



An
Bord
Pleanála

Inspector's Report

Development	Site development works and outline permission for 6 No. serviced residential sites at Rathmale, Mungret, Co. Limerick
Planning Authority	Limerick City & County Council
Planning Authority Reg. Ref.	16/422
Applicant(s)	Seamus Hayes
Type of Application	Permission
Planning Authority Decision	Refuse
Appellant(s)	Seamus Hayes
Observer(s)	(1) Derek Richardson (2) Aideen Cunnane
Public Representative(s)	Niall Collins TD
Date of Site Inspection	22 nd October 2016
Inspector	Mary Crowley

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The site with a stated area of 1.22 ha is located in a semi-rural area in the townland of Rathmale proximate to the village of Mungret, approximately 6 kilometres to the southwest of the centre of the city of Limerick. The site comprises agricultural land which is currently in grass. The site fronts onto a minor public road with a dwellings wither site and on the opposite side of the road there is a bungalow and a dormer bungalow. The area is characterised by extensive ribbon development and agricultural lands.
- 1.2 A set of photographs of the site and its environs taken during the course of the site inspection is attached. I would also refer the Board to the photographs available to view throughout the appeal file.

2.0 PROPOSED DEVELOPMENT

- 2.1 This an application for the following:
- Permission for site development works which will consist of a new vehicular / pedestrian access, internal roads and footpaths, open space area, connection to all utilities including foul and storm water infrastructure, public lighting, boundary treatment, landscaping and all ancillary site works and
 - Outline permission for 6 no serviced residential areas
- 2.2 The application was accompanied by a Design Statement
- 2.3 **Unsolicited further information** was submitted on 27th May 2016 providing foul drainage calculations and potable water details.
- 2.4 In further **unsolicited further information** submitted on 23rd June 2016 the applicant responded to the first two observations setting out the following as summarised:
- **Traffic Management** – 6 no dwellings will generate negligible increase in turning movements, sightlines are available, the entrance is within the 50kph zone, there are no congestion issues and the local infrastructure has capacity to accommodate the modest proposal
 - **Surface Water** – surface water will be displaced to soakaways whose size and design will be based on BRE digest 365.
 - **Privacy** – There will be no issues of overlooking.

- **Current Infrastructure** – Service sites are an alternative to rural one off sites and are not a residential scheme per se.

3.0 TECHNICAL REPORTS

3.1 The **Fire Officer** requested a layout of the watermain showing location of the fire hydrant and the turning circle for the Fire Engine. **Irish Water** has no objection to the scheme subject to conditions. **Waste Management** recommends the implementation of a waste management plan. The LCCC **Archaeologist** recommends archaeological monitoring.

3.2 The **Local Authority Planner** recommended that permission be granted subject to 13 conditions. The notification of decision to grant planning permission issued by Limerick City and County Council reflects this recommendation.

4.0 OBJECTIONS / OBSERVATIONS TO THE PLANNING AUTHORITY

4.1 There are seven objection(s) / observation(s) recorded on the planning file from (1) Derek Richardson, (2) Aideen Cunnane, (3) Moira O'Mahony, (4) Ger O'Mahony, (5) Ger Mullane, (6) Rebecca Mullane and (7) Shane & Karen O'Rahilly. The issues raised relate to zoning, traffic management, privacy, site topography, character, adequate development in the area, residential amenities, loss of privacy, loss of view, anti-social behaviour, infrastructure and the National Spatial Strategy

5.0 PLANNING AUTHORITY DECISION

5.1 Limerick City and County Council issued notification of decision to **refuse** planning permission for the following reason:

The majority of the site is located in an area zoned for agricultural purposes as set out in the Southern Environs Local Area Plan 2011 – 2017 (extended until May 2021). The proposed residential development would contravene this zoning and therefore would be contrary to the proper planning and sustainable development of the area.

6.0 PLANNING HISTORY

6.1 There is evidence of a previous appeal on this site as follows:

6.2 **PL91.244076 (Reg Ref 14/956)** – The decision of Limerick City and Council to refuse outline permission for construction of a house and associated works at Rathmale, Mungret, County Limerick was appealed by the first party. The Board granted permission subject to conditions in 2015.

7.0 POLICY CONTEXT

7.1 The operative plan for the area is the **Limerick County Development Plan 2010 – 2016** and the **Southern Environs Local Area Plan 2011 - 2017**. The DoEHLG Guidelines on ‘*Sustainable Residential Development in Urban Areas*’ (2009) outline sustainable approaches to the development of urban areas. These set out national policy of encouraging more sustainable urban development by the avoidance of excessive suburbanisation and the promotion of higher residential densities in appropriate locations.

8.0 GROUNDS OF APPEAL

8.1 The first party appeal has been prepared and submitted by Adam Kearney Associates Planning Consultancy on behalf of the applicant Seamus Hayes. The main issues raised in the appeal may be summarised as follows:

- The subject site is covered by two zoning designations namely existing residential and agricultural in the Southern Environs LAP.
- The site is an infill site located between lands zoned “existing residential”.
- The appeal site was rezoned “residential serviced sites” in the draft Southern Environs Local Area Plan but was omitted in the final plan as there was sufficient residential land zoned in the plan. This reasoning is considered to be flawed and erroneous.
- Zoning for service sites is now common place in Local Area Plans around the county and serviced sites are included in Adare LAP and Castleconnell LAP. The Sustainable Rural Housing Guidelines (2006) support this approach.
- Permission was refused solely on zoning. It is submitted that the site is ideal for the provision of serviced sites for the following reasons:
 - Close proximity to Mungret Village and Limerick City
 - Fully serviced for potable and municipal wastewater
 - In an area under pressure for “one off” housing
 - Within a 50kph speed zone
 - In an area covered by existing public lighting
 - In an area with sporting and educational facilities
- The local authority failed to provide for the provision of serviced sites in the most recent amended plan.
- The scheme proposed would constitute proper planning and sustainable development for the area.

9.0 RESPONSE OF THE PLANNING AUTHORITY

9.1 Limerick City and Council submit that the majority of the site is located in an area zoned for agricultural purposes as set out in the Southern Environs Local Area Plan 2011 – 2017 (extended until May 2021) and that the proposed residential

development would contravene this zoning and therefore would be contrary to the proper planning and sustainable development of the area.

10.0 OBSERVATIONS / SECTION 131 RESPONSES

10.1 There are two observations / responses recorded on the appeal file from (1) Derek Richardson and (2) Aideen Cunnane. The issues raised relate to zoning, development not in keeping with the area, support the zoning of the lands as agriculture, drainage, traffic impact, privacy, site topography, National Spatial Strategy, inadequate public lighting or public footpaths from the proposed development to the village,

10.2 Niall Collins TD has requested notice of the decision of An Bord Pleanála.

11.0 ASSESSMENT

11.1 Having regard to the information presented by the parties to the appeal and in the course of the planning application and to my site inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be addressed under the following general headings:

- Principle / Policy Considerations
- Appropriate Assessment Screening
- Other Issues

12.0 PRINCIPLE / POLICY CONSIDERATIONS

12.1 The operative plan for the area is the Limerick County Development Plan 2010 – 2016 and the Southern Environs Local Area Plan 2011 - 2017. The appeal site straddles two distinct zoning objectives. The proposed access route and open space are zoned existing residential where the *purpose of this zoning is to ensure that new development is compatible with adjoining uses and to protect the amenity of existing residential areas* and where residential uses are generally acceptable. The remainder of the site where the serviced sites are proposed is zoned agriculture where the *objective of the Council to ensure the protection and retention of agricultural uses, from urban sprawl and ribbon development and to provide for a clear physical demarcation to the adjacent urban area and where dwellings will be considered for the long-term habitation of farmers and their sons or daughters and subject to the terms and conditions of the rural housing policy as set out in the Limerick County Development Plan.* Accordingly, to permit outline permission for 6 No. serviced residential sites would in my view material contravene the current Development Plan.

12.2 I do not consider that the scheme before the Board is of strategic or national importance; I do not consider that there are conflicting objectives in the development

plan or that the objectives are not clearly stated, insofar as the proposed development is concerned, or that permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, or that permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan. While I note the concerns raised by the applicant that the lands were zoned for serviced sites in the draft plan and subsequently removed it remains that the drafting and adoption of the current development plan has been through the statutory rigors of the development plan making process and has had due regard to the core strategy in terms of identifying and zoning lands for further development in and around Mungret.

- 12.3 While I agree with the applicant that the site is serviced by the local road which is within a designated 50kph zone; that adequate site lines are available; that the site is proximate to the village centre, the N69 and Limerick City; and that adequate open space will be provided it remains that the majority of the site is zoned for agricultural use and that to permit the development proposed would material contravene the current development plan. Refusal is recommended.

16.0 SCREENING FOR APPROPRIATE ASSESSMENT

- 16.1 Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest European site (Lower Shannon SAC (002165) and the River Shannon and River Fergus Estuaries SPA (004077)), no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

17.0 OTHER ISSUES

- 17.1 **Development Contribution** – Limerick City and County Council has adopted a Development Contribution scheme under **Section 48** of the Planning and Development Act 2000 (as amended) in September 2013. Section 1.5 sets out the categories of development which will be exempted from the requirement to pay a development contribution under the scheme. The proposed scheme is not consequently exempted from the payment of a Section 48 Development Contribution. I recommended that should the Board be minded to grant permission that a Development Contribution condition is attached.

19.0 CONCLUSION & RECOMMENDATION

- 16.1 Having considered the contents of the application, the provisions of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my

assessment of the planning issues, I recommend that permission be **REFUSED** for the reasons and considerations set out below.

17.0 REASONS AND CONSIDERATIONS

1. The majority of the site where the serviced sites are proposed is zoned agriculture in the Southern Environs Local Area Plan 2011 – 2017 (extended until May 2021) and where the *objective is to ensure the protection and retention of agricultural uses, from urban sprawl and ribbon development and to provide for a clear physical demarcation to the adjacent urban area and where dwellings will be considered for the long-term habitation of farmers and their sons or daughters and subject to the terms and conditions of the rural housing policy as set out in the Limerick County Development Plan.* To permit this proposed residential development would materially contravene this zoning objective and would be contrary to the proper planning and sustainable development of the area.

Mary Crowley
Senior Planning Inspector
1st November 2016