higher dwelling houses within the vicinity of the site, e.g. the proposal would be 0.15m higher than the dwelling house opposite the site entrance and 0.5m higher than the dwelling house opposite the NW corner of the site.
 - Attention is drawn to P13/447 and PL91.243690, under which 12 dwelling houses were permitted by the PA and the Board. Two house types were thereby approved, one with a ridge height of 8.78m and one with a ridge height of 9.86m, i.e. 0.5m higher than the proposal. Furthermore, the permitted site in question is considerably higher than the current subject site.
 - Attention is also drawn to the front building line, which would be exhibited by the proposal and which would be respectful of the existing front building line to the W of the site.
- Over-bearing, overshadowing, and overlooking
 - Attention is drawn to the adjacent dwelling house to E of the site, where appellant (a) resides. This dwelling house lies on higher ground than the subject site and so its GFL would be 0.555m above the first floor level of the nearest proposed building. Accordingly, the proposal would not be over-bearing with respect to this dwelling house.
 - Attention is drawn to the position of appellant (a)'s dwelling house, which would be a minimum of 14m away from the nearest proposed building. The rear elevation of this dwelling house would correspond with the north eastern side elevation of this building, which would contain only non-habitable room windows. Furthermore, on the upper floors these windows would be opaque glazed. Accordingly, overlooking would not ensue.
 - Attention is drawn to the Dutch barn on the site which results in a degree of overshadowing of the rear garden to appellant (a)'s dwelling house at present. Under the proposal, there would, likewise, be a degree of

overshadowing, e.g. in the late afternoon. However, such overshadowing would not be excessive.

- Removal of trees
 - The extent of tree removal is shown on the submitted site layout plan: Thus, 8 trees would be removed and 15 retained. Objective EH 07 of the LAP states that housing schemes should incorporate as many trees as possible within them. This Objective would be fulfilled, with the particularly prominent trees at the entrance to Fox Hollow being retained and along with trees on the south eastern boundary, which would benefit from 2m increases in garden depths brought forward under FI.
- Planning discrepancies
 - The CFI stage of the application entailed the applicant in making a reasoned case for the size of proposal that was subsequently permitted by the PA.
 - The PA has confirmed that the proposal would be exempt from Part V: This is reflected in the draft permission which is not subject to any Part V condition.
- Traffic and pedestrian safety
 - Under the revised proposal, 14 car parking spaces would be provided, i.e. 2 spaces for the residents of each dwelling house and 2 additional spaces for visitors. CDP standards would thereby be met.
 - Incidental green spaces outside the existing front wall to the site would be incorporated within the proposal. These spaces are too small to function as children's play areas.
 - The proposal would be laid out so that the car park to the front of the proposed buildings would be screened by a hedgerow.

6.3. Planning Authority Response

None

6.4. **Observations**

None

6.5. **Further Responses**

None

7.0 **Assessment**

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

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

(i) Land use, height, and density

7.2. Under the LAP, the majority of the site is zoned “existing residential”, while the northernmost portion is zoned “open space and recreation”.

7.3. Under the proposal, the proposed dwelling houses and forecourt car park would be laid out within the portion of the site zoned “existing residential”. The remaining portion zoned “open space and recreation” would be retained as a green space with a stand of mature deciduous trees in it. A footpath between the existing public footpath on the nearside of Fox Hollow and the said forecourt would be laid out in this greenspace, along with a seating area.

7.4. The appellants have drawn attention to the above cited greenspace and they have said that a children’s play area would be lost. The applicant has responded by stating that this space would be retained, but that it is unsuited to being a children’s

play area. During my site visit, I observed that the greenspace is continuous with further greenspace to the E, which in combination provide a strip of grass and trees that effectively accompany the entrance to Fox Hollow from Golf Links Road. I consider that this space is unsuited to being a formal children's play area and that its aesthetic/amenity value would be opened up to a greater extent by the proposed seating area.

- 7.5. The appellants object to the height of the proposal, which in its revised form would entail the provision of a two storey building with a further floor in the roofspace. I will discuss the visual impact of this proposal under the second heading of my assessment. However, in this respect, I note that the Urban Development and Building Height (UDBH) Guidelines advise that they "require that the scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must be supported in principle at development plan and development management levels."
- 7.6. Under the Sustainable Residential in Urban Areas (SRDUA) Guidelines, advice on density on outer suburban/"greenfield" sites is given to the effect that sites in excess of 0.5 hectares should be discouraged from having a net residential density of less than 30 dwellings per hectare. The subject site has an area of 0.2457 hectares and it lies between existing dwelling houses on Golf Links Road and Fox Hollow. I, therefore, consider that this site can be regarded as an infill one. Under the SRDUA Guidelines density advice on infill sites is given for inner suburbia. I consider that this advice can be applicable, too, to outer suburban locations, such as that of the subject site. Essentially, a design approach is advocated which is based on "a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities, i.e. views, architectural quality, civic design, etc." Again, I will discuss visual and residential amenity under the second heading of my assessment.
- 7.7. The proposal as originally submitted and as revised would be for 8 and 6 dwellings. These levels of provision would represent the equivalent of 32.56 dwellings per hectare and 24.42 dwellings per hectare. In the light of the foregoing paragraph, I take the view that, while the former density is clearly acceptable from a policy

perspective, the latter, too, can be accepted, in principle, on the basis that the site is an infill one.

- 7.8. I conclude that the proposal would be acceptable from a land use perspective and that from policy perspectives on height and density it would not warrant objection.

(ii) Visual and residential amenity

- 7.9. The site lies towards the entrance to Fox Hollow and off the south eastern side of the more southerly of the two original cul-de-sacs in this residential estate. This estate has been developed on a plot by plot basis to provide an assortment of different detached dwelling houses along either side of the two cul-de-sacs. These cul-de-sacs are the subject of downward gradients in a generally westerly direction and so the plot levels step down correspondingly.
- 7.10. Within the two above cited cul-de-sacs, two areas remain to be developed, i.e. the subject site and a house plot opposite to the W. The subject site is roughly 2.5 – 3 times the size of the typical house plot at Fox Hollow. It lies between a traditional two storey dwelling house, which faces onto Golf Links Road to the E, and a dormer bungalow to the W. The submitted contiguous elevation of the proposal shows these dwelling houses: The former one has a GF level of c. 26m OD and a rear elevation that presents to the site at a minimum distance of 14.13m, while the latter one has a GF of c. 20m OD and a north eastern side elevation that presents to the site at a minimum distance of 6.25m. The proposal would comprise two buildings, each of which would comprise 3 terraced dwelling houses. The more easterly of these buildings would have a GF level of 22.25m OD and the more westerly would have a GF level of 21.5m OD.
- 7.11. As originally submitted the proposed buildings would have been of three storey form under a double pitched roof with hipped gable ends. Eaves and ridge heights would have been 8.75m and 11.57m. As revised, these buildings would be of two storey form under a parapet with a recessed roofspace containing an additional floor. The parapet height would be 7.375m and the roof top height would be 9.375m.
- 7.12. A comparison of the revised proposal and the existing dwelling houses on either side indicates that the eaves height of the traditional two storey dwelling house to the E would be just below the proposed roof top height of the higher of the two proposed buildings and the ridgeline of the dormer bungalow to the W would coincide with the

height of the heads of the front first floor windows in the lower of the two proposed buildings.

- 7.13. Given the above cited separation distances between the existing dwelling houses on either side and the proposed buildings, the change in height/scale would be more apparent to the W than to the E. At present the SSW boundary of the site comprises a hedgerow and trees. However, with the regrading and levelling of the site, this vegetation would be removed and so the softening of the said transition would be lost. A replacement hedgerow is proposed and, if this were to be accompanied by tree planting, then the said softening of transition would be “re-instated”.
- 7.14. The proposed buildings would be laid out in parallel in positions wherein their shared front building line would be slightly forward of that exhibited by the dormer bungalow to the W. The line of the adjacent cul-de-sac “swings away” from the said front building line and so these buildings would be viewed over an increasing depth of forecourt/landscaping, i.e. from 9.834m in the W to 36.070m in the E. The nearest dwelling house to the N, in the “fork” formed by the diverging more northerly and more southerly cul-de-sacs would be 30.740m away from the nearer of the two proposed buildings.
- 7.15. In the light of the above factors, I consider that the scale of the proposal in its revised form and with accompanying appropriate landscaping would be appropriate. Appellant (c) has drawn attention to Condition 5(b) of the PA’s draft permission, which would require the top storeys to be set further forward and so to that extent it would raise slightly the perceived height of the proposal. While I will discuss this Condition more fully below, I acknowledge the appellant’s observation in this respect.
- 7.16. Turning to the design of the proposed identical buildings, they would each comprise 3 attached dwelling houses, which would be of two storey form under a parapet with an upstanding recessed roof clad in slate and single storey flat roofed returns. The principal elevations would comprise tall openings with strong alignment set against a rendered background. These openings would be accompanied by profiled heads and the parapet would likewise be profiled. Openings above the parapet in the roof would appear to have a more horizontal/subsidiary emphasis. The resulting composition would be contemporary in feel, but with period references. While the proposal would thus contrast with the mixture of modern dwelling houses on Fox Hollow, it would

make its own positive contribution to the aesthetic and visual amenity afforded by this residential area.

- 7.17. The appellants express concern over the visual impact of the forecourt car park. The applicant has responded by drawing attention to the retained trees in the northern corner of the site and the proposed hedgerow that would be planted behind car parking spaces that would be adjacent to the cul-de-sac. Thus, considerable screening would be afforded.
- 7.18. I note that the existing front wall to the site would be removed and so the site would be more open than hitherto. While the existing and proposed landscaping would afford a measure of screening, views would be available and so I consider that the extensive area of hardstanding comprised in the forecourt should be finished in a variety of materials and colours to lessen the visual impact of this expanse.
- 7.19. I note, too, that the site layout plan indicates that 3 of the mature deciduous trees from the stand in the northernmost portion of the site would be removed, along with 1 tree adjacent to the proposed site entrance and 4 along the SSW boundary. While compensatory planting is proposed, the removal of the former 3 trees would curtail their stand and thus diminish its attractive presence within the streetscape of Fox Hollow. This removal would facilitate the laying out of spaces in the northern corner of the proposed car park. *Prima facie* there would be scope on the basis of a redesign of this portion of the car park to retain these trees and so I consider that such should be conditioned. Furthermore, all the trees proposed for retention should be the subject of an arboriculturist report, which should make recommendations on both their management and, during the construction phase, their protection. These matters, too, could be conditioned.
- 7.20. The appellants also express concern that the proposal would be over-bearing and that it would lead to overshadowing and overlooking/loss of privacy. In the light of my discussion above on scale, I do not consider that this proposal would be overbearing.
- 7.21. With respect to overshadowing, the applicant acknowledges that the rear garden of the dwelling house to the E would experience some overshadowing during the late afternoon. I note, too, that the dwelling house to the W would experience some

overshadowing in the early morning. However, the degree of overshadowing likely to be experienced in both cases would not warrant objection.

- 7.22. With respect to overlooking, under CFI the applicant added privacy screens to the northernmost corner of the balcony/terrace to the building denoted as No. 1 and to the westernmost corner of the balcony/terrace to the building denoted as No. 2. Furthermore, opaque glazing was specified for the upper floor landing windows in the eastern side elevation of No. 1 and the western side elevation of No. 2.
- 7.23. Under Condition No. 5 attached to the PA's draft permission the balconies/terraces would be omitted, along with the external doors in the roofspace. The reason for this Condition is stated as being "In the interests of residential amenity and orderly development of the area." I note that these balconies/terraces would overlook the cul-de-sac in front of the site, but that those in building No.1 especially would overlook the rear garden to the dwelling house opposite in the "fork" cited above. In these circumstances, rather than lose the amenity value of the balconies/terraces by their omission, I consider that the aforementioned privacy screens should be extended around the entirety of their perimeters. Such extension could be conditioned.
- 7.24. I conclude that the proposal would be compatible with the visual and residential amenities of the area, provided greater tree retention is secured and greater use is made of privacy screens around the proposed balconies/terraces.

(iii) Development standards

- 7.25. The proposal, as revised, would entail the construction of 6 four-bed dwelling houses. These dwelling houses would be of two types, i.e. Type A, which would be four-bed/seven-person, and Type B, which would be four-bed/eight-person.
- 7.26. Under Table 5.1 of the Quality Housing for Sustainable Communities: Best Practice Guidelines, overall and room specific minimum areas are recommended. The largest size of dwelling house addressed by this Table is a four-bed/seven-person one and so the recommendations for this size are applied to the two house types (See the tables on drawings nos. 02 & 03 (revision B in both cases)). They would both comfortably exceed the relevant recommended minimum areas.
- 7.27. The proposed dwelling houses would be orientated on a NNW (front) / SSE (rear) axis. Under FI, the depth of the rear gardens was deepened by 2m. Thus, the area of

these gardens would be greater than that first envisaged. While the CDP does not specify minimum areas for rear gardens, the area available for the 2 Type B dwelling houses would be less than that which would be available for the 4 Type A dwelling houses. In these circumstances, exempted domestic development rights should be removed by condition from the Type B dwelling houses. In these circumstances, too, the quality of the rear gardens would be of particular importance. Each would benefit from a southerly aspect. The proposed retention of trees along the SSE boundary of the site would also have a bearing on quality. Clearly, the absence of a tree survey needs to be attended to under a condition precedent, so that the condition of these trees and their future management needs can be identified.

7.28. I conclude that the proposal would accord with relevant development standards. I conclude, too, that, while the area comprised in the rear gardens to the Type B dwelling houses would be limited, the quality of these gardens would be affected by the retention/management of trees along the SSE boundary of the site, which should therefore be prioritised.

(iv) Traffic, access, and parking

7.29. Traffic would be generated by the proposal and it would be capable of being handled satisfactorily on the public road network.

7.30. Under the proposal, the lower (more westerly) of the two existing accesses to the site would be developed to provide a vehicular and pedestrian means of access. (The higher (more easterly) access would be removed). This consolidation of accesses would be welcome. The resulting sole access would be accompanied by the requisite sightlines.

7.31. Under the CDP, 2 car parking spaces should be provided for the residents of four-bed dwelling houses with an additional 1 visitor space for every 3 such dwelling houses. One cycle space should be provided for each dwelling house.

7.32. Under the proposal, car and bicycle parking would be provided, i.e. 14 of the former, including 1 mobility impaired space, and 5 of the latter. Thus, the aforementioned standards would be met for cars. Insofar as it would be appropriate to provide bicycle parking within the communal forecourt, I consider that 6 spaces should be provided and for ease of access they should be laid out as 2 stands of 3 spaces, one outside each of the buildings. This could be conditioned.

- 7.33. During my site visit, I observed that what is shown as a mini-roundabout to the NW of the site has been reconfigured as a public parking area for 2 cars. Under paragraph 7.19 of my assessment, I discussed the objective of retaining the stand of mature deciduous trees in their entirety and how this would require that the forecourt car park be redesigned. I consider that, given the aforementioned public parking area, it would be appropriate for such redesign to be on the basis of 12 rather than 14 spaces, i.e. the required 2 visitor car parking spaces would be provided for therein.
- 7.34. I conclude that traffic generated by the proposal would be capable of being handled satisfactorily on the public road network. I also conclude that the proposed access arrangements to the site would be satisfactory and that car and bicycle parking standards would be capable of being complied with.

(v) Water

- 7.35. The proposal would be connected to the public water mains and the public foul water. Irish Water has raised no objection to the principle of these connections.
- 7.36. The proposal would also be connected to the public stormwater sewer. On-site a stormwater drainage system would be laid out. This system would incorporate an attenuation tank sized to accommodate a 1 in 100-year storm event with a 12-hour duration. It would also incorporate a hydrocarbon interceptor and a hydro-brake, which would replicate the greenfield run-off rate for the site, which is calculated to be 1 l/s.
- 7.37. While the flood-prone River Groody flows on lower lying lands to the W of the site, the OPW's flood maps do not show the site itself as being the subject of any identified flood risk.
- 7.38. I conclude that, under the proposal, no water-related issues would arise.

(vi) Stage 1 Screening for AA

- 7.39. The site does not lie within a Natura 2000 site. The nearest such site is the Lower River Shannon SAC (002165). The site is a fully serviced suburban one. I am not aware of any source/pathway/receptor route between it and this, or any other, Natura 2000 site.

7.40. Having regard to the nature and scale of the proposal, the nature of the receiving environment, and the proximity of the nearest European site, 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 granted.

9.0 Reasons and Considerations

Having regard to the Urban Development and Building Height Guidelines, the Sustainable Residential Development in Urban Area Guidelines, the Quality Housing for Sustainable Communities: Best Practice Guidelines, the Limerick County Development Plan 2010 – 2016, and the Castletroy Local Area Plan 2019 – 2025, the Board considers that the proposal would comply with national and local planning objectives with respect to land use, height, and density. Subject to conditions, this proposal would be compatible with the visual and residential amenities of the area, and it would afford a satisfactory standard of amenity to future residents. Proposed access and parking arrangements would comply with the relevant requisite standards. No water or Appropriate Assessment issues would arise. The proposal would thus accord 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 6 th day of March 2020 and clarified by the further plans and particulars submitted by on the 23 rd day of April 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
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	<p>with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The 3 trees shown on the site layout plan as being removed in the northern portion of the site shall be retained and the car park shall be redesigned to facilitate such retention and on the basis of 12 residents car parking spaces. These spaces shall be constructed so as to be capable of accommodating future electric charging points for electrically operated cars.</p> <p>(b) A minimum of six bicycle parking spaces shall be provided in 2 stands of 3 spaces. One of these stands shall be sited in a position adjacent to Block No. 1 and one shall be sited in a position adjacent to Block No. 2.</p> <p>(c) The proposed 1800mm high opaque glass screen proposed for the northernmost corner of Block No. 1 and the westernmost corner of Block No. 2 shall be extended around the entire external edges of the balconies/terraces.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of visual and residential amenity and to promote sustainable modes of transport.</p>
3.	<p>A tree survey shall be carried out by an arborist or landscape architect of all on-site trees which shall provide the baseline information for the landscaping scheme required by condition number 5 of this order. This tree survey, which shall be submitted to the planning authority prior to commencement of development, shall include the following:</p> <p>(a) A plan to scale of not less than 1: 200 showing –</p>

	<p>(i) The location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter exceeding 75 centimetres, when measured at a point 1.5 metres above ground level,</p> <p>(ii) The crown spread of each tree, and</p> <p>(iii) Trees proposed for retention.</p> <p>(b) A separate document detailing the following information in respect of each numbered tree –</p> <p>(i) Common and scientific name of the species and variety,</p> <p>(ii) Diameter, measured in accordance with paragraph (a) above,</p> <p>(iii) Approximate height,</p> <p>(iv) Crown spread,</p> <p>(v) Condition, including a general statement of health and stability,</p> <p>(vi) Whether it is to be preserved or felled, and</p> <p>(vii) In respect of each tree proposed to be felled, the reason for felling.</p> <p>(c) Details of any proposed alterations in existing ground levels throughout the site and of the position of any proposed excavation within the crown spread of any retained tree.</p> <p>(d) Details of the measures proposed for the protection from damage before and during the course of construction of each retained tree.</p> <p>(e) Details of any remedial measures that may be needed to ensure the proper management of trees to be retained and a timetable within which such measures would be undertaken.</p> <p>In this condition, “retained tree” means an existing tree which it is proposed to preserve under paragraph (b)(vi) above. The minimum protection measures are set out in condition number 4 of this order.</p> <p>Reason: To facilitate the identification and subsequent protection of existing trees on the site, which represent an important amenity and should be substantially maintained.</p>
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4.	<p>(a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.</p> <p>(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.</p> <p>Reason: To protect trees and planting during the construction period in the interest of visual amenity.</p>
5.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) A plan to scale of not less than 1: 200 showing –</p> <p>(i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.</p> <p>(ii) Details of screen planting, which shall include a hedgerow and trees along the northern half of the south southwestern boundary to the site.</p> <p>(iii) Details of roadside planting, which shall include a hedgerow to screen the forecourt car park.</p>

	<p>(iv) Hard landscaping works, specifying surfacing materials, furniture, and finished levels.</p> <p>(b) Specifications for mounding, levelling, cultivation, and other operations associated with plant and grass establishment.</p> <p>(c) A timescale for implementation.</p> <p>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.</p> <p>Reason: In the interest of residential and visual amenity.</p>
6.	<p>Details of the materials, colours, and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
7.	<p>The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to the commencement of development.</p> <p>Reason: In the interest of public health.</p>
8.	<p>Stormwater drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
9.	<p>The site access and forecourt shall comply with the detailed standards of the planning authority for such road works.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
10.	<p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning</p>

	<p>authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p>Reason: In the interests of amenity and public safety.</p>
11.	<p>Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed Type B dwelling houses without a prior grant of planning permission.</p> <p>Reason: In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings.</p>
12.	<p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility.</p>
13.	<p>Site development and building works shall be carried out only between the hours of 0800 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
14.	<p>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</p>

	<p>development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
15.	<p>(a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.</p> <p>(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
16.	<p>The developer shall pay to the planning authority a financial contribution of €21,528 (twenty-one thousand, five hundred and twenty-eight euro) 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. The application of any indexation required by this condition 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.</p>

	<p>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.</p>
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Hugh D. Morrison
Planning Inspector

1st October 2020