



An
Bord
Pleanála

Supplementary Inspector's Report ABP 307632-20

Development	21 dwellings
Location	Woodlands, Mill Road, Corbally, Co. Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	19/682
Applicant	Rocktop Asset Management Ltd.
Type of Application	Permission
Inspector	Pauline Fitzpatrick

1.0 Introduction

I refer the Board to my report dated 27/10/20 on a 1st party appeal against the planning authority's notification of decision to refuse permission for 16 no. dwellings on the 1.247 hectare site off Mill Road in Corbally, Co. Limerick.

The Board decided to defer consideration of the case and to issue a Section 137 notice to the parties as follows:

The Board had concerns regarding the proposed density of the scheme. It is considered that this density may not be sufficient to provide for an acceptable efficiency in the utilisation of serviced zoned residential land, within the development boundary of Limerick City.

In the context of the relevant objectives of the Limerick City Development Plan 2010-2016, as extended, which have been informed by the provisions of the Section 28 Ministerial Guidelines, 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities' 2009, it is considered that net densities of between 35-50 units per hectare may be appropriate and would correspond with that as recommended in the Guidelines for outer suburban/greenfield sites. The guidelines further state that developments of net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares.

Making allowance for the constraints imposed on the overall 1.247 hectare site in terms of flood risk and thus the reasonable net developable area for dwellings (ie. that area within Flood Zone C), and the need to protect the amenities of adjoining property, it is considered nevertheless that the current density may not be in keeping with either the Development Plan provisions or the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009). It is considered that the current proposal may constitute an inefficient and unsustainable use of scarce serviceable land in an area zoned for residential development proximate to Limerick City Centre.

As this constitutes a new issue the parties to the appeal were invited to make a submission/observation.

2.0 Responses

2.1. Submissions received from Observers

1. Kieran Martin
2. Michael Gilroy
3. Noel Nicholas (submission on his behalf by Brendan McGrath & Associates)
4. Maria C. Ryan
5. Sharon Martin

The submissions can be summarised as follows:

- The Council would have assessed the issue of density during the application process. It determined that the site is unsuitable for development.
- The Guidelines on Sustainable Residential Development requires other issues to be addressed including adequacy of roads and risk of flooding.
- The shortcomings of the proposal would not be resolved, or satisfactorily offset by redesigning the layout to achieve a net development density within the 35-50 units per hectare range. Such a redesign would exacerbate problems in relation to vehicular access and road safety.
- Because land is zoned residential does not or should not mean that it is always suitable for development.
- The Board refused permission on a site at Hillside, Mill Road for 12 apartments under ref. PL30.219670 by reason of its excessive density relative to the surrounding area and traffic hazard at a substandard junction.
- To achieve better use of urban land requires a comprehensive inventory of existing urban lands as set out in Appendix 2 of the NPF. This has to be completed for Limerick before a tiered zoning strategy is set out in the new Development Plan. The current development plan and zoning plan does not constitute a reliable inventory of land.
- It is likely that the residential zoning of the lands could be removed in the new plan. It is probable that the plan will state that substantial further development

of lands serviced by Mill Road is premature pending implementation of new flood relief measures and major improvements to the local road infrastructure.

- It is premature to allow development pending the new development plan and CFRAM report.

2.2. Applicant's Response

The submission by KPMG Future Analytics on behalf of the applicant which sets out the background to the application can be summarised as follows:

- The reduction in unit numbers at further information stage from 21 to 16 had the effect of reducing the overall density from 32 to 30 units per hectare.
- Whilst the density falls slightly outside the recommended net residential density range it is considered that an appropriate balance has been struck between achieving a suitable density for the site and safeguarding the residential amenities of neighbouring properties.
- The layout has been informed having regard to city development plan policy WS.9. The layout represents an efficient use of serviced residential land through achieving an appropriate net residential density whilst also safeguarding the site and neighbouring lands from an undue level of flood risk.
- As the net developable area of the site is 0.48 hectares a complete redesign of the scheme involving apartment type development would be required to increase the net density. It is considered that an apartment scheme would be out of keeping with the character of the area and would fail to provide a variety of housing types recommended in the guidelines.
- The adjoining lands represent a future development opportunity at a scale and density that is more aligned and more suitable for the Board's request. The layout was amended by way of further information to allow for future connectivity to same. The said access road also presents an opportunity to alleviate traffic congestion along Mill Road by connecting to the wider road network in the future. The Board is directed to Appendices A and B of its appeal submission.

- In view of the above the development of the appeal site should not be stymied by unachievable density targets pending the bringing forward of the adjoining lands for future development. The scheme has been designed having due regard to the development potential of these lands and represents a plan led approach to the redevelopment of the wider area. The scheme represents an efficient and effective use of zoned land that will set a precedent for further residential development of the lands to the north and along Mill Road in a sustainable and sequential approach.
- There are a number of options available to the Board:-
 - Option 1 – original scheme for 21 dwellings (density of 32 units per hectare)
 - Option 2 – scheme as amended by FI for 16 dwellings (density of 30 units per hectare)
 - Option 3 – submitted amendment entailing 15 no. dwellings and 3 storey apartment block comprising 6 no. 2 bed apartments (density of 43 units per hectare)
- The apartment block would be located at the entrance to the development fronting Mill Road. Plans provided. The details of the apartment scheme can be agreed with the planning authority by way of condition (suggested wording provided).
- The development opportunity on the site is a once off development option and failure to securing permission will mean that the applicant does not have the option of re-applying on this site.

3.0 Section 131 Notices

The applicant's response to the section 137 notice as summarised above was circulated for comment. Submissions were received from:

1. James & Orla O'Sullivan
2. Deirdre Kerrigan
3. Sharon Martin

4. Brookhaven Walk Residents Committee
5. Michael Gilroy
6. Noel Nicholas (submission on his behalf by Brendan McGrath & Associates)
7. Kieran Martin
8. Rosaleen Bolger
9. Alan Lynch
10. Maria C. Ryan
11. Declan Greene
12. James & Orla O'Sullivan

The submissions can be summarised as follows:

- It is debatable whether the minimum density standards is the pertinent issue in this appeal. There are other legitimate concerns pertaining to flooding, ecology, appropriate assessment, drainage, access and traffic etc. that have not been addressed.
- Other criteria need to be applied including accessibility and traffic safety, level of privacy and amenity etc.
- The density of the proposal, having regard to the surrounding area, will significantly exceed the density of the immediate and neighbouring areas.
- Consideration of the application by the Board de novo does not give the developer the right to submit new plans.
- A 3 storey apartment building would be out of character in the area.
- The Board refused permission on a site at Hillside, Mill Road for 12 apartments under ref. PL30.219670 by reason of its excessive density relative to the surrounding area and traffic hazard at a substandard junction.
- The apartments would adversely impact on the amenities of adjoining property by reason of overlooking and loss of privacy and may have implications on Woodlands which is a historic house included on the NIAH.
- There would be inadequate parking for the apartments.

- It is premature to allow development pending the new development plan and CFRAM report. It is likely that the residential zoning of the lands could be removed having regard to flooding risk.
- There is no possibility of road widths being improved and to say otherwise is incorrect.
- The likelihood that the Council may at some time in the future improve the footpath network is not an adequate reason to grant permission. There are no plans. Part 8 has not commenced.
- There is no market for the dwellings as proposed. Laurelville housing scheme cited as an example.
- The argument that a grant of permission will open up other lands for development is flawed. The lands referred to are not adjoining. The proposed access road delineated within the proposed development leads to nowhere. The current development and any further large development would exacerbate the issues arising in terms of access, traffic etc.
- The ability of future development of the adjoining lands is severely hindered due to annual flooding.
- No reference made to DMURS
- The supporting documentation accompanying the original application would not be applicable for the proposed amendments providing for apartments.

4.0 **Assessment**

The applicant in response to the section 137 notice contends that the proposal subject of the appeal, whilst falling below the recommended net density range, represents an appropriate balance in terms of safeguarding the amenities of the neighbouring properties. It is also considered that the density should be assessed in the context of the development potential of adjoining lands with the proposed scheme providing for future connectivity to same.

I have previously expressed my reservations in terms of the acceptability of the density. Whilst fully cognisant of the site constraints and the need to protect the

amenities of adjoining property a greater density than that proposed could be achieved ensuring a more appropriate and efficient use of such serviced lands.

In terms of the assessment of the proposal in the context of the adjoining zoned lands, I previously noted that a somewhat cursory consideration was given to the planning authority's request for a masterplan in this regard with an indicative corridor for a roadway via the scheme to the lands to the north denoted. The said corridor ends at the shared boundary with a 3rd party who has indicated his objection to any future road alignment crossing his site. Contrary to the views of the agent for the applicant the details provided cannot be considered to constitute a plan led approach to the development of the wider area.

The applicant sets out three options it considers are available to the Board. They can be summarised as follows:

- Option 1 – original scheme for 21 dwellings (density stated to be 32 units per hectare)
- Option 2 – scheme as amended by FI for 16 dwellings (density stated to be 30 units per hectare)
- Option 3 – submitted amendment entailing 15 no. dwellings and 3 storey apartment block comprising 6 no. 2 bed apartments (density stated to be 43 units per hectare)

As noted in my assessment a significant proportion of the site is excluded from development by reason of flood risk. I calculate that the area of the site affected to be approx. 0.5 hectares. With an overall site area stated to be 1.2472 hectares the said omission would give a developable area of in the region of 0.7472 hectares. I note that the applicant has also omitted the roads and footpaths in its calculations to attain net density. This is not in accordance with the guidance set out in Appendix A of the Sustainable Residential Development – Guidelines for Planning Authorities. The said document states that the net site density measure, being a more refined estimate than a gross site density measure, includes only those areas which will be developed for housing and directly associated uses including access roads within the site, car parking areas etc. The guidelines reference the exclusion of major and local distributor roads from such calculations. The access road in this case cannot

be considered as such and, in my opinion, should be included in the site area for the calculation of net density.

In the context of the recommendations of the current Limerick City Development Plan, which have been informed by the said residential development guidelines, densities of between 35 and 50 units per hectare are required. This figure corresponds with that as recommended in the guidelines for outer suburban/greenfield sites which states that such a range would achieve the greatest efficiency in land use. The guidelines state that development at net densities less than 30 units per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares.

On this basis all three options detailed above fall materially short of the said 35 -50 unit per hectare range and indeed fail to meet the 30 unit per hectare minimum recommended for sites over 0.5 hectares. The original proposal for 21 dwellings equates to a density of 28 units per hectare, the amended scheme providing for 16 dwellings equates to 21 units per hectare. The 3rd option for a total of 21 units (15 dwellings and 6 apartments) also gives a density of 28 units per hectare and not 43 units per hectares as suggested by the agent for the applicant.

The first two options do not address the concerns regarding housing mix providing for 3 and 4 bedroom semi-detached and detached family sized dwellings which are reflective of the prevailing mix along Mill Road.

The 3rd option proposes the omission of a dwelling at the site entrance and its replacement with a 3 storey apartment building. I am not satisfied that such a design solution is appropriate at this location or that it would not adversely impact on the amenities of adjoining property. Issues in terms of adequacy of parking are also relevant. Moreover, I consider that it represents a material departure from that proposed and advertised.

I submit that a fundamental review and redesign of the overall scheme is required to address the issue of density. Consideration could be given to varying house types and sizes, moving away from the standard family sized units. I note that the applicant has ruled out an apartment scheme on the basis that it would be out of character with the area. I would not necessarily subscribe to this view and consider that subject to a high standard of design and regard to amenities of adjoining

property could provide for a mix of housing types in the context of the wider area which, I have noted previously, is somewhat limited in terms of options.

I note the submissions from the observers and the issues raised with respect to flood risk, access and traffic, biodiversity and development plan provisions. I refer the Board to my earlier assessment in which I have addressed these issues.

5.0 Recommendation

In addition to my recommendation to refuse permission on grounds of prematurity pending the determination of the preferred flood relief scheme, I recommend that a 2nd reason for refusal as follows be attached:

Having regard to the residential zoning objective for the site, the current provisions of the Limerick City Development Plan relating to density and the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) issued to planning authorities under section 28 of the Planning and Development Act, 2000, as amended, it is considered that the proposed development would not be developed at a sufficiently high density to provide for acceptable efficiency in land usage given the proximity of the site to Limerick City Centre and established social and community facilities in the vicinity and would not conform to the minimum densities of 35-50 units per hectare recommended in the Development Plan and required in the Guidelines. The proposed development would, therefore, be contrary to the provisions of the City Development Plan and the ministerial guidelines and would be contrary to the proper planning and sustainable development of the area.

Pauline Fitzpatrick
Senior Planning Inspector

April, 2021