



An
Bord
Pleanála

Inspector's Report ABP-313671-22.

Development	Demolition of existing structures on site and construction of a purpose-built housing scheme for older people and / or persons with disabilities consisting of 15 social housing apartments in a single building of 3 storeys.
Location	Land at corner of Ballysimon Road/Woodlawn Park, Co. Limerick.
Planning Authority	Limerick City & County Council.
Planning Authority Reg. Ref.	21/1257.
Applicant(s)	Goldstar Homes.
Type of Application	Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party v Grant
Appellant(s)	Woodlawn Park Residents.
Observer(s)	None.
Date of Site Inspection	03/10/2022.
Inspector	A. Considine.

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1.0 Site Location and Description

- 1.1. The appeal site is located to the south east of, and approximately 2km from Limerick City Centre with frontage onto the R527 road. The site is located to the west of the railway line which circles the city and is located within the R509 which comprises the ring road around the city centre. The site lies approximately 185m to the west of the roundabout junction which connects the R527 from the north west (city centre) to the Ballysimon Road to the south east and the R509 (Childers Road. The R527 provides access to the M7 Motorway and ultimately becomes the N24, connecting Limerick City to Tipperary, Clonmel, Carrick-on-Suir and Waterford.
- 1.2. The Ballysimon Road lies to the north of the site, while the estate road of Woodlawn Park forms the western boundary. The site has a stated area of 0.14ha and lies in a prominent location at the entrance to the well-established Woodlawn Park. The site currently has hoarding around all boundaries with the public footpath. There is an existing single storey flat roofed structure on the site, with evidence of some building rubble also present. The vacant site has a slightly irregular shape and I note that the existing building on the site connects to the adjacent two storey house

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices for Demolition of the existing single storey vacant retail unit and other structures (in ruin) on the site and the construction of a purpose-built housing scheme for older persons and/or persons with disabilities consisting of 15 no. social housing apartments, with a mix of 6no. one bed units and 9 no. two bed units, all in a single building of 3 storeys. The apartment building includes balconies on the north and east elevations and ground level private gardens to the north and east. The development also comprises of:

- 6 no. surface car parking spaces, 3 no. of which are accessible spaces,
- 15 no. bicycle parking spaces,
- refuse storage,
- hard and soft landscaping including a landscaped courtyard to the rear,
- lift and stairs access to the rear,

- private and communal open space,
- new boundary treatment
- and all associated and related works including site engineering and civil works.
- Proposed new vehicular access to proposed development will be from Woodlawn Park, with pedestrian entrances proposed from both Woodlawn Park and Ballysimon Road.
- The gross floorspace is 1050 sq.m,

all at the corner of Ballysimon Road/Woodlawn Park, Co. Limerick.

2.2. The application included a number of supporting documents including as follows:

- Plans, particulars and completed planning application form,
- Application for Exemption from the requirements of Part V
- Letter from Focus Housing Association confirming that the completed purpose-built housing scheme for older persons and / or persons with disabilities will be owned and managed by Focus Housing Association.
- Planning Statement
- Architectural Design Statement
- Housing Quality Assessment
- Building Lifecycle Report
- Verified Views & CGI Booklet
- Daylight, Sunlight and Impact Assessment
- Engineering Drawings & Infrastructure Report
- Residential Lighting Analysis & Public Lighting Drawing
- Noise Assessment Report

2.2.1. Following a request for further information, the applicant submitted proposals to address the requirements for Part V. In addition, the response to the FI request resulted in a number of key amendments to the proposed development as follows:

- Increase in the number of car parking spaces from 6 to 15 spaces
- Lighting design and layout has been revised
- Balconies have been internalised
- Refuse area has been relocated
- Set down area has been removed due to concerns it would result in full time parking
- Amendments to the vehicular access to address sightline requirements.

2.2.2. The response submits that permission is not being sought for a standard residential development. It specifically seeks permission for sheltered housing in the form of housing for older persons and / or persons with disabilities, as per the development description in the public notices.

3.0 **Planning Authority Decision**

3.1. **Decision**

The Planning Authority decided to grant planning permission for the proposed development subject to 19 conditions.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, third party submission, the planning history of the wider site and the Development Plan policies and objectives. The report also includes an Appropriate Assessment Screening section.

The Planning Report notes that while the development proposes a social housing development, the applicant is a private company and not an approved housing body. Therefore, a Part V agreement in principle is required. The report concludes that the subject site is located within an Intermediate Urban Location and while notes the high density, of 107 units per hectare, does not object to same. Carparking issues

are also noted, as well as the proposed location of the refuse storage area. Overall, the design is accepted as being appropriate for the location. Further information is required in relation to Part V, the issues raised in the Roads, Traffic & Cleansing Services report as detailed in section 3.2.2 of this report, as well as revised designs sought with regard to the internalising of balconies and the relocation of the refuse area. The report also requires the applicant to address the third-party issues raised.

Following receipt of the response to the FI request, the Planning Officer noted the submission of reports from the Housing Section and Roads, Traffic & Cleansing Services Section. The report noted that the submission in terms of Part V was not accepted and that an agreement in principle is required with the Housing Section. Outstanding issues raised in relation to sight lines and surface water that remain unresolved and are required to be addressed prior to a decision issuing. Clarification is required.

The final Planning Officers report addresses the responses to the clarification request and notes the acceptance of the proposals. The report also deals with development contributions. Ultimately, the report recommends that permission be granted for the proposed development, subject to 19 conditions. This Planning Report formed the basis of the Planning Authority's decision to grant planning permission.

3.2.2. Other Technical Reports

Building Control: No objections. Fire Safety Certificate and a Disability Access Certificate will be required.

S97 Exemption Certificate: Refused on the grounds that the applicant is a private company and not an Approved Housing Body.

Environmental Services: Further information required in terms of a Refurbishment Demolition Asbestos Survey.

The report also includes a condition in relation to a site-specific waste management plan should permission be granted.

Roads, Traffic & Cleansing Services: Further information required in relation to car parking arrangements, sightlines, traffic &

pedestrian issues, public lighting and surface water disposal proposals.

Following submission of the response to the FI request, the Section required that clarification be sought in relation to sight lines and surface water matters.

Following receipt of the response to the clarification request, a report has been submitted advising conditions to be attached to any grant of planning permission.

Housing Section: Following the submission of a response to the FI request, the Housing Section advised that as discussions had not been held with regard to Part V, no agreement in principle has been reached. While the site may be acquired by an approved housing body, the applicant is a private entity, and a preliminary agreement should be entered into.

Following a request for Clarification, an agreement in principle is noted to have been reached.

3.2.3. Prescribed Bodies

Irish Water: No Objection.

3.2.4. Third Party Submissions

There are 6 no. third party objections/submissions noted on the planning authority file as well as a submission from Cllr. Catherine Slattery. The issues raised are summarised as follows:

- Lack of consultation.
- Height of the building
- Car parking
- Overdevelopment of the site.
- Roads and traffic issues.
- Lack of community recreational facilities.
- Where will site materials be kept during construction.

- Noise and dust pollution during construction.
- Planning history with precedent of refusal.
- Overshadowing of property
- Traffic lights will be required directly at the entrance to Woodlawn Park if housing is approved.
- Concerns regarding the control of the social apartments.
- The applicant is a 'shelf' company with no details of the directors or details of the company in general found.
- The site has been cleared and left in a disgraceful manner.
- Need for bicycle parking questioned
- 11 houses in the estate are social houses. 15 more will result in 22% of housing units being social which is above what the residents should be asked to accept.
- Surface water drainage arrangements raised as a concern which would heighten the risk of flooding.
- Residential amenity impacts on existing homes including loss of privacy and light.
- Actions of the applicants including cutting trees during nesting season raised as a concern.

4.0 Planning History

4.1. There have been a number of applications for development on the site, all of which involved the demolition of the existing single storey building and sheds on the site as follows:

ABP ref: PL30.119413 (PA ref: 99/770278): Permission refused on appeal for the construction of a three-storey block to comprise 3 shops with 12 apartments above. The reasons for refusal related to excessive retail provision, lack of car parking, and removal of trees.

ABP ref: PL30.130791 (PA ref: 01/770210): Permission refused on appeal for the construction of 9 dwelling houses (3 three-bed, 3 four-bed, and 3 five-bed). The reasons for refusal related to over development and out of character with the pattern of existing development.

PA ref: 04/770272: Permission refused by the Council on the grounds of overdevelopment of the site for 10 dwellings (4 three-bed townhouses, 3 two-bed apartments, and 3 three-bed duplexes)

PA ref: 05/770168: Permission refused by the Council on the grounds of overdevelopment of the site for the construction of: Building A -pharmacy and shop with 2 two-bed apartments above, Building B – doctor’s surgery with 1 two-bed apartment above and car park.

PA ref: 07/770164: Permission refused by the Council on the grounds of overdevelopment of the site for 11 dwellings (1 three-bed house, 3 three-bed duplexes, and 2 one-bed and 5 two-bed apartments)

ABP ref: PL30.233449 (PA ref: 08/770304): Permission granted on appeal for the construction of 10 dwellings (3 three-bed duplexes and 7 two-bed apartments).

ABP ref: ABP-305441-19 (PA ref: 18/1260): Permission refused on appeal for the construction of 6 townhouses, 2 semi-detached houses and car parking. The reasons for refusal relate to inadequate open space, inadequate car parking and inadequate information on site surface water drainage arrangements.

Enforcement:

DC-127-21: Warning letter served in relation to unauthorised development.

Pre-Planning:

PP 11739: A pre-planning meeting was held via Teams is advised in the Planning Officers report. Advice was given in relation to the design.

5.0 Policy and Context

5.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

The NPF includes a Chapter, No. 6 entitled ‘People, Homes and Communities’. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:

- National Policy Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.
- National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

National Planning Objective 13 provides that “in urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

5.2. Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2009):

5.2.1. These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The objective is to produce high quality – and crucially – sustainable developments:

- quality homes and neighbourhoods,
- places where people actually want to live, to work and to raise families, and
- places that work – and will continue to work - and not just for us, but for our children and for our children’s children.

5.2.2. The guidelines promote the principle of higher densities in urban areas as indicated in the preceding guidelines and it remains Government policy to promote sustainable patterns of urban settlement, particularly higher residential densities in locations which are, or will be, served by public transport under the *Transport 21* programme.

5.2.3. Section 5.6 of the guidelines suggest that there should be no upper limit on the number dwellings permitted that may be provided within any town or city centre site, subject to the following safeguards:

- compliance with the policies and standards of public and private open space adopted by development plans;
- avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;
- good internal space standards of development;
- conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;
- recognition of the desirability of preserving protected buildings and their settings and of preserving or enhancing the character or appearance of an Architectural Conservation Area; and
- compliance with plot ratio and site coverage standards adopted in development plans.

5.2.4. Section 5.7 deals with Brownfield lands and notes that where significant sites exist and, in particular, are close to existing or future public transport corridors, the opportunity for their re-development to higher densities, subject to the safeguards expressed above or in accordance with local area plans, should be promoted, as should the potential for car-free developments at these locations.

5.3. Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, (DoHPLG, 2020):

5.3.1. These statutory guidelines update and revise the 2015 Sustainable Urban Housing: Design Standards for New Apartments Guidelines, and the 2018 Guidelines in relation to Shared Accommodation schemes. The objective is to build on the content of the 2015 apartment guidance and to update previous guidance in the context of

greater evidence and knowledge of current and likely future housing demand in Ireland taking account of the Housing Agency National Statement on Housing Demand and Supply, the Government's action programme on housing and homelessness Rebuilding Ireland and Project Ireland 2040 and the National Planning Framework, published since the 2015 guidelines. Aspects of previous apartment guidance have been amended and new areas addressed in order to:

- Enable a mix of apartment types that better reflects contemporary household formation and housing demand patterns and trends, particularly in urban areas;
- Make better provision for building refurbishment and small-scale urban infill schemes;
- Address the emerging 'build to rent' and 'shared accommodation' sectors; and
- Remove requirements for car-parking in certain circumstances where there are better mobility solutions and to reduce costs.

The guidelines identify specific planning policy requirements in terms of apartments and Development Plans dealing with the mix of unit sizes, while Chapter 3 deals with Apartment Design Standards, including studio apartments, orientation of buildings and dual aspect ratios, storage provision, private amenity spaces and security considerations. Chapter 4 deals with communal facilities, including car and bicycle parking.

The primary aim of these guidelines is to promote sustainable urban housing, by ensuring that the design and layout of new apartments will provide satisfactory accommodation for a variety of household types and sizes – including families with children - over the medium to long term. These guidelines provide recommended minimum standards for:

- floor areas for different types of apartments,
- storage spaces,
- sizes for apartment balconies / patios, and
- room dimensions for certain rooms.

The appendix of the guidelines provides guidance in terms of recommended minimum floor areas and standards.

5.4. Urban Development and Building Heights Guidelines for Planning Authorities December 2018.

- 5.4.1. The guidelines encourage a more proactive and flexible approach in securing compact urban growth through a combination of both facilitating increased densities and heights, while also mindful of the quality of development and balancing the amenity and environmental considerations. Building height is identified as an important mechanism to delivering such compact urban growth and Specific Planning Policy Requirements (SPPRs) of the building height guidelines take precedence over any conflicting policies and objectives of the Dublin City Development Plan.

5.5. Development Plan

- 5.5.1. The Board will note that the application the subject of this appeal was submitted under the previous Limerick Development Plan 2010-2016 as extended, where the site was zoned for residential purposes.
- 5.5.2. The current applicable Limerick City & County Council Development Plan 2022-2028 is the relevant policy document pertaining to the subject site. This Plan was adopted by the Elected Members of Limerick City & County Council on the 17th of June 2022 and the Plan came into effect on the 29th of July 2022, six weeks after the date of adoption.
- 5.5.3. The subject site lies in an area which is zoned Existing Residential in the new CDP. In this regard, the following policy objectives are considered relevant:

Objective CGR O3: Urban Lands and Compact Growth

It is an objective of the Council to:

- a) Deliver 50% of new homes within the existing built-up footprint of Limerick City and Suburbs (in Limerick), Mungret and Annacotty
- b) Encourage and facilitate sustainable revitalisation and intensification of brownfield, infill, underutilised and backland urban sites, subject to

compliance with all quantitative and qualitative Development Management Standards set out under Chapter 11 of this Plan.

c)

Objective CGR O4: Active Land Management

It is an objective of the Council to:

a) Promote an active land management approach through cooperation with relevant stakeholders and infrastructure providers to deliver enabling infrastructure to achieve compact growth.

b) Support and facilitate the reuse and revitalisation of derelict, vacant and underutilised sites and disused buildings throughout Limerick for residential, economic, community and leisure purposes.

c)

5.5.4. Chapter 4 of the Plan deals with Housing and the following Objectives are considered relevant:

Objective HO O3: Protection of Existing Residential Amenity

It is an objective of the Council to ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable new development.

Objective HO O5: Apartments

It is an objective of the Council to encourage an increase in the scale and extent of apartment development, particularly in proximity to core urban centres and other factors including existing public transport nodes, or locations where high frequency public transport can be provided, close to locations of employment and a range of urban amenities including parks/ waterfronts, shopping and other services.

5.5.5. Section 4.2.11 deals with Housing for Older People and notes that the Council is committed to accommodating the needs of older people by encouraging the provision of suitable accommodation to allow older people to remain in their established communities.

Objective HO 09: Support Housing Options for Older People

It is an objective of the Council to:

- a) Support the provision of specific purpose-built accommodation, including assisted living units and lifetime housing and adaptation of existing properties, which will include opportunities for 'downsizing' or 'right sizing' within their community.
- b) Support the concept of independent living for older people within their community and ensure, where possible that such accommodation is integrated with mainstream housing

5.5.6. Chapter 10 of the Plan deals with Sustainable Communities and Social Infrastructure and Section 10.8 with Age Friendly Strategy, which advises that the Council is committed to improving key areas of infrastructure, services, information and overall social response to older persons issues.

5.6. Natural Heritage Designations

5.6.1. The site is an urban brownfield site and is not located within any designated site. The site is not located within any designated site. The closest Natura 2000 site is the Lower River Shannon SAC (site code 002165) which is located approx. 1.6km to the north of the site, and the River Shannon and River Fergus Estuaries SPA (site code 004077) located approx. 2.3km to the north of the site.

5.7. EIA Screening

5.7.1. The application was submitted to the Board after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.

5.7.2. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units

- Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other parts of a built-up area and 20ha elsewhere.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

5.7.3. The proposed development comprises 15 residential units in the form of 6no. 1 bed and 9 no. 2 bed apartments in one block on a site of 0.14ha. The site is located in an urban area which has a mix of uses but is primarily residential in its nature. As such, I consider that the area is more akin to ‘other parts of a built-up area’. I am satisfied that the site is below the threshold of 2 ha for a ‘business district’ location, and substantially below the 10ha threshold for ‘other parts of a built-up area’. In any case, the site is below the threshold of 2 ha for a ‘business district’ locations. It is therefore considered that the development does not fall within the above classes of development and does not require mandatory EIA.

5.7.4. In accordance with section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

5.7.5. Having regard to:

- (a) the nature and scale of the development,
- (b) the built nature and urban location of the site,
- (c) the zoning afforded to the site and the availability of public services and infrastructure,
- (d) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

It is concluded that 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 at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. This is a third-party appeal against the decision of the Planning Authority to grant planning permission for the proposed development, submitted by the Woodlawn Park Residents Association. The grounds of appeal are summarised as follows:

- Inadequate car parking provided and impact on the residents of Woodlawn in an already congested entrance.
- The height of the development is not in keeping with the existing properties in Woodlawn.
- There are already 12 social houses in the park and it is requested that any change of use of the proposed additional social properties be subject to a further permission.
- No commitment given by LCCC to install traffic lights at the entrance to Woodlawn,
- Not opposed to development on the site subject to inputs being addressed.
- Concerns raised regarding off road parking for construction vehicles as not details have been provided.

6.2. First Party Response to Third Party Appeal

6.2.1. The First Party Response notes that since the submission of the third-party appeal, Limerick City & County Council have adopted a new Development Plan 2022-2028. It is submitted that the proposed development is consistent with the policies of the new Development Plan. The response sets out the background to the proposed development and notes the context of the subject site.

6.2.2. The response to the third-party appeal is summarised as follows:

- Following a request for further information, the number of car parking spaces to serve the development increased from 6 to 15, which is in excess of the CDP requirements.
- In terms of the height of the development, it is submitted that the development is compatible with the character of the surrounding area having regard to the existing site context and characteristics.
- The principle of three storeys has already been accepted on the site by the Board under ABP Ref: PL30.233449. The current proposed development will be 475mm less than the previously permitted height at 9.325m.
- Concerns regarding the change of use of the site would be considered on its merits. The proposed development seeks a very specific use.
- Roads and traffic issues raised have been addressed throughout the planning documentation and further information submitted.
- Due to the scale of the development, significant volumes of traffic will not be generated, and the Roads Department confirmed that the scheme is acceptable.
- The installation of traffic lights is not considered necessary to facilitate the development.
- Construction parking concerns will be addressed as part of the Construction Environmental Management Plan (CEMP).

6.2.3. The response submits that the proposed development will make better use of an underutilised site, deliver much needed specialised housing and will accord with the policies of the CDP and other standards.

6.2.4. It is requested that the Board grant permission for the development.

6.3. **Planning Authority Response**

None.

6.4. Observations

No valid observations noted.

7.0 Planning Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development
2. Compliance with National Guidelines & Standards, the Development Plan & General Development Standards
3. Density, Height & Visual Impacts
4. Residential Amenity
5. Roads & Traffic Issues
6. Water Services & Flood Risk
7. Other Issues

7.1. Principle of the development

- 7.1.1. The proposed development seeks to construct a single, 3 storey block of apartments on a prominent corner site at the junction of the R527 and the entrance to Woodland Park residential estate, approximately 2km to the south east of Limerick City Centre. The site is brownfield in nature and has a stated area of 0.14ha. The site lies within the ring road around Limerick City on lands zoned for residential purposes in the new Limerick Development Plan 2022-2028. The proposed development will provide for 15 one and two bedroomed units which will be managed as sheltered housing for older people and / or persons with disabilities. The site lies in a primarily residential area but within proximity to a number of shops and services, including public transport.

- 7.1.2. It is the stated objective of the 2022 CDP to deliver 50% of new homes within the existing built-up footprint of Limerick City and Suburbs and encourage and facilitate the sustainable revitalisation and intensification of brownfield, infill, underutilised and backland urban sites, subject to compliance with all quantitative and qualitative Development Management Standards (Objective CGR 03: Urban Lands and Compact Growth). Objective HO 03 provides that it is the stated objective of the Council to ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable new development and Objective HO 05 provides that it is an objective of the Council to encourage an increase in the scale and extent of apartment development. I am satisfied that the principle of the proposed development adequately accords with the provisions of the above objectives of the Plan.
- 7.1.3. In addition, I note Objective HO 09 which deals with support housing options for older people. It is a stated objective to support the provision of specific purpose-built accommodation, including assisted living units and lifetime housing. The objective, part b) states that it is an objective to support the concept of independent living for older people within their community and ensure, where possible that such accommodation is integrated with mainstream housing. I am again satisfied that the principle of the proposed development adequately accords with this objective of the CDP.
- 7.1.4. Having regard to the location of the subject site, on serviced lands, zoned for residential purposes together with the proximity to public transport, retail, community and social facilities, it is reasonable to conclude that in principle, the development of the site for residential purposes is acceptable. The principle, however, is subject to all other planning considerations including issues relating to roads and traffic, visual and residential amenities, water services and other considerations which I will address further below.

7.2. Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards:

- 7.2.1. Having regard to the location of the subject site in Limerick City, together with the brownfield nature of the site and the recent planning history of site, I am satisfied that the principle a residential development can be considered acceptable and in

accordance with the general thrust of national policy. The subject site has a stated area of 0.14ha and proposes to provide 15 residential units on the site (6 x 1 bed and 9 x 2 bed), which will be used as sheltered housing for older persons and / or persons with disabilities.

- 7.2.2. The objective of the Sustainable Residential Development in Urban Areas 2009 Guidelines, and its companion design manual, is to produce high quality, and crucially, sustainable developments and communities through the reduction, as far as possible, of the need to travel, particularly by private car, and promoting the efficient use of land. The Guidelines, together with the companion design manual, sets out a series of 12 criteria which should be employed in the assessment of planning applications and appeals.
- 7.2.3. The Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities suggest that in areas close to public transport corridors, minimum densities of 50 units per hectare should be applied subject to a number of safeguards. The density proposed in the proposed development is approximately 107 units per hectare. In terms of compliance with the local policy requirements, the Limerick Development Plan advises, at Table 2.6 Density Assumptions per Settlement Strategy. Noting that the subject site lies within the Level 1 Settlement of Limerick City and Suburbs, and within an Intermediate Urban Location, a minimum density of 45+ dwellings per hectare is noted to be required. As such, it might be considered that the density as proposed is high.

The Sustainable Urban Housing: Design Standards for New Apartments, DoHPLG December 2020

- 7.2.4. The 2018 guidelines update the guidelines from 2015 in the context of greater evidence and knowledge of current and likely future housing demand in Ireland taking account of the Housing Agency National Statement on Housing Demand and Supply, the Government's action programme on housing and homelessness, Rebuilding Ireland and Project Ireland 2040 and the National Planning Framework, published since the 2015 guidelines, and specific policy objectives contained in these guidelines take precedence over policies and objectives of development plans. The aims of the guidelines are to enable a mix of apartment types, make better provisions for building refurbishment and small-scale urban infill schemes, address

the emerging 'build to rent' and 'shared accommodation' sectors and to remove requirements for car-parking in certain circumstances.

7.2.5. The 2020 Guidelines update the 2018, and in terms of the subject appeal, the 2020 guidelines are the appropriate guidelines Chapter 3 of the Guidelines provide for Apartment Design Standards, and I proposed to consider the proposed development against these requirements as follows:

a) *Apartment floor area:*

The Guidelines, Specific Planning Policy Requirement 3, require that the minimum floor areas be applied to apartment developments. The Board will note that there are 5 no. unit types proposed within the scheme, providing for the following floor areas:

No of Unit Type	Minimum overall F/A	Proposed F/A	Total F/A
6 x One bedroom	45.0m ²	3 x 52.5m ² 3 x 54.3m ²	320.4m²
9 x Two bedrooms (4 persons)	73.0m ²	3 x 73.0m ² 3 x 74.5m ² 3 x 79.2m ²	680.1m²
15 units in Total			1,000.5m²

The development proposes 15 x 1 and 2 bedroom apartments. All apartments proposed achieve the minimum floor area required by the guidelines.

The guidelines also provide for the following minimum requirements in terms of the living / dining and kitchen room areas:

Minimum aggregate floor areas for living/dining/kitchen rooms

Minimum widths for the main living/dining rooms Apartment type	Width of living/dining room	Aggregate floor area of living / dining / kitchen area*
One bedroom	3.3 m	23.0m ²
Two bedrooms (4 person)	3.6 m	30.0m ²

* Combined Living / Dining / Bedspace, also includes circulation.

In terms of the above, I am satisfied that the proposed development adequately accords with the guideline requirements.

b) *Safeguarding Higher Standards*

It is a requirement that ‘the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total, but are not calculable as units that exceed the minimum by at least 10%)’.

In this regard, the following is relevant:

Unit Mix	No of Apartments	Cumulative Min Floor Area
40% 1-bed units	6	6 x 45m ² = 270m ²
60% 2-bed units	9	9 x 73m ² = 657m ²
Total	15	927m²

+ 10%	No of Apartments	Cumulative Min Floor Area
1-bed units + 10%	6	6 x 4.5m ² = 27m ²
2-bed units + 10%	2	2 x 7.3m ² = 14.6m ²
Total	8	41.6m²

Total Required Minimum Floor Area therefore is 968.6m².

The actual proposed floor area of the residential element of the overall development, is 1,000.5m² and as such, the scheme complies with the 2020 Apartment Guideline requirements.

c) *Dual aspect ratios:*

This issue relates to the availability of daylighting and orientation of living spaces in order to maximise the amenity of occupants of the apartments. The proposed development provides for 15 apartments in a single block which will rise to 3 storeys. As the proposed building is essentially one unit deep, the scheme is considered to provide for full dual aspect units.

The Guidelines require, SPPR 4 refers, that at least 33% of units are dual aspect and, in this regard, the proposed development complies with the 2020 Apartment Guidelines. There are no units with a single northern aspect and all upper floor apartments are afforded private amenity spaces in the form of

small balconies which meet the recommended 1.5m minimum depth required in the Guidelines.

d) *Floor to Ceiling Height:*

It is a specific policy requirement, SPPR 5, that ground level apartment floor to ceiling heights shall be a minimum of 2.7m, and 3m should be considered for multi-storey buildings. The sections submitted with the planning documents and appeal indicate that a floor to ceiling height of 2.45m across all floors is proposed.

The Board will note that the submitted Housing Quality Assessment is silent on this matter which would not appear to be in accordance with the requirements of the guidelines. However, I would accept that the Guidelines provided that for urban infill schemes on sites of up to 0.25ha, these requirements may be relaxed subject to overall design quality. I also note the very specific intended use of the proposed scheme together with the quality of the internal spaces in terms of daylight availability. In these circumstances, I am satisfied that the proposed development is acceptable in this regard.

e) *Lift & Stair Cores:*

The proposed development includes an external stair access to the upper floors, together with a lift. Having regard to the scale of the proposed development, I am satisfied that the proposed stairs and lift arrangement is acceptable.

f) *Internal Storage:*

The proposed development provides for storage within all apartments. Minimum storage requirements are indicated in the guidelines, and it is noted that said storage 'should be additional to kitchen presses and bedroom furniture but may be provided in these rooms. A hot press or boiler space will not count as general storage and no individual storage room within an apartment shall exceed 3.5m².'

The Guidelines also advise that storage for bulky items outside the individual units should also be provided, apart from bicycle parking requirements. The Board will note that the development does not propose any external storage

facilities to serve the development. The minimum storage space requirements are identified as follows:

Minimum storage space requirements

One bedroom	3 sq m
Two bedrooms (4 person)	6 sq m

In the context of the proposed development, the Board will note that the submitted drawings indicate that storage is provided within each apartment, all in accordance with the requirements of the guidelines.

g) Private Amenity Space:

It is a specific planning policy requirement that private amenity space shall be provided in the form of gardens or patios/terraces for ground floor apartments and balconies at upper levels. The guidelines require the following minimum floor area for private amenity space:

Minimum floor area for private amenity space

One bedroom	5 sq m
Two bedrooms (4 person)	7 sq m

All apartments are provided with balconies or terraces, all of which appear to achieve the recommended area and 1.5m minimum depth required in the Guidelines. I would note, however, that only 6 of the proposed units (2 on each floor) provide private open spaces which adjoin and have a functional relationship with the main living areas of the apartments. All other units must access the private open space via a bedroom and primarily have a southern, western or eastern aspect.

I would consider this to be a flaw in the internal layout of the scheme and should the Board be minded to grant permission, the affected units should be reimagined in order to ensure that the private amenity space is accessible via the main living areas of the apartments.

h) Security Considerations

The Guidelines require that apartment design should provide occupants and their visitors with a sense of safety and security by maximising natural

surveillance of streets, open spaces, play areas and any surface bicycle or car parking. Entrance points should be clearly indicated, well lit, and overlooked by adjoining dwellings. Particular attention should be given to the security of ground floor apartments and access to internal and external communal areas.

The Board will note that the development essentially provides for own door units, accessed off an open gallery which overlooks the communal open space area and car park. I am generally satisfied that the access to the building and matters of security are acceptable.

- 7.2.6. Chapter 4 of the Guidelines seeks to deal with communal facilities in apartments and deals with access & services, communal facilities, refuse storage, communal amenity space, children's play, bicycle parking and storage and car parking. Given the nominal scale of the proposed apartment development, I am satisfied that the communal areas proposed are adequately sized.
- 7.2.7. In terms of the provision of refuse storage, the Board will note that a bin storage area to service the apartments is proposed within the grounds of the development. I accept the principle of the location of the proposed bin storage area within the development, noting that the Guidelines advise that 'Waste storage areas should not be on the public street, and should not be visible to or accessible by the general public. The level of impact associated with the proposed development in terms of refuse collection is considered minimal and acceptable.
- 7.2.8. In relation to communal amenity spaces, the development proposes a private landscaped area within the courtyard area of the scheme, which is not visible from the public road. The guidelines provides that accessible, secure and usable outdoor space is a high priority for families with young children and for less mobile older people. The minimum required area for the communal open space area to serve the subject site is 93m². The landscape space proposed occupies approximately 260m² and is accessible from all of the proposed units. I am satisfied that the development is acceptable in this regard.
- 7.2.9. Secure parking for 15 bicycles is provided for within the development. While the guidelines require that 1 cycle storage space per bedroom is applied, having regard

to the intended use of the scheme, I am satisfied that the development proposes an appropriate quantum of bicycle parking spaces.

- 7.2.10. Parking for 15 cars is proposed within the amended scheme. In terms of car parking, the Guidelines notes that the quantum or requirement for car parking will vary in terms of the location of the site. Section 4.19 suggest that the car parking provision can be minimised, substantially reduced or wholly eliminated in certain circumstances. The guidelines do provide that it is necessary to ensure the provision of an appropriate drop off, service, visitor parking and parking for the mobility impaired. I am satisfied that the proposed development is acceptable in this regard.

Conclusion:

- 7.2.11. I am generally satisfied that the principle of the development is acceptable in terms of compliance with the guidelines. In addition, I am satisfied that the principle of the proposed development is acceptable in terms of the location of the site within Limerick City and the zoning objective afforded to the site. In terms of the general thrust of the Sustainable Urban Housing: Design Standards for New Apartments, DoHPLG December 2020, I have no significant concerns other than the provision of private amenity space which requires to be accessed via a bedroom rather than the main living space.

7.3. Density, Height & Visual Impacts

- 7.3.1. The Urban Development and Building Height Guidelines for Planning Authorities (Dec 2018), builds on the wider national policy objective to provide more compact forms of urban development as outlined in the National Planning Framework. Increased building heights is identified as having a critical role in addressing the delivery of more compact growth in urban areas, particularly cities and larger towns. Specific Planning Policy Requirements (SPPRs) of the height guidelines take precedence over any conflicting policies, and objectives of the Limerick Development Plan 2022, if any exist.
- 7.3.2. I note the requirements of SPPR 4 as detailed in the Urban Development & Building Height Guidelines 2018 which states that, in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:

1. The minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “Sustainable Residential Development in Urban Areas (2009)” or any amending or replacement Guidelines;
2. A greater mix of building heights and typologies in planning for the future development of suburban locations; and
3. Avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.

7.3.3. The development proposes 15 sheltered housing apartments for the elderly and / or persons with disabilities, on a site covering 0.14ha resulting in a density of 107 units per hectare. Having regard to the location of the subject site on zoned and serviced land within an Intermediate Urban Location, proximate to Limerick City, I am satisfied that the proposed development is in accordance with principles of national policy.

7.3.4. The issue of height was raised as an issue by third parties, with particular reference to the character of the existing area comprising essentially single and two storey houses. While I would accept that the proposed development will represent a change to the current character of the wider area, the subject site comprises a corner site at a junction with the cul-de-sac estate road of Woodlawn Park and the R527. I also note that planning permission was granted in the past for the construction of a three-storey building on the site. The Board will note that the proposed building rises to an overall height of 9.325m, which is below a previously permitted scheme for the site. In support of the proposed development, the applicant submitted contextual elevations and a number of photomontages to depict the development as proposed. It is therefore reasonable to conclude that a building of 3 storeys in height can be appropriately accommodated on the site.

7.3.5. In terms of visual impacts, I consider that the proposed scheme has been designed to be accommodated on this prominent corner site and would, if permitted, represent an appropriate form of development which would not significantly impact on the existing visual amenities of the wider area, and would be appropriate to the character of the streetscape.

7.4. Residential Amenity

- 7.4.1. The subject site is bound to the south west and the south east by residential properties. I note that the proposed building will be constructed within approximately 5.5m of the house to the south west, whose north eastern gable forms part of the site boundary, and within 400mm of the boundary of the residential property to the north east. I note that there is a driveway between the site boundary and the house at this location, and there are no windows proposed along this elevation of the proposed building.
- 7.4.2. In terms of potential impacts on existing residential amenity, I consider the impacts may arise in terms of overlooking, overbearance and daylight and sunlight. I acknowledge the concerns raised in relation to roads and traffic issues by third parties and I propose to address these matters in Section 7.5 of this report.

Overlooking

- 7.4.3. The development as permitted proposes that balconies will be provided to the upper floor units in order to provide the necessary private amenity spaces. The closest balcony is to be located at approximately 23m from the houses which front on to the north side of the Ballysimon Road. I do not consider that overlooking of any significance will occur such as to impact on the existing residential amenity of these properties.
- 7.4.4. With regard to the houses within Woodlawn Park to the south west, I note that the proposed balconies which face north west are to be recessed into the building face, and therefore, there is little potential for overlooking of these properties. In terms of the potential for overlooking associated with the external gallery associated with the upper floors of the development, and the upper floor windows, the Board will note that the closest which might offer a direct view towards the existing houses is located at 22m from the site boundary. I do not consider that overlooking of any significance will occur such as to impact on the existing residential amenity of these properties.
- 7.4.5. I am satisfied that no issues of overlooking of the private amenity spaces of the existing houses in the area arises.

Overbearance

- 7.4.6. The Board will note that the third-parties have raised concerns in terms of the height of the proposed development, which I have addressed previously above. I would accept that the proposed development will be visible from some private areas of adjacent houses to the south and north, as well as the wider area. The introduction of the building on this brownfield site has the potential to change the outlook from these homes.
- 7.4.7. While the proposed development is larger in terms of height, scale and massing in the context of the two-storey terraced housing traditional to the area, I would not consider that the development will represent a significant visually overbearing structure when viewed from the wider area. I further note the planning history of the site, which included a grant of planning permission for a higher development. In addition, I consider that the proposed materials to be employed in the development, including a mix of both render and brick, represent a simple pallet which will minimise the massing of the building and facilitate its assimilation into this streetscape. I have no objection in this regard.

Daylight/Sunlight/Overshadowing

- 7.4.8. Section 3.2 of the Urban Development and Building Height Guidelines (2018), in terms of the at scale of the site/building, states as follows:
- The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.
 - Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.
 - Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that

assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution.

7.4.9. In addition to the Building Height Guidelines, the Sustainable Urban Housing Design Standards for New Apartments Guidelines 2020 also require at Section 6.6, that planning authorities' should have regard to quantitative performance approaches to daylight provision outlined in guides like the BRE guide 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' when undertaken by development proposers which offer the capability to satisfy minimum standards of daylight provision. Where an applicant cannot fully meet all of the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, which planning authorities should apply their discretion in accepting taking account of its assessment of specifics.

7.4.10. The applicant's assessment of daylight, sunlight and overshadowing study is based on the BRE Report "Site Layout Planning for Daylight and Sunlight" and the Board will note that this assessment was prepared prior to the implementation of the 2022 updated guidance. The analysis performed considered the following:

- Vertical Sky Component
- Annual Probable Sunlight Hours
- Sunlight to existing gardens
- Sunlight to proposed amenity areas
- Average Daylight Factor

7.4.11. I have considered the report submitted by the applicant submitted with the application which had regard to BRE 209 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011) and BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) – the documents referenced in Section 28 Ministerial Guidelines. The Board will note that these guidelines have been updated in June 2022 and that the principle change in the updated Guidance relates to the assessment of daylight within new schemes which has resulted in BS8206-2, and therefore the associated Average Daylight Factor (ADF)

methodology, being replaced with BS EN 17037 references. The updated standard uses a Climate Based Daylight Modelling (CBDM) methodology and / or daylight factor targets (not the same as ADF) and such assessments are noted to be far more complex. Reference therefore to BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting), is now obsolete. In addition, to changes to the assessment of internal daylight, the new guidelines also revise the test for sunlight levels in new developments, with the test now to receive a minimum of 1.5 hours of sunlight on March 21st and are more onerous.

7.4.12. I note the concerns raised in the third-party submissions as they relate to the potential impact on light in their homes and amenity spaces. In terms of the potential impacts on existing dwellings, I consider that there are two elements to be considered, including loss of sunlight to amenity spaces and overshadowing, as well as the impact of loss of light within both existing and proposed homes due to the development.

Sunlight to Amenity Spaces / Overshadowing

7.4.13. With regard to sunlight to amenity spaces, the BRE guidance document provides that for a space to appear adequately sunlit throughout the year, at least half of the garden or amenity area should receive at least 2 hours of sunlight on the 21st March. In terms of existing private amenity spaces, Section 5.3 of the submitted report identifies the amenity spaces of the houses fronting onto the Ballysimon Road to the north, houses to the east and houses in Woodlawn Park to the south and west. In total, 14 existing amenity spaces have been assessed, and all are considered to meet the criteria of the BRE Guidelines. The report concludes that the impact of the development on the assessed spaces is imperceptible.

7.4.14. Having regard to the provisions of national and local policies and objectives with regard to urban development including increased densities and regeneration of brownfield sites, together with the constraints associated by the subject site in terms of its position in the context of existing housing and residential development, and my assessment with regard to the impact that arises in respect of the impact to sunlight to and overshadowing of existing amenity spaces, I consider that the potential for undue impacts on the amenities of the neighbouring residential properties can be reasonably discounted and that the discretion offered by Section 3.2 of the

Sustainable Urban Development and Building Height Guidelines and Section 6.6 of the Sustainable Urban Housing Design Standards for New Apartments Guidelines (2020) is such that, a refusal of permission is not warranted with regard to Sunlight to Amenity Spaces / Overshadowing of existing properties.

7.4.15. With regard to the proposed development, the Daylight & Sunlight Assessment Report, submitted with the application, identifies the areas of proposed amenity spaces as follows:

1. Internal courtyard to the south of the proposed building.
2. Amenity spaces proposed between the proposed building the and the road to the north and west.

7.4.16. The proposed internal courtyard is noted to receive 2 hours of sunlight on the 21st of March to 96.4% of the area. The quality of this amenity space is therefore acceptable in the context of the proposed development. In addition, the areas of communal open space and private amenity spaces to the west are also noted to achieve adequate levels of sunlight at all times during the year. I would acknowledge that the proposed amenity spaces represent a fully compliant scheme in the context of the BRE Guidelines, and when all amenity spaces are taken into consideration, over 50% of the area complies with the stated requirements.

Loss of Light within Existing Homes

7.4.17. The BRE guidance for daylight and sunlight is intended to advise on site layout to provide good natural lighting within a new development, safeguarding daylight and sunlight within existing buildings nearby and protecting daylight of adjoining properties. The document sets out the criteria for considering the impact of new development on existing buildings in terms of daylight and sunlight. The guidance in this regard is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms, and include as follows:

- Consideration of the separation distance – if it is three or more times its height, the loss of light will be small.
- Consideration of the angle to the horizontal subtended by the new development at the level of the centre of the lowest window – if the angle is

less than 25° it is unlikely to have a substantial effect on the diffuse skylight in existing buildings.

- Consideration of the Vertical Sky Component (VSC) - If VSC is >27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum.
- If the VSC is both less than 27% and less than 0.8 of its former value, occupants of the existing building will notice the reduction in the amount of skylight.

The Guidelines suggest that the above considerations need to be applied sensibly and flexibly.

7.4.18. In the context of the above, the Board will note that I have employed all of the relevant Guidance documents in order to present a rational assessment of the proposed development, identifying potential impacts arising and consideration on the reasonableness or otherwise of identified potential impacts. My assessment is based on the identified national and local policies which support the increase in density of development on appropriate city sites, on appropriately zoned and serviced lands and the need to provide new homes while considering the potential impacts on existing residents.

7.4.19. In terms of the above guidance, the Board will note that the proposed building, with an overall height of 9.325m:

- Is not located three or more times its height from adjacent properties.
 - It is located approximately 23m from houses to the north
 - 3.9m to the house to the east
 - 5.8m to the house to the south

There is an area of open space directly to the west of the site.

- The angle to the horizontal subtended by the new development at the level of the centre of the lowest window is slightly above the identified angle of 25° where an angle below this figure is unlikely to have a substantial effect on the diffuse skylight in existing buildings.
 - The angle is 27° from the windows in properties to the north.

- The angle is approx. 65° to the east
- The angle is approx. 51° to the south although the Board will note that there are no windows in the northern elevation of this existing property.

In a consideration of the Vertical Sky Component (VSC), the Board will note that 64 windows of existing residential properties were assessed by the applicant. Of these windows, the impact at 59 is deemed to be imperceptible, with 2 not significant and 2 slight. As such, 1 window is assessed to have a moderate impact with the development in place.

This window is located at first floor level on the gable end of the house immediately to the east of the subject site. The ratio of proposed VSC to Baseline VSC at this window is noted to be 0.44 amounting to a 61.94% level of compliance with BRE Guidelines, with a moderate effect to the total amount of skylight available to the window. In addition, I note that a No Sky Line test has not been carried out and no information in relation to the floor plan of the affected room has been provided. As such, I cannot determine if the area of the room where the change in the no sky line is greater than the 20% cited in the guidelines. I would accept however, that the applicant has assessed the impact to be moderate, and submits that given the context of the site, this level of impact would be typical, and that the reduction is consistent with similar properties in the surrounding areas.

7.4.20. Overall, the submitted Daylight & Sunlight Assessment Report has noted that the existing house to the east will be moderately impacted on by the proposed development in terms of the first-floor gable window. In the context of the proposed development, I note that the Guidance document provides for judgement and balance of considerations to be applied. As such, the impact of the proposed development can be reasonably considered to be not so significant as to warrant outright refusal of permission.

Light within proposed homes:

7.4.21. The submitted Daylight & Sunlight Assessment Report considers the potential daylight to the proposed development in Section 5.6 assessing the Average Daylight Factor (ADF) received in habitable rooms across the proposed development. BRE and the Table 2 of the now obsolete BS8206 guidance recommends that for new

dwellings daylight to habitable rooms should exceed a calculated Average Daylight Factor (ADF) of 2% for a kitchen, 1.5% for a living room and 1% for a bedroom. Where one room serves more than one purpose, the minimum average daylight factor should be that for the room type with the highest value, eg. in a space which combines a living room and a kitchen the minimum ADF should be 2%.

- 7.4.22. The 2022 Guidelines no longer use the ADF, NSL or Room Depth Criterion in assessing internal daylight. The new assessments require consideration of either the median daylight factor (applicable to 50% of the grid rather than the whole grid) or a target illuminance (climate based and including sunlight) for at least 50% of the grid for 50% of the year. The targets change by location and minima are approximately twice as high as the old British Standard, rising from 1% for bedrooms to 3% (300 Lux), Living room 1.5% to 3%, Kitchen and LKD/Studios 2% to 3%. Achieving these values is noted to be a significant challenge and assumptions are more onerous.
- 7.4.23. The proposed development comprises 15 apartments with 39 habitable rooms. The applicant has undertaken a calculation of the amount of daylight received by rooms on all floors in accordance with previous BRE guidelines and presented the results as Average Daylight Factor in tabular form on page 49-51 of the report. The predicted ADF values range between 0.42% (Bed 2 Apart 8) to 6.23% (LKD Apart 13). The assessment submits that for LKDs a target value of 1.5% can be considered appropriate. It is submitted that using the 1.5% value, the development has a compliance rate of 89.7% which could be considered a good level of compliance. Using the 2% value, the development has a compliance rate of 84.6% which could be considered an acceptable level of compliance. The assessment identifies 4 rooms which have an ADF lower than the recommended minimum due to design constraints.
- 7.4.24. In terms of the proposed units, I would note that 2 of the LKD fall below the 2% target value, with all other LKD spaces achieving between 2.24% - 6.23%. 7 of the LKDs achieve above 3%. I am satisfied that the amended proposals can be deemed acceptable in respect of daylight, as measured by the % of rooms meeting standards, and that the proposed amended development adequately meets residential amenity levels for future residents.

7.4.25. Overall, I am generally satisfied that the level of residential amenity is acceptable, having regard to internal daylight provision and overshadowing impacts.

7.5. Roads & Traffic

7.5.1. I note that the third-party appellant has raised concerns in terms of the provision of parking and particularly in terms of the potential overspill of parking on the entrance to Woodlawn Park. In addition, concerns are also raised with regard to the provision of parking during the construction phase should permission be granted. The Board will note that the proposed development proposes to provide 15 car parking spaces and bicycle parking spaces to support the proposed development. Having regard to the proposed nature of the use of the scheme, I am satisfied that the development is acceptable in this regard. With regard to parking during the construction phase, I would note that such matters will be subject to the Construction Management Plan which will be prepared for the site should the Board be minded to grant permission in this instance.

7.5.2. With regard to the access to the site, the third-party appeal includes concerns relating to the already congested nature of the junction of Woodlawn Park and the Ballysimon Road. A request that the Planning Authority provide traffic lights is also included in the appeal document. Roads and traffic issues formed part of the PAs further information request, including parking and access to the site. The proposed entrance to the site is proposed on the south western corner of the site, and immediately adjacent to no. 2 Woodlawn Park, and approximately 25m from the junction to the north.

7.5.3. The proposed development will provide for adequate sight distances in both directions from the proposed entrance, and I note that the applicant has indicated that the existing boundary wall to the adjacent house is not interfering with sightlines. A new raised table is to be introduced in the site entrance in order to allow for a clear sightline above the existing corner pier. In terms of the access to the site for larger vehicles, the applicant submits that the scheme accords with the provisions of TGD Part B for fire tender access and that refuse will be brought to the site entrance for collection. It is submitted that the internal turning areas provided are sufficient for the traffic intended to access the development.

- 7.5.4. The development proposes an entrance which is approximately 4.8m in width and will comprise a shared surface, although a 1m wide footpath is also proposed to the south of the site/access road. I note the concerns of the Roads Section of Limerick City & County Council and in particular, the question regarding compliance with DMURS. I also note the concerns raised in terms of the design of the entrance, together with the lack of a full auto-track simulation of the site and that the PAs grant of permission includes a condition which requires pre-development agreement with the PA as it relates to access to the site. I have a real concern that the applicant has not adequately addressed the concerns raised by the PA following either the further information request, or the clarification request.
- 7.5.5. In terms of Development Management Standards, I note that Section 11.3.5 of the CDP deals with roads, footpaths, water services and landscaping and provides that road and footpath design shall be informed by DMURS. Where there is a deviation, the primary consideration will be the safety of pedestrians, cyclists and access for emergency vehicles. With the introduction of the raised table at the proposed entrance, and lack of clarity in terms of the shared surface, I am not satisfied that the development as proposed, would not result in the creation of an obstruction for vulnerable road users. I am particularly conscious of the future occupants of the development given its intention to be occupied as a sheltered housing unit for elderly persons and / or persons with disabilities, particularly with a 1m footpath as proposed.
- 7.5.6. Having regard to the proposed layout of the site, together with the proposed location of the building in the context of the access, I am not satisfied that the matters raised should be dealt with by way of condition, as achievement of compliance with DMURS as requested, may require alterations to the building. Having regard to the outstanding issues relating to the safe access / egress to and from the site as indicated above, I consider that the development, if permitted as proposed would endanger public safety by reason of traffic hazard and would cause an obstruction to pedestrians, cyclists and other vulnerable road users, contrary to the proper planning and sustainable development of the area.

7.6. Water Services & Flood Risk

- 7.6.1. In terms of water services, the Board will note that the applicant submitted an Engineering Infrastructure Report, prepared by MMOS Consulting Civil & Structural Engineers, in support of the proposed development. This report sought to address how the development will be catered for in terms of water and drainage infrastructure. Section 3 of the report presents details of the existing services and infrastructure in the vicinity of the site. Records note that there is one foul, one storm water and one combined sewer running along Ballysimon Road and another separated foul and storm sewers running along Woodlawn Park. In addition, records note an existing 150mm Ductile iron pipe watermain running along Ballysimon Road and a combination of 101.6 uPVC and 150mm Ductile Iron watermain running along Woodlawn Park.
- 7.6.2. The Board will note that Irish Water raised no objections to the proposed development.

Flooding:

- 7.6.3. A site-specific Flood Risk Assessment was prepared by MMOS Consulting Civil & Structural Engineers for the subject site and is included in section 2 of the Engineering Infrastructure Report submitted with the application. The subject site is noted to be located within Flood Zone C and is not located within an area which is at risk of tidal, fluvial or pluvial flooding events. The report notes that the risk of flooding due to ground water ingress to the proposed development is to be assessed upon completion of a geotechnical investigation but notes that there is no historical evidence of groundwater flooding on the site.
- 7.6.4. With regard to the flood risk assessments, the FRA notes that the proposed development proposes the redevelopment of a brownfield site. the introduction of SUDs measures will reduce both the outflow volume and peak outflow rate, providing a reduction in peak flow contribution to the combined public sewer. The proposed storm network design includes a climate change factor of 10% to storm events. The report concludes that the development will not give rise to increased flood risk elsewhere. Given the location of the site within a Flood Zone C, the development is considered appropriate, and no justification test is required. Residual flood risk will be managed by incorporation of good building practice in design and construction of

ground floor level and associated drainage systems, and by maintenance and management of the property. The report concludes that the proposed development has been demonstrated to be in compliance with the core objectives of the Planning System and Flood Risk Management Guidelines.

- 7.6.5. I have consulted the available OPW flood maps for the area of the subject site, and I note that they do not indicate that flooding has occurred on the site. The closest incident is identified at the Tipperary Roundabout, approximately 150m to the east of the site, dated December 1999. The ground level at this point is noted to be approximately 2m below the ground level of the proposed development site.
- 7.6.6. The Board will note the initial concerns raised by the Roads, Traffic and Cleansing / Central Services section of Limerick City & County Council in terms of surface water disposal and the implementation of SUDs measures. Following a request for further information and clarification, the section provided a number of conditions to be attached to any grant of planning permission. I consider this to be a reasonable approach to the development of this brownfield site. Overall, I am generally satisfied that while the proposed development is identified as a vulnerable use with regard to flood risk, the proposed development can be considered appropriate at this location of Limerick City in the context of flood risk.

Storm Water Drainage:

- 7.6.7. The stormwater drainage proposals for the site indicate that storm drainage will be collected within a dedicated system and will drain all areas of roofs, terraces and hardstanding areas within the boundary. Stormwater will drain via gravity to a proposed onsite attenuation facility of 50m³. The attenuation tank will have capacity for a 1 in 30 year storm event and a 10% allowance for climate change. As per SuDS proposals, a flow control device is proposed to restrict the discharge flow to 1.1l/s and with a connection to an existing manhole on Woodlawn Park.
- 7.6.8. The proposed development will include a number of SuDS measures and a petrol interceptor will be included as part of the system.

Foul Drainage:

- 7.6.9. The report submits that the foul drainage arrangements for the development has been designed as a completely separate system to the storm system. All foul water generated within the site will be collected beneath the ground floor and will be

directed to a proposed new foul network on site. Ultimately, foul water will discharge to an existing manhole on Woodlawn Park.

7.6.10. The report at Section 5 sets out the details of effluent generation arising from the proposed development and submits that the development will generate wastewater in the order of approximately 6.6825m³/day which equates to:

- 0.077l/sec Average Dry Weather Flow (DWF) and
- 0.464l/sec Peak Flow

7.6.11. The Board will note that a Pre-Connection Enquiry application was submitted to Irish Water to confirm capacity in the receiving network. I note no objection to the development in terms of the proposed connections to the public services.

Potable Water:

7.6.12. The report sets out details of the existing potable water arrangements in the vicinity of the site noting that there is a 150mm diameter iron water main in place on Woodlawn Park. The predicted volume of water usage is based on 2.7 people per dwelling at a rate of 150l/person/day. The development, therefore, has a water demand of 6.075m³/day, based on

- Average demand of 0.088l/s
- Peak demand of 0.439l/s

7.6.13. The Board will note that a Pre-Connection Enquiry application was submitted to Irish Water to water supply. I note no objection to the development in terms of the proposed connections to the public services.

7.7. Other Issues

7.7.1. Part V

The proposed development application included a letter from Limerick City & County Council advising that the applicant has engaged in Part V discussions with the Council. I note that an agreement in principle to comply with Part V requirements has been reached. I am satisfied that this matter can be appropriately dealt with by way of condition of planning permission.

7.7.2. **Development Contribution**

The subject development is liable to pay development contribution under Section 48 of the Planning and Development Act 2000, as amended. A condition to this effect should be included in any grant of planning permission.

8.0 **Appropriate Assessment**

8.1. **Introduction**

- 8.1.1. The EU Habitats Directive 92/43/EEC provides legal protection for habitats and species of European importance through the establishment of a network of designated conservation areas collectively referred to as Natura 2000 (or 'European') sites.
- 8.1.2. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken for any plan or programme not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site in view of its conservation objectives. The proposed development is not directly connected with or necessary to the management of a European site. The applicant did not submit a Natura Impact Statement with the application but did include an Appropriate Assessment Screening as part of the Planning Statement. The applicant concludes that the proposed development comprises a modest residential development in an urban location which will connect to public services. There is no direct pathway to the 3 identified Natura 2000 sites identified within 15km of the site.
- 8.1.3. In accordance with these requirements the Board, as the competent authority, prior to granting a consent must be satisfied that the proposal individually or in combination with other plans or projects, is either not likely to have a significant effect on any European Site or adversely affect the integrity of such a site, in view of the site(s) conservation objectives.
- 8.1.4. Guidance on Appropriate Assessment is provided by the EU and the NPWS in the following documents:
- Assessment of plans and projects significantly affecting Natura 2000 sites – methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC, 2001).

- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (DoEHLG), 2009.

Both documents provide guidance on Screening for Appropriate Assessment and the process of Appropriate Assessment itself.

Consultations

- 8.1.5. With regard to consultations, the Board will note that no matters relating to AA were raised by any party to the appeal.

8.2. Screening for Appropriate Assessment

- 8.2.1. The site is an urban brownfield site and is not located within any designated site. The site is not located within any designated site. The closest Natura 2000 site is the Lower River Shannon SAC (site code 002165) which is located approx. 1.6km to the north of the site, and the River Shannon and River Fergus Estuaries SPA (site code 004077) located approx. 2.3km to the north of the site.

- 8.2.2. For the purposes of AA Screening, I note that the following 3 sites are noted to be within 15km of the subject site:

- Lower River Shannon SAC (site code: 002165)
- River Shannon and River Fergus Estuaries SPA (site code: 004077)
- Slievefeilm to Silvermines Mountains SPA (site code: 004165)

I would note that the Slievefeilm to Silvermines Mountains SPA (site code: 004165) lies approximately 13.5km to the east of the site and can be screened out in the first instance, as it is located outside the zone of significant impact influence because the ecology of the species and / or the habitat in question is neither structurally nor functionally linked to the proposal site. There is no potential impact pathway connecting the designated site to the development site and therefore, it is concluded that no significant impacts on this Natura site is reasonably foreseeable.

- 8.2.3. The Screening Report identified the Natura 2000 sites within 15km of the subject site, within the zone of influence of the project, for the purposes of AA Screening, including as follows:

- Lower River Shannon SAC (site code: 002165)

- River Shannon and River Fergus Estuaries SPA (site code: 004077)

8.3. Qualifying Interests for Natura 2000 Sites within Zone of Influence

- 8.3.1. The subject development site is an urban brownfield site and is not located within any designated site. The site does not contain any of the intertidal habitats or species associated with any Natura 2000 site. The existing site is composed of artificial surfaces and scrub within a built-up area on the outskirts of Limerick City. The closest Natura 2000 site is the Lower River Shannon SAC (site code 002165) which is located approx. 1.6km to the north of the site, and the River Shannon and River Fergus Estuaries SPA (site code 004077) located approx. 2.3km to the north of the site.
- 8.3.2. The Board will note the planning history of this site, including its consideration of appeals at the site. As part of its previous assessments, AA Screening was undertaken where it was accepted that having regard to the nature of the receiving environment, no Appropriate Assessment issues arise, and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.
- 8.3.3. It is noted that the subject development site is located outside all of the Natura 2000 sites identified above, and therefore there is no potential for direct effects to any designated site. There does not appear to be any suitable habitat on the site to support the species associated with the River Shannon and River Fergus Estuaries SPA (site code 004077) and there is no direct hydrological connection from the site to the Lower River Shannon SAC (site code 002165)

8.4. Conservation Objectives:

- 8.4.1. The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. In terms of the two identified Natura 2000 site, the NPWS has identified a site-specific conservation objective to maintain and / restore the favourable conservation condition of Annex I habitats listed as a Qualifying Interest, as defined by a list of attributes and targets.

8.5. Potential Significant Effects

8.5.1. In terms of a consideration of potential significant effects, in order for an effect to occur, there must be a pathway between the source (the development site) and the receptor (designated sites). As the proposed development site lies outside the boundaries of the European Sites, no direct effects are anticipated. With regard to the consideration of a number of key indications to assess potential effects, the following is relevant:

- Habitat loss / alteration / fragmentation: The subject site lies at a remove of some 1.6km from the boundary of any designated site. As such, there shall be no direct loss / alteration or fragmentation of protected habitats within any Natura 2000 site.
- Disturbance and / or displacement of species: The site lies within an urbanised environment. No qualifying species or habitats of interest, for which the designated sites are so designated, are noted to occur at the site. As the subject site is not located within or immediately adjacent to any Natura 2000 site and having regard to the nature of the construction works proposed, there is little or no potential for disturbance or displacement impacts to species or habitats for which the identified Natura 2000 sites have been designated.

Water Quality: The proposed development is to connect to existing public water services. It is noted that Irish Water have not raised any concerns in relation to capacity in the network to accommodate the proposed development and there are no identified hydrological links noted within the vicinity of the site. I am generally satisfied that the development, if permitted, is unlikely to impact on the overall water quality within the Lower River Shannon.

8.5.2. I am generally satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in the River Shannon can be excluded given the distance to such sites, the nature and scale of the development and the lack of any hydrological connection.

8.6. In Combination / Cumulative Effects

- 8.6.1. Having regard to the location of the subject site, together with the nature of the proposed development, being the construction of a residential scheme on a 'brown-field' or infill site, I consider that any potential for in-combination effects on water quality in River Shannon can be excluded. In addition, I would note that all other projects within the Limerick area which may influence conditions in River Shannon via rivers and other surface water features are also subject to AA.

8.7. Conclusion on Stage 1 Screening:

- 8.7.1. I have considered the NPWS website, aerial and satellite imagery, the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Qualifying Interests, the separation distances and I have had regard to the source-pathway-receptor model between the proposed works and the European Sites. It is reasonable to conclude that on the basis of the information available, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the European Sites identified within the zone of influence of the subject site. As such, and in view of these sites' Conservation Objectives a Stage 2 Appropriate Assessment is not required for these sites.

9.0 Recommendation

I recommend that planning permission be **Refused** for the proposed development for the following stated reason:

Notwithstanding the zoning objective afforded to the site in the current Limerick City & County Development Plan 2022-2028, the Board is not satisfied that the applicant has adequately complied with the provisions of the Design Manual for Urban Roads and Streets (2013) (DMURS), notably in terms of the design of the entrance. Section 11.3.5 of the current Limerick City & County Development Plan 2022-2028 requires that road and footpath design shall be informed by DMURS and that where there is a deviation, the primary consideration will be the safety of pedestrians, cyclists and access for emergency vehicles.

With the introduction of the raised table at the proposed entrance, and lack of clarity in terms of the shared surface, the Board is not satisfied that the development as proposed, would not result in the creation of an obstruction for vulnerable road users, and in particular, the intended future occupants of the development given its intention to be occupied as a sheltered housing unit for elderly persons and / or persons with disabilities.

The Board is not satisfied that the matters raised should be dealt with by way of condition, and is therefore satisfied that the development, if permitted as proposed, would endanger public safety by reason of traffic hazard and would cause an obstruction to pedestrians, cyclists and other vulnerable road users, contrary to the proper planning and sustainable development of the area.

A. Considine
Planning Inspector
10th October 2022