



An  
Bord  
Pleanála

## Inspector's Report

**ABP-303965-19**

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<b>Development</b>	Construction of 19 detached houses, 2 new site entrances and connection to existing utilities
<b>Location</b>	Mountievers , Sixmilebridge , Co Clare
<b>Planning Authority</b>	Clare County Council
<b>Planning Authority Reg. Ref.</b>	18519
<b>Applicant(s)</b>	LPN Construction (Holdings) Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	(1) Carol & Padraig Flannery (2) Pat Fitzgerald
<b>Date of Site Inspection</b>	07 <sup>th</sup> June 2019
<b>Inspector</b>	Colin McBride



## **1.0 Site Location and Description**

1.1. The appeal site, which has a stated area of 2.72 hectares, is located to the north east of Sixmilebridge, Co. Clare. The site is located to west of the LP-3016 public road and consists of two fields (a portion of one of the fields). The site is defined by existing boundaries consisting of trees and hedgerows. To the south of the site is an existing residential development, Ard Ratha, consisting of two-storey semi-detached dwellings. To the south east are a number of detached dwellings that back onto the site and front onto the public road. The site also includes a single-storey semi-detached dwelling fronting onto the public road and provides the only road frontage of the appeal site. To the north east of the site are two existing detached dwellings. To the north west of the site is the remainder of the larger field that makes up the site and includes a ring fort, which is a recorded monument.

## **2.0 Proposed Development**

2.1. Permission is sought to construct 19 no. detached dwelling houses, 2 no. site entrances and to connection to existing utilities together with ancillary site development works. The proposal entails 6 no. house types with five of the house types being two-storey detached five bed dwellings and one single-storey two bed dwelling. The site is accessed using an existing service road that serves Ard Ratha to the south with access off the southern boundary of the site and connection to a partially constructed link road that provides future access to lands to the west of the site. The proposal also entails a separate access for the existing single-storey dwelling on the site and two of the new dwellings along its northern boundary. This access from the public road is to be used as a construction access and future access to remainder of agricultural lands at this location.

2.2. The proposal was revised in response to further information and the approved development provides for a smaller site area and omission of one of the new dwellings (single-storey dwellings) and the existing single-storey dwelling fronting the public road. The approved layout provides a buffer zone of 20m around the recorded monument with a reduction of the site area of nos. 15-18 inclusive. All dwellings in the approved development are to be accessed from the entrance to south and through the existing service road in Ard Ratha. Construction access is still to be

facilitated through a vehicular entrance and access lane to the north of the site, which is to provide access to agricultural lands post construction (this laneway is not within the revised site boundary).

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Permission granted subject to 21 conditions. Of note is the following conditions.

Condition no. 4: Special Development Contribution of €40,316.94 in regards to improvement of pedestrian infrastructure in the area.

Condition no. 6: Archaeological condition requiring archaeologist to carry out archaeological excavation of on-site burnt stone and carry out monitoring of groundworks.

Condition no. 13: Access for construction traffic to be through the north-eastern access point and a traffic management plan for construction phase to be submitted and agreed.

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

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

Planning report (20/08/18): Further information required including an archaeological assessment, submission of a flood risk report, revisions to the access arrangements to house number 6 and 7 and the layout of no. 19, and a letter of consent to demonstrate access from the adjoining site.

Planning Report (20/02/19): The proposal was considered acceptable in regards to the land use zoning objective, the overall design and scale was considered satisfactory in the context of visual amenity, adjoining amenities and traffic safety. A grant of permission was recommended based on the conditions outlined above.

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

Irish Water (25/07/18): No objection.

Road Design Planning (26/07/18): Further information required including demonstration of adequate sightlines, compliance with DMURS in regards to junction

radii, details of adequate parking, road markings, public lighting and demonstration of consent to access development from adjoining estate.

Road Design (15/02/19): Clarification required including details regarding an entrance for construction traffic, details of public lighting, landscaping at a junction, provision of visitor and cycling parking, pedestrian crossing points and road markings.

### **3.3. Prescribed Bodies**

Department of Culture, Heritage and the Gaeltacht (02/08/18): An archaeological assessment is required prior to decision.

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

Submissions were received from

Pat Fitzgerald

Patrick & Christina Flannery

Carol & Pdraig Flannery

Martha & Gerry Kearney

The issues raised include design and scale, residential amenity, traffic impact, lack of footpaths and public lighting and flood impact.

## **4.0 Planning History**

11/95: Permission refused for 29 no. serviced sites and associated site works.

Permission refused for three reasons including non-compliance with Development Plan Settlement Strategy, detracting of visual setting of a recorded monument, and adverse impact on adjoining dwellings through overshadowing and overlooking.

## 5.0 Policy Context

### 5.1. Development Plan

The relevant Development Plan is the Clare County Development Plan 2017-2023. Sixmilebridge is located in the fourth tier of settlements under the Core Strategy and Settlement Strategy, 'Small Towns'.

The site is subject to specific objective LDR 4.

Low Density Residential Development:

This zoning refers to the use of lands to accommodate a low density pattern of residential development, primarily detached family dwellings. The underlying priority shall be to ensure that the character of the settlement/area is maintained and further reinforced by a high standard of design. Proposed development must also be appropriate in scale and nature to the areas in which they are located.

LDR 4 North of Ard Rath:

The site is located north of the future Sixmilebridge link road and adjoins an existing residential development to the south which is partially constructed. There are existing detached houses to the front of the site at the public road and Recorded Monument – CL052-019 Ring fort adjacent to the western section of the site. The site has potential to accommodate a low density scheme of serviced site only. Access shall be taken from the future link road along the southern boundary of the site, which shall be constructed by the developer prior to the commencement of development. Design and layout shall be such that the residential amenity of the adjacent dwellings are protected and the integrity and setting of the Recorded Monument is preserved.

The Transport objectives for Sixmilebridge as set out in Volume 3(b) of the County Development Plan 2017-2023 include the following:

- To facilitate the provision of a link road (consistent with the Design Manual for Urban Roads and Streets (DMURS)) following the undertaking of traffic surveys on the approach roads to Sixmilebridge and in the town centre;

The infrastructure safeguard for this proposed link is located to the south of the site.

#### CDP 3.9 Development Plan Objective: Monitoring and Implementation of Settlement Strategy

- a) To achieve the delivery of strategic, plan-led, co-ordinated and balanced development of the settlements throughout the County;

#### CDP 3.10 Development Plan Objectives: Planned Growth of Settlements

- a) To ensure that the sequential approach is applied to the assessment of proposals for development in towns and villages and to ensure that new developments are of a scale and character that is appropriate to the area in which they are located;

#### CDP 15.8 Sites, Features and Objects of Archaeological Interest.

- a) To safeguard sites, features and objects of archaeological interest generally;
- b) To secure the preservation (i.e. preservation in situ or in exceptional cases preservation by record) of all archaeological monuments included in the Record of Monuments and Places as established under Section 12 of the National Monuments (Amendment) Act, 1994, and of sites, features and objects of archaeological and historical interest generally (in securing such preservation, the Council will have regard to the advice and recommendations of the Department of the Arts, Heritage, Regional, Rural and Gaeltacht Affairs);
- c) To permit development only where the Planning Authority is satisfied that the proposals will not interfere with:
  - items of archaeological or historical importance;
  - the areas in the vicinity of archaeological sites;
  - the appreciation or the study of such items.

## 5.2 Other Guidelines

## Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009

These guidelines set out specific guidance regarding the sequential approach to development and state:

*“Zoning shall extend outwards from the centre of an urban area, with undeveloped lands closest to the core and public transport routes being given preference, encouraging infill opportunities, and that areas to be zoned shall be contiguous to existing zoned development lands.”*

*New development should contribute to compact towns and villages. Through planning and design, walking and cycling should be preferred over travel by car for local trips. Ireland’s small towns and villages have benefited from investment over many years in areas such as water services, schools, shops, libraries, health centres, childcare facilities and other physical and social infrastructure. It is appropriate that the investment in such services is utilised properly through the prioritisation of development that either re-uses brown-field development land such as central area sites and backlands or through the development of acceptable “green-field” sites at suitable locations within the immediate environs of the small town or village concerned.”*

Section 6.7 of the guidelines further notes:

*“Above all, the overall order and sequencing of development of small towns and villages must avoid significant so called “leap-frogging” where development of new residential areas takes place at some remove from the existing contiguous town/village and leading to discontinuities in terms of footpaths lighting or other services which militates against proper planning and development.”*

Section 6.8 sets out Layout and Design Considerations noting in particular that *“development should provide for connectivity especially by pedestrians and cyclists so that over time, small towns and villages become especially amenable to circulation by walking and cycling rather than building up reliance on the car.”*

## 5.2 Natural Heritage Designations



None in the vicinity.

### 5.3 EIA Screening

Having regard to nature of the development comprising of the construction of 18 no. dwellings and associated site works, 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 A third party appeal has been lodged by Frank Ross Consulting Engineer on behalf of Carol & Padraig Flannery, Mountievers, Sixmilebridge, Co Clare. The grounds of appeal are as follows...

- The appellants' dwelling is a detached dwelling located adjacent house no. 7 in the proposed layout.
- The scale and height of the dwellings is excessive relative to adjoining properties and contrary to objective LDR4.
- The design, and layout does not have adequate regard to adjoining residential amenity with concerns regarding the excessive scale of the dwellings, their proximity to existing properties and loss of privacy.
- It is noted that the change in site boundaries means the northern entrance and construction road are outside of the approved site boundary.
- The appellants' concerns in their submission were not fully addressed.
- Concern is expressed regarding the provision of vehicular entrance side by side with the entrance to the appellants' property with traffic safety concerns. The turning movements of construction vehicles would cause safety concerns.
- The existing boundary between the appeal site and the appellants' property should not be altered.

- Sightlines are curtailed by mature trees and such should not be removed with safety concerns regarding inadequate sightlines.
- The appellants raise security concerns regarding the northern access and note there is a lack clarity regarding the construction road. The proximity of such to the appellants' property is also noted in terms of its impact on privacy.
- The site is subject to pluvial flooding corresponding with the location of no. 7, 8, 9 and 10 with water gathering in the appellants' property due to the fall in land. Concerns are raised regarding the alteration of lands at this location in particular raising the ground levels and its impact on flooding. The appellants do not concur with the information submitted in the reports regarding flooding and predicted flood levels.
- The appellant notes there is a lot of rock in the area requiring breaking and excavation with concerns regarding impact on structural integrity of their property.
- No account was taken of the previous refusal on the site under ref no. 11/95.
- Dwelling no. 7 is too close to the appellants' property and would overlook the garden area of the existing dwelling, the ridge height of the proposed dwellings are excessive and would devalue the appellant property.
- The appellants question whether there are adequate footpaths and public lighting at this location.

6.1.2 A third party appeal has been lodged by Horganlynch Consulting Engineers on behalf of Pat Fitzgerald, Sixmilebridge, Co. Clare. The grounds of appeal are as follows...

- It is noted that site is zoned for a low density scheme of serviced sites and the proposal is more medium to high density and not in keeping with Development Plan policy. The development is remote from the village centre.
- It is noted that footpath infrastructure is inadequate at this location and does not extend the full distance to the site.

- It is noted that the village has struggled to cope with the additional growth in recent years in terms of recreational facilities and the proposal will exacerbate this issue.
- There has been no improvement of road infrastructure in the village and surrounding area and the proposed development puts further pressure on existing road infrastructure. There is a lack of public transport facilities at this location.
- There are a number of recorded monuments in the vicinity of the site with concerns that the proposal may impact adversely on such.
- The site has been subject to flooding and that raising the level of the area in question would displace such onto adjoining properties.
- Condition no. 13a is noted and the fact the sightlines at this entrance are inadequate with risk to public safety,
- The appellant's property is located to the east of the proposed development and will be overlooked by dwelling no. 4.

## 6.2. Applicant Response

Response by Maughan & Associates on behalf of the applicants, LPN Construction (Holdings) Ltd.

- It is noted the previous refusal on site under ref no. 11/95 was in relation to development on lands there were no zoned under the previous development plan.
- The proposal is consistent with land use zoning objective, settlement strategy and the core strategy of the Development Plan. Based on the core strategy a density of 10 dwellings per hectare is appropriate on this site. The approved development has a density of 6.6 dwellings per hectare.
- It is noted that the design, scale and layout of the proposed development is appropriate with alterations made to take in to account adjoining development.
- It is proposed to retain existing site boundaries consisting of trees and hedgerow.
- The site is not in an area identified as being liable to flood. A Flood Risk Assessment was requested and submitted. The report submitted notes the

lands in question are liable to pluvial flooding in extreme rainfall events. The proposal entails an increase in ground levels with compensating flood plain storage on lands owned by the applicant. It is noted the finished floor levels of existing houses are not below the finished floor level of the proposed dwellings and will not be impacted.

- There is a recorded monument located along the western boundary of the site. An archaeological impact assessment was carried out. No features of archaeological significance were discovered on the appeal site and a buffer zone of 20m is recommended by the National Monument Service with the western boundary amended to have regard to such.
- The construction plan includes 3 phase of construction and separate construction access to protect residential amenity in Ard Ratha estate. Existing mature trees along the construction access are to be protected. A detailed construction management plan including construction traffic will be provided prior to the commencement of development. It is considered that construction traffic levels will be not be significant.

### 6.3. Planning Authority Response

Response by Clare Co. Council.

- A special contribution is included for upgrade of pedestrian footpaths.
- The proposal is in accordance with land use zoning, settlement stagey and the Core Strategy of the County Development Plan.
- Condition no. 6 deals with archaeological issues including provision for monitoring.
- Adequate mitigation measures have been proposed regarding surface water drainage.
- The revisions to the design and the approved layout deal with concerns regarding impact on adjoining amenities.
- Conditions are included for protection of existing tress and hedgerow.
- The design and scale of the proposed development is considered be acceptable in the context of the proper planning and sustainable development of the area.

## 7.0 Assessment

7.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Development Plan policy/principle of the proposed development/density.

Visual impact

Development management standards/design and layout

Adjoining amenities

Traffic/car parking

Flooding

Archaeology/recorded monument

Appropriate Assessment

7.2 Development Plan policy/principle of the proposed development/density:

7.2.1 Permission was sought for 19 no. dwelling and associated site works. The proposal was amended over the course of the application with the approved development providing for 18 no. dwellings. As noted above the site is zoned for low density residential with specific objective LDR4 relating to the site. Under this objective it is noted that “the site is located north of the future Sixmilebridge link road and adjoins an existing residential development to the south which is partially constructed. There are existing detached houses to the front of the site at the public road and Recorded Monument – CL052-019 ring fort adjacent to the western section of the site. The site has potential to accommodate a low density scheme of serviced sites only. Access shall be taken from the future link road along the southern boundary of the site, which shall be constructed by the developer prior to the commencement of development. Design and layout shall be such that the residential amenity of the adjacent dwellings are protected and the integrity and setting of the Recorded Monument is preserved”.

7.2.2 The initial proposal was for 19 no. dwellings as well refurbishment of an existing single-storey semi-detached dwelling. The proposal was revised over the course of

the application and the approved development entails the provision of 18 no. dwellings and excludes the existing semi-detached dwelling from the site. The approved development has five house types with all being two-storey detached dwellings with five bedrooms. Development Plan policy identified the site as having “the potential to accommodate a low density scheme of serviced sites only”. The proposal does not entail serviced sites but is permission to build the dwellings. I would consider that the proposal is consistent with the zoning objective. The original proposal entailed the provision of 20 dwellings (including refurbishment of an existing dwelling) on a site of 2.72 hectares with a density of 7.35 dwelling per hectare. The approved proposal entails the provision of 18 dwellings on a reduced site area and a density of 6.6 hectares. The proposal does constitute a very low density residential development as defined by the County Development Plan. I would consider that the proposed/approved development is acceptable in the context of Development Plan policy regarding specific land use zoning, which provides for low density residential development at this location.

7.2.3 Under the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009 it is noted that in ‘Edge of small town/village’ “it is appropriate in controlled circumstances to consider proposals for developments with densities of less than 15-20 dwellings per hectare along the inside edge of smaller towns and villages, as long as such lower density developments does not represent more than 20% of the total new planned housing stock of the small town or village in question”.

7.2.4 The Core Strategy identifies that Sixmilebridge has had a 2011 population of 2,612 and 2023 (end of plan) target of 2,985. The target increase is 373 and estimated at 136 households. The total area of residentially zoned land required for such is 10.2 hectares with 18.96 hectares zoned for residential use. It is clear that there is more land zoned than required as well as the fact that even the level of zoned land required (10.2) would yield a very low density of development based on the population targets and extremely low in the context of the recommendations of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009. I would note that the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009 set out specific guidance regarding the sequential approach to development and state that “zoning shall

extend outwards from the centre of an urban area, with undeveloped lands closest to the core and public transport routes being given preference, encouraging infill opportunities, and that areas to be zoned shall be contiguous to existing zoned development lands". The guidelines also note that "new development should contribute to compact towns and villages. Through planning and design, walking and cycling should be preferred over travel by car for local trips. Ireland's small towns and villages have benefited from investment over many years in areas such as water services, schools, shops, libraries, health centres, childcare facilities and other physical and social infrastructure. It is appropriate that the investment in such services is utilised properly through the prioritisation of development that either re-uses brown-field development land such as central area sites and backlands or through the development of acceptable "green-field" sites at suitable locations within the immediate environs of the small town or village concerned".

7.2.5 Section 6.7 of the guidelines further note that "above all, the overall order and sequencing of development of small towns and villages must avoid significant so called "leap-frogging" where development of new residential areas takes place at some remove from the existing contiguous town/village and leading to discontinuities in terms of footpaths lighting or other services which militates against proper planning and development". Section 6.8 of the guidelines sets out Layout and Design Considerations noting in particular that "development should provide for connectivity especially by pedestrians and cyclists so that over time, small towns and villages become especially amenable to circulation by walking and cycling rather than building up reliance on the car". I would note that Objective 3.10 of the Clare County Development Plan is "to ensure that the sequential approach is applied to the assessment of proposals for development in towns and villages and to ensure that new developments are of a scale and character that is appropriate to the area in which they are located".

7.2.6 Notwithstanding its location within the development boundary, the County Development Plan specifically sets out under Objective 3.10 that lands should generally be developed in accordance with the sequential approach. In this context, the designation of the land within the development boundary does not predicate its suitability for housing development. The site is physically and functionally separated from the town centre. It is evident from aerial photos and as observed during the site

visit that there is a significant amount of land zoned residential located closer to the town core than the appeal site, which is peripheral to the town and zoned for low density residential development. Whilst I acknowledge that the site is zoned, it is peripheral to the village and there are a number of other sites within the development boundary that are sequentially preferable and closer to the town centre that would be appropriate for infill development and that would consolidate and reinforce the existing village structure.

7.2.7 I would consider that the proposed development would constitute such 'leapfrogging' and would result in a haphazard, uncoordinated development removed and unconnected to the town centre contrary to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009. The appeal site is along a road on which footpath provision is fragmented and not continuous from the town centre. The proposal does include a special contribution for footpaths however such would not rectify the lack of continuous footpaths along the LP-3016 public road. In conclusion, I do not consider that there are any exceptional circumstances that would warrant the development of the subject lands in such a peripheral location relative to the town centre. The development in my opinion would do little to reinforce or consolidate the urban form and structure of the town and would be an isolated piecemeal development on the edge of the town without any adequate pedestrian and cyclist connectivity. The development is considered contrary to the proper planning and sustainable development of the area.

7.3 Development management standards/design and layout:

7.3.1 The approved development provides for 18 detached dwellings on sizeable individual plots with a central open space area. By virtue of the low density of the development (6.6 dwellings per hectare) the level of private and public open space provided on site is satisfactory in the context of development management standards under the County Development Plan. All dwellings have off-street car parking for at least two vehicles, which is in keeping with Development Management Standards (2 space for a three bed or greater dwelling).

7.3.2 The overall design and layout is a simplistic layout featuring a central open space. The layout is generally acceptable, however is noting exceptional in terms of overall



quality. I would consider that the layout is acceptable from the point of view of residential amenity and subject to an appropriate scheme of landscaping is generally satisfactory.

7.3.3 One aspect of the approved layout that is deficient is the treatment of the recorded monument to the west of the site., The recorded monument CL052-019 is a ring fort and is located adjacent the western boundary of the site, but appears to be part of the landholding the site is taken from (portion of the larger field making up the appeal site). The layout of the proposal was revised in response to the Archaeological Impact Assessment carried out with the rear gardens of no.s 15-18 inclusive reduced to maintain a 20m buffer zone around the recorded monument. The monument although not on zoned lands merits a more sympathetic treatment than the provision of dwellings backing onto it. It should be located adjacent open space that would facilitate its visibility or better integration with development at this location. The proposed layout fails to acknowledge the fact that such exists apart from providing the minimum 20m buffer zone.

7.4 Adjoining amenities:

7.4.1 The appeal submission raised concerns regarding the impact of the proposal on the amenities of adjoining properties. The nearest dwellings to the appeal site are the dwelling located backing onto the south eastern boundary that front onto the public road and an existing dwelling located to the north of dwelling no. 7. The development is characterised by two-storey detached dwellings on generously sized plots. Dwelling no.s 1-6 back onto the south eastern boundary and the rear boundaries of the curtilage associated with the existing dwellings to the south east. I would consider that the overall scale and design of the dwellings proposed are not out of keeping with scale and character of existing dwellings adjoining site and that there is a sufficient degree of separation between the proposed and existing dwellings to protect the residential amenities of existing properties (one of the appellant's dwelling backs onto no. 4). It is proposed to retain existing trees and hedgerows along the boundaries adjoining existing properties and such in conjunction with additional planting would ensure protection of the amenities of the existing adjoining properties

7.4.2 In the case of the existing dwelling to the north, dwelling no 7 is located to south of the existing dwelling. The main orientation of dwelling no. 7 is east west. The approved layout provides for the provision of a laneway along the northern boundary of the site to provide access for construction on a temporary basis and permanent access to an existing field to the north west of the site. It is also proposed to maintain the existing trees and hedgerow along the northern side of this laneway (southern boundary of the curtilage of the appellants' dwelling). I would consider that overall design and scale of dwelling no. 7 is satisfactory in the context of the existing dwelling to the north with both existing and proposed dwellings being two-storey detached dwellings set in reasonable sized plots. The proposed laneway and retention and protection of existing trees and hedgerow would also ensure that the amenities of the adjoining property would be diminished.

7.4.3 The appellants in the case of the dwelling to the north of the site note that use of laneway and entrance onto the public road would be detrimental to their residential amenity. The provision of such is for construction traffic and to provide access to a field post development. The use of such for construction traffic is only on a temporary basis and I would consider that subject to adequate construction management conditions including restriction of operating hours that such would not be detrimental to the residential amenities of adjoining properties. The post development use for agricultural access would also be satisfactory and would not be injurious to the residential amenities of the appellants' property. The traffic safety aspect of this access is to be dealt with in the following section of this report.

7.5 Traffic/car parking:

7.5.1 The original proposal for 19 dwellings plus refurbishment of an existing dwelling provided for vehicular access from the existing service road in Ard Ratha to the majority of the development (17 dwellings) with the provision of laneway and vehicular access along the northern boundary of the site to facilitate access to 2 no. new dwellings and the existing single-storey dwelling on site as well provide for construction access. The proposed development was revised to provide for 18 dwellings with all to be accessed from the existing service road to the south. A laneway and access is to be provided along the northern boundary to facilitate

construction access and future access to a field located to the north west of the appeal site.

7.5.2 As the proposal links into an existing residential service road, there is no need for a new vehicular access to serve the proposed development, which will use the existing vehicular access to Ard Ratha off the LP-3016. The existing access and service road are off a good standard and already serve residential development at this location. The design and layout of both the existing vehicular access and service road is of sufficient quality in terms of layout as well sufficient capacity to cater for the proposed development without any adverse traffic impact. As noted in an earlier section of this report the provision of off-street car parking meets the minimum standards required under Development Plan policy (2 space per three bed unit or greater). I would consider that subject to a condition requiring compliance with the Design Manual for Urban Roads and Streets in relation to junction design etc., that the proposal would be satisfactory in the context of traffic safety and convenience.

7.5.3 One of the appeal submissions raises concern regarding the impact of construction traffic and the suitability of the proposed laneway and associated vehicular access to the north of the site. It is proposed to provide a 6.3m wide laneway along the northern boundary with vehicular access off the LP-3016. This laneway and access is no longer within the site boundaries originally proposed but is within the applicants' control. The appellants' raise issues regarding sightlines and the location of the access in close proximity to the existing vehicular access serving their dwelling. The provision of a laneway and vehicular access along the northern boundary of the site would be acceptable in the context of traffic safety. The access is located at a point along the public road where the vertical and horizontal alignment is of a reasonable standard. In addition the use for construction access is on a temporary basis and the use of such for agricultural access post development is likely to be on an infrequent or intermittent basis. I am satisfied that the proposed/approved development would be acceptable in the context of traffic safety and convenience.

7.5.4 The public road at this location is deficient in terms of footpath provision with a fragmented provision of footpaths. A footpath is provided along the road frontage of Ard Ratha however such is at significant distance from the town centre with no

continuous provision along the public road. It is notable that a special contribution has been applied in regards to footpath provision. I would consider that such may improve the footpath provision for part of the road frontage, but the public road would still be deficient and fragmented in terms of pedestrian facilities and such is a relevant consideration in regards to the sequential approach of development as noted in the earlier section of this report.

## 7.6 Flooding:

7.6.1 There is indication on the file that a section of the appeal site is impacted by pluvial flooding during incidences of heavy rainfall and the appellants' property (dwelling to north) is impacted by such due to a fall in levels from the appeal site to their property. The appellants raise concerns regarding the impact of alteration to ground levels on the site and the potential for such to displace flood water onto the appellants' property. A Flood Risk Assessment was submitted. This assessment outlines the flood history of the area noting that the site is not affected by fluvial (minimal risk) or groundwater flooding sources. The appeal site is impacted by pluvial flooding with water reaching a maximum elevation of 25.6m OD during a 1000 Mid-Range Future Scenario. It is proposed to regrade the site to minimise risk of pluvial flooding to the proposed dwellings and provide compensatory floodplain storage on the agricultural lands (to be lowered in level) to the north west of the site that are under the applicants control. It is noted that based on the measures proposed to address flood risk that the proposed development passes the justification test.

7.6.2 It is noted that the finished floor level of the proposed dwellings and the appellants' dwelling would appear to be above the level subject to flood risk. Notwithstanding such there does appear to be a flooding issue on part of the site. I would note that a do nothing scenario does not alleviate such and that the development of the lands does allow for measures to be provided to attempt to deal with such. The applicants are proposing to regrade the site and the provision of an area to displace pluvial flooding on agricultural lands, which are less vulnerable. The applicant has provided a flood risk assessment and measures to deal with existing flood risk issues. I would consider that in event of grant of permission a condition should be applied to ensure

that measures put in place ensure no displacement of flood waters onto lands other than those designated for compensatory flood storage.

## 7.7 Archaeology/recorded monument:

7.7.1 There is a recorded monument, CL052-019 ring fort adjacent the north eastern boundary of the site. This monument is located in the same field as the majority of the appeal site. The Department of Culture, Heritage and the Gaeltacht required that an archaeological assessment be submitted by way of further information. The assessment details test trenching carried out within the appeal site. Other than burnt stone spread no archaeological features, deposits or artefacts were found. It is noted that the proposed development will directly impact on the burnt stone spread and full archaeological excavation under license by a suitably qualified archaeologist is required. It is noted that a 20m buffer zone was requested by the National Monument Service and no development including gardens should occur within the buffer zone. It is notable that layout was altered with the gardens of no.s 15-18 reduced in size to allow for the entire 20m buffer zone around the monument. No submission has been received from the Department of Culture, Heritage and the Gaeltacht regarding the assessment submitted. I would consider that subject to an appropriate condition regarding archaeological monitoring that the proposed development would be satisfactory in terms of archaeological impact. I would reiterate that the design of the layout is lacking in terms of integration of the recorded monument and the provision of open space around the western side of such would have been better than what is proposed.

## 7.8 Other Issues:

7.8.1 Unsolicited further information was submitted on the 20<sup>th</sup> day of January 2019. This unsolicited information submitted amended site cross sections with corrected existing and proposed ground and finished floor level which were incorrectly submitted previously. I have examined the file and the amended cross sections are not on the file and the Board may wish to request such information prior to decision. I would consider that regardless of the levels proposed and the lack of such cross sections, the assessment of the proposal in regards to sequential development as outlined in the earlier section of this report still applies.

## 7.9 Appropriate Assessment:

7.9.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

8.1. I recommend refusal based on the following reason.

## 9.0 Reasons and Considerations

1. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009 recommend a sequential and coordinated approach to residential development, whereby lands should be developed so as to avoid a haphazard and costly approach to the provision of social and physical infrastructure and where undeveloped lands closest to the core and public transport routes be given preference. Objective 3.10 of the Clare County Development Plan 2017-2023 also promotes the development of land in accordance with the sequential approach. It is considered that the site is located in an area which is remote and isolated from other areas of consolidated residential development and not in line with the orderly expansion of the settlement. Having regard to the scale of residential development proposed and the absence of good pedestrian and cyclist linkages, it is considered that the proposed development would be excessively car dependent and represents a haphazard, uncoordinated development that would not strengthen the established structure of the town. The development would, therefore, be contrary to the Guidelines and the Clare County Development Plan 2017-2023 and to the proper planning and sustainable development of the area.

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Colin McBride  
Planning Inspector

20<sup>th</sup> June 2019