



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307603-20

---

<b>Development</b>	Construction of fourteen apartments in three blocks and all associated works.
<b>Location</b>	Site number eleven, Skagh, Croom, Co. Limerick.
<b>Planning Authority</b>	Limerick City and County Council
<b>Planning Authority Reg. Ref.</b>	19/552
<b>Applicant(s)</b>	EI Sub Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party V. Refusal
<b>Appellant(s)</b>	EI Sub Ltd
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	16th September 2020
<b>Inspector</b>	Fergal O'Bric

## 1.0 Site Location and Description

- 1.1. The appeal site is located within the Gateway Park residential development, located on the northern end of the town, at the junction of county road L-1408 with a recently constructed Distributor road (partially blocked off), which will act as an eastern relief road for the town, when open as a through road will link the south-east, eastern and north-eastern parts of the town. The site is located to the northern-eastern end of Croom town centre, just off the local road that serves the Mid-West Regional Orthopaedic Hospital and a newly completed distributor road, (through not open as a through way) The site is located approximately twenty one kilometres south-west of Limerick City. To the north of the site is the local road that serves as an access to the mid-west regional orthopaedic hospital, to the west is the newly constructed distributor road, which is not open yet as a through way, to the south is the internal access road (cul-de-sac) serving the Gateway Park residential development and to the east are established single storey dwellings and serviced sites (not yet developed) within the Gateway Park development. There is a post and rail fence along the northern and western boundaries, the site is open to the south and there are mature leylandii along the eastern boundary with the established residential properties.
- 1.2. The site is rectangular in shape and narrows somewhat from north to south and has a stated area of 0.322 hectares. There is a gradual fall in levels from south to north on site, from the internal service road towards the hospital road.

## 2.0 Proposed Development

- 2.1. It is proposed to construct three residential blocks, block A, facing onto the local distributor road (west) comprising of six by two bedroomed apartments, blocks B and C facing north, both comprising four two-bedroom apartments. The blocks would be of contemporary design, flat roofed with a maximum ridge height of six metres. Each apartment has a gross floor area of between 85.5 and 96 square metres and private amenity spaces comprise of balconies and rear garden spaces and range in size from 8.6 square metres for the first floor balconies to 36 square metres for the ground floor apartment private amenity spaces. There is an existing side by side public footpath/cyclepath along the northern and western site perimeter, and a two-metre footpath along the south-eastern site perimeter and the proposal will tie-in with the

existing infrastructure. The proposals would provide for eighteen off-street car parking spaces within the development.

- 2.2. Further Information submitted to Limerick City and County Council on the 25<sup>th</sup> day of May 2020 included: Revised roads and footpath layout: Revised surface water management details, Submission of details of a previous site specific Flood Risk Assessment submitted for the site including the latest flood mapping from the OPW website, floodinfo.ie Revised public lighting details and details of road signage: Details of foul sewer and watermains layout, Location of fire hydrants proposed on site: Letter of consent from the relevant utility provider with regard to setting back the utility poles to accommodate the proposed development and details of boundary treatment.
- 2.3. Clarification of further information submitted to Limerick City and County Council on the 7<sup>th</sup> day of June 2020 and included revised details in relation to: Compliance with the Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2018, in terms of floor areas, open space, storage requirements and room size area,, contiguous elevation plans and photographic images of how the development would integrate within the local surrounds when completed.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Permission was refused for one reason as follows:

Having regard to the location of the proposed vehicular entrance approximately 20 metres from the junction with the local authority road, it is considered that the proposed development that the proposed development would endanger public safety by means of a traffic hazard because the traffic movements generated by the proposed development in close proximity to the junction where the sightlines are restricted and would interfere with the safety and free flow of traffic on the public road.

#### **3.2. Planning Authority Reports**

##### **3.2.1. *Planning Reports***

The Planning Officer recommended that planning permission be refused, following clarification on the matters raised within the further information request and following a referral response expressing concerns regarding restricted sightlines in proximity to a junction by the Operations and Maintenance Services Department within the Local Authority.

### **3.2.2. Other Technical Reports**

- Operations and Maintenance Services: Recommended refusal, due to inadequate sightlines demonstrated in proximity to a road junction.
- Housing Department: No objections, conditions recommended.
- Fire Officer: Recommended that further information be sought

### **3.3. Prescribed Bodies**

Irish Water: Further information requested regarding details of foul sewer and watermains layouts.

### **3.4. Third Party Observations**

A submission was received from the Gateway Park Residents. Association. The issues raised in the submission related to the following matters:

- Inadequate car parking provision for future occupants and visitors and could result in parking along the adjacent roads footpaths thus compromising pedestrian safety.
- Concerns over future traffic congestion at junction of Gateway Park cul-de-sac with the distributor road, with the increase in traffic volume within this area when fully developed, providing for additional housing, a care home and secondary school
- Disruption caused by construction traffic to residents of Gateway Park for the duration of the build.
- Concern over location of proposed access to apartment development off the existing Gateway park cul-de-sac.
- No green open space is provided for the proposed apartment development.

- Density of development is excessive and out of character with existing low-density residential development in the area.

## 4.0 Planning History

I am not aware of any planning history associated with the appeal site.

## 5.0 Policy and Context

### 5.1. Croom Local Area Plan, 2020 – 2026

The appeal site is zoned 'Existing residential' with the associated objective: To ensure that new development is compatible with adjoining uses and to protect the amenity of existing residential areas. As per the zoning matrix, residential proposals are generally permitted in areas zoned 'Existing residential'.

Section 4.1 of the Local Area Plan states that there is a need for the development of two hundred and forty six residential units of varying, types, sizes and tenures in order to cater for the anticipated population growth over the plan period 2020-26.

The relevant policy objectives are noted below: -

- Objective H2: Residential density, design and mix:

It is an objective of the Council to:

- (a) Ensure that proposals for residential development are planned coherently through the use of master plans for larger landholdings, where proposals involve the partial development of landholdings if appropriate, sustainability statements and social infrastructure assessments and any other supplementary documents deemed necessary by the Council.
- (b) Promote the concept of a compact town by encouraging appropriate densities in suitable locations and by resisting sporadic isolated developments.
- (c) Require a minimum net density of 22 units to the hectare on residentially zoned sites and 10 units per hectare on lands zoned for Serviced Sites.
- (d) Ensure that the density of housing in any location is appropriate to its setting.

(e) Ensure a wide range of house types, sizes and tenures are provided to meet varying population requirements at all stages of the life cycle. A statement to identify how this has been considered shall be submitted as a requirement to demonstrate that consideration has been given to meeting this requirement in all residential applications.

(f) Ensure that a variety of building heights is incorporated into residential development proposals to ensure that optimum use is made of residentially zoned lands at appropriate locations.

## 5.2. **Limerick County Development Plan, 2010-2016 (as extended)**

The settlement strategy identifies Croom as being a Tier 3 settlement, identified as a centre on a transport corridor in the County Development Plan. These centres will be promoted as secondary development centres for significant future development and play a complementary role to the Limerick Gateway.

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

- Policy CP 03: Quality of Life
- Objective SS O4: Sequential growth of settlements
- Objective SS O6: Compliance with other guidelines
- Policy HOUP 3: High Quality Living Environment
- Policy SS P8: Tier 3 settlements
- Chapter 10: Development Management Guidelines is also relevant.

## 5.3. **National Guidance**

- National Planning Framework 2018-2040
- Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities (2018),
- Urban Development and Building Heights – Guidelines for Planning Authorities (DHPLG 2018).
- Design Manual for Urban Roads and Streets (DTTAS & DoECLG 2013),

- Sustainable Residential Development in Urban Areas-Urban Design Manual, A Best Practice (DOEHLG, 2009).
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (DoEHLG 2009).

#### **5.4. 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: Attractive, liveable well-designed high-quality urban places.
- Policy Objective 6: Regenerate and rejuvenate cities.
- Policy Objective 11: Encourage more people and generate more jobs and activity within cities.
- Policy Objective 33: Prioritise new homes at locations that can support sustainable development.
- Policy Objective 35: Increase residential density through a range of measures including reductions in vacancy and infill development schemes.

#### **5.5. Natural Heritage Designations**

There are no designated areas in the immediate vicinity of the site.

#### **5.6. Environmental Impact Assessment - Preliminary Examination**

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. This first party appeal is being made by Leahy Planning Ltd on behalf of EI-SUB Ltd, the applicants

### 6.2. Grounds of Appeal

The areas of concern relate to the following: -

- The site is a key corner one.
- The Croom Local Area Plan (LAP) 2020-2026 calls for a high quality of design, and hence the external finishes, and height have been specifically designed having regard to the established character within the area. The established building line along the hospital road has been respected by blocks B and C. The proposal provides for a high quality of design, using modern attractive materials and detailed landscaping proposals and provides a strong point of visual interest at an important junction.
- The proposals are compatible with the principles of proper planning and sustainable development and the Planning Report prepared by the Planning Authority accepts the design and layout and principle of development at this site, and the only reason for refusal pertains to a technical matter which is refuted by the appellants, as set out above.
- There are no issues of overlooking or interference with the amenities of neighbouring residents.
- The proposals have regard to the provisions of the Croom LAP 2020-26 in terms of projected population growth and numbers of residential units required.
- Density proposed at 43 units per hectare is appropriate, although higher than the prevailing density of development.



- The site is strategically located adjacent to transport and pedestrian infrastructure and proposed new roadways and cyclepaths and the distributor road is proposed to be extended during the lifetime of the Croom LAP.
- The combination of existing low densities in the area with the current proposals brings the entirety of the area closer to a density required in an area in which public services and facilities have been provided.
- No maximum residential density has been set out within the LAP.
- The Plan requires a variety of house types. Higher densities are achievable where smaller residential units or apartments are proposed.
- The Guidance document Sustainable Residential Development in Urban area (2009), the site would be classified as being a Smaller Town or Village, where a density range of 20-35 units per hectare is suggested. While the density of the proposed site exceeds this recommendation, in the context of the overall area, the entirety of the location comes out well below this standard.
- Open space standards exceed the 15% requirements, as has parking provision is in accordance with the Development Plan standards been achieved.
- It is disappointing that the Planning Authority did not seek further consultation with the applicant, or seek a minor amendment to the application which would have dealt with the expressed concerns of the Roads Section, especially given the site is on zoned lands.
- The decision of the Planning Authority seems to call into question the zoning of the site and does not seem to take on board the recommendations of the DMURS document.
- The appellants Consultant Engineers (MHL) recognise that traffic turning from the distributor road into the cul-de-sac would be travelling at a speed below 30kph, and a result that a forward visibility of 23 metres, as set out in Table 4.2 in DMURS, would be sufficient in this instance. This has been achieved.
- A revised layout, whereby car parking spaces 17 and 18 have been relocated has been submitted and the vacated space would be kept clear of high-level planting to maximise sight distances at the access point.

- The traffic report estimates that the maximum speed at which cars would approach the site from the junction would be 30kph, and as per DMURS standards, this requires a forward visibility of 23 metres, which would be achieved.
- This matter can be dealt with by means of a planning condition to the effect that barrier treatments and landscaping heights in the area, together with the relocation of car parking spaces could be agreed with the Planning Authority.
- If the Board have a residual concern with regard to the sight distance issue, two apartments could be removed from the south-east of Block A, which would increase the sight distance available along the north-eastern leg of the distributor road to approximately 38 metres from the point of the proposed junction, or 49 metres from the road edges of the minor road and the distributor road combined.
- There have been very few apartment units developed in Croom to date, apartments within an easy walk of the town centre
- The apartments are compact and provide a good residential option for elderly people wishing to down size or single people/couples starting off within the housing ladder who cannot afford/do not wish for a conventional house with a garden in close proximity to a town centre.

### 6.3. Planning Authority Response

None received.

## 7.0 Assessment

7.1. The main concerns to be addressed in this appeal relate to the grounds of the appeal. Appropriate Assessment requirements are also considered. The main issues can be dealt with under the following headings:

- Land use zoning
- Residential Amenity

- Access & Services
- Other issues
- Appropriate Assessment.

## 7.2. Land use zoning

7.2.1. The appeal site is zoned Existing residential as per the Croom Local Area Plan 2020-2026. Residential development is generally permitted subject to adherence to the usual development assessment criteria. These are set out in Section 10.5.2 of the Limerick County Development Plan 2010-2016 (as extended) in relation to residential development in towns and villages and Table 10.1 Design Guidelines for urban residential Development. The site at present is suitably zoned and is undeveloped. I am satisfied that the current proposals represent an appropriate use of zoned serviced lands in close proximity to a town centre.

## 7.3. Access to appeal site

7.3.1. The proposal would result in the opening of an access on to the internal service road serving the Gateway Park residential development, which is a modest development of serviced sites, comprising of partially inhabited dwellings and, others under construction and as yet undeveloped sites. The access would be located twenty metres east of the junction with the recently constructed Local Authority Distributor road. Sightlines of fifty metres are illustrated on the revised Site Layout Plan submitted as part of the clarification of further information response, to the Planning Authority on the 7<sup>th</sup> day of June 2020. The access point, located off the internal access road of the Gateway Park development, would be constructed in accordance with Design Manual for Urban Roads and Streets (DMURS) standards, given that it is estimated by the Consultant Engineers that a design speed of 30kph is achievable on the approach to the site access from the distributor road junction to the east, something that I consider to be reasonable.

7.3.2. Alternative access points to the appeal site were considered, but were not deemed appropriate for a number of reasons including: Proximity to a proposed roundabout junction, north-west of the site as part of the continuation of the local distributor road, as provided for within the Croom LAP 2020-26 (and currently under construction);

Impacting upon the quality of layout, whereby a revised access (from the north-west or south-west) could result in the creation of a modified residential layout with blank frontages. The optimum location for the site entrance, was deemed to be from the south-east of the site where sightlines are optimised and the access would be provided off a cul-de-sac road which provides access to the Gateway Park residential development serviced sites.

- 7.3.3. The revised location of a site entrance at the south-western or north-western boundaries would not accord with technical specifications as set down by Transport Infrastructure Ireland (TII) in terms of turning radii for trucks due to the proximity of the proposed roundabout junction. The current proposals accord with the technical specifications set out with DMURS.
- 7.3.4. I am satisfied that the capacity of the adjoining public roadway is sufficient to cater for the level of traffic generated by the proposed apartment units. I am also satisfied that the proposals would accord with the technical standards as set out within DMURS and would not result in the creation of a traffic hazard.

#### **7.4. Other issues**

- 7.4.1. In terms of servicing the site, I note that the issues of service layouts raised by Irish Water could be addressed by means of appropriate planning conditions. It is apparent from the Development Plan that service capacity issues do not arise in Croom. Therefore, I am satisfied that there is sufficient capacity available within the networks to service this modest development.
- 7.4.2. In terms of flooding, it is noted that as per the latest flood maps included within floodinfo.ie that the application site is not located within the an area at risk of flooding and I am satisfied that with the inclusion of appropriate surface water management measures, that the proposal would not increase the risk of flooding on site or on adjoining lands.
- 7.4.3. The proposed development would not result in overshadowing or overlooking of the properties to the south-east so as to warrant a refusal of permission on this issue.
- 7.4.4. I am satisfied that any issues in relation to dust, disturbance, light and/or noise pollution could be addressed by means of a Construction Management Plan which could be conditioned.

7.4.5. It is noted that the Planning Authority raised no concerns regarding the design and layout of the scheme.

7.4.6. Having regard to the sites location within the town boundary of Croom and the pattern of development in the area, I am satisfied that the development is appropriately designed, could be accommodated at the subject site, that it would result in a development that would not unduly impact upon the amenities of neighbouring properties. I, therefore, conclude that the proposal would afford a satisfactory standard of amenity to future residents and it would be compatible with the pattern of development in the area.

### 7.5. ***Appropriate Assessment***

7.5.1. Having regard to the nature and scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development 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. I recommend that planning permission be granted subject to conditions.

## 9.0 **Reasons and Considerations**

9.1. Having regard to the zoning objective for the site and the policies and objectives of the Limerick County Development Plan 2010-2016 (as extended), the Croom Local area Plan 2020-2026, it is considered, subject to the conditions set out below, that the access would be acceptable in terms of traffic safety, the design and layout of the proposed development would not seriously injure the residential amenities of the area. 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 25<sup>th</sup> day of May 2020 and the 7<sup>th</sup> day of June 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 No development or planting shall exceed a height of one metre within the sightline triangle at the proposed access point to the site from the Gateway Park internal access road to its south-east.

**Reason:** In the interest of traffic safety and the proper planning and sustainable development of the area.

- 3 Prior to commencement of development the applicant shall submit and agree in writing with the Planning Authority details of a physical boundary treatment along the site boundaries of the site.

**Reason:** In the interest of visual and residential amenity.

- 4 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.

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.

- 5 The internal road network serving the proposed development, including the turning area, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

- 6 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 traffic management, 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.

- 7 Proposals for house naming and a 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.

**Reason:** In the interest of urban legibility.

- 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 waste-water connection agreements with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

- 10 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.

11 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.

12 Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

13 The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

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

14 Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.



**Reason:** To ensure the satisfactory completion of the development.

15 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.

---

Fergal O'Bric  
Planning Inspector

22nd October 2020