



An  
Bord  
Pleanála

## Inspector's Report ABP-304817-19

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<b>Development</b>	Construct 13 houses, entrance road, and associated site works.
<b>Location</b>	Rathmale, Mungret, Co. Limerick.
<b>Planning Authority</b>	Limerick City & County Council
<b>Planning Authority Reg. Ref.</b>	18/825
<b>Applicant(s)</b>	Prime Bay Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant, subject to conditions
<b>Type of Appeal</b>	Third Parties -v- Decision
<b>Appellant(s)</b>	Brid Crowley & Others Susan Lysaght & Others
<b>Observer(s)</b>	Willie O'Dea TD
<b>Date of Site Inspection</b>	24 <sup>th</sup> October 2019
<b>Inspector</b>	Hugh D. Morrison

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## 1.0 Site Location and Description

- 1.1. The site is located to the west of Dooradoyle, a south western suburb of Limerick City, which lies to the south of the N18 and to the west of the M20. This suburb adjoins the Raheen Business Park. The site is located to the north west of this employment area.
- 1.2. The site lies in the townland of Rathmale and to the south west of the centre of Mungret Village, which is focused on the junction between the N69 and the R859. This site is accessed off the north western side of the L-1402, which is a local road known as Pump Road that runs from the R859, initially, in a south south western direction. This local road continues to the south where it eventually joins the R526, which serves the above cited employment area.
- 1.3. Pump Road within the vicinity of the site is the subject of ribbon development in the form of bungalows and dormer bungalows on individual house plots. This Road also serves a cul-de-sac of 11 bungalows, which lie nearer to the centre of the village. Further towards this centre lies Mungret Regional Football Club, which comprises a clubhouse on one side of the Road and playing pitches on the other side with a pedestrian crossing between the two. A public footpath accompanies the south eastern side of Pump Road from this crossing to the centre of the village.
- 1.4. The site itself is of elongated form and it is roughly rectangular shape. This site is relatively flat and it extends over an area of 0.718 hectares. The site is down to grass and it is bound by mature hedgerows. Access is by means of a double gateway, which is centrally sited in the frontage of the site. The remains of a former agricultural shed and an abandoned static caravan lie in the western extremity of this site. Bungalows accompany the site to its north and south off Pump Road. Also, to the north, there are 2 two storey dwelling houses on backland sites.

## 2.0 Proposed Development

- 2.1. The proposal is for the upgrade of the existing access off Pump Road, from an agricultural one to a residential one. This access would serve a cul-de-sac, which would run through the full depth of the site. As originally submitted on 17<sup>th</sup> August 2018, 13 detached dwelling houses were proposed to be laid out mainly to the south

of this cul-de-sac with an area of communal open space to the north of it. These dwelling houses would have been of either single storey or one-and-a-half storey form and they would have comprised 3 one-bed, 8 two-bed, and 2 four-bed units.

2.2. Thereafter, the proposal went through several iterations, which can be summarised as follows:

- On 20<sup>th</sup> December 2018, under further information, 14 dwelling houses were proposed. The cul-de-sac was redesigned to show points of connection to sites to the south and to the west, where future dwelling houses could be developed.
- On 25<sup>th</sup> January 2019, plans were submitted showing a reversion to 13 dwelling houses.
- On 10<sup>th</sup> April 2019, plans were submitted showing 16 dwelling houses.
- On 16 & 17<sup>th</sup> May 2019, under clarification of further information, plans were submitted showing 14 dwelling houses. (Thereafter, further plans were submitted on 10<sup>th</sup> June 2019, but only in connection with sightlines and signage).

As permitted, then, by the Planning Authority, the finally revised proposal is for 14 dwelling houses sited on a cul-de-sac that shows a connection to the site to the south only. These dwelling houses would be of single storey form (with utilised roofspace) or one-and-a-half storey form. The former dwelling houses would be sited on either side of the access point to the site and the latter dwelling houses would be sited over the remainder of the site. Size wise, these dwelling houses would comprise 1 two-bed, 11 three-bed, and 2 four-bed units. All would be detached apart from one pair of semi-detached dwelling houses.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Following receipt of clarification of further information, permission was granted, subject to 33 conditions.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

Further information was sought with respect to the following:

- The proposal is to be redesigned to ensure that it would integrate with the village,
- A masterplan to be prepared for the site and adjoining zoned lands,
- Sightlines available at the proposed egress to be shown,
- Details concerning proposed access arrangements to be elucidated,
- Details of public lighting to be revised/provided, and
- Details of surface water disposal to be revised/provided.

Clarification of further information was sought with respect to the following:

- Front bungalows to be reconsidered (25<sup>th</sup> January 2019 plans) on basis of revised siting and access layouts,
- Houses denoted as 15C & 16C to be omitted in favour of a single house with access as shown on 25<sup>th</sup> January 2019 plans,
- Masterplan to be revised to refer to residential zoned lands only,
- Details with respect to sightlines,
- Revisions to on-site access arrangements,
- Parking to be shown within each house plot only,
- Revisions to public lighting,
- Consequential changes to be made to surface water disposal, and
- House plot boundary treatments to be shown.

### 3.2.2. Other Technical Reports

- Irish Water: Extensive commentary provided.
- Limerick City & County Council:

- Housing: Advises that 1 of the proposed houses would be transferred to the Housing Authority under Part V.
- Fire Officer: No objection.
- Environmental Services: No objection, subject to condition.
- Archaeology: No objection, subject to condition.
- Roads: Following receipt of clarification of further information, no objection, subject to conditions.

## 4.0 Planning History

The planning history of the site is limited to outline applications (97/80 & 81) each for a single dwelling house.

Elsewhere in the surrounding area there have been applications for single dwelling houses that have been permitted, including one at appeal PL91.244076. The exception to this pattern was application 17/368, which pertained to a site adjoining the western portion of the southern boundary to the current application site and which would have taken access from the local road at a point beyond the bungalow to the SW of this current application site. This application was for 4 detached dormer bungalows. It was the subject of a split decision at appeal PL91.248852, whereby the dormer bungalow adjacent to the local road was permitted, but the 3 proposed for the rear portion of the site were refused for the following reason:

*Having regard to the location and configuration of the site and its relationship to other 'Established Residential' zoned lands in the immediate vicinity, it is considered that the proposed development, by reason of its layout and design would constitute haphazard, piecemeal development which would prejudice the orderly development of adjoining zoned lands in the vicinity and would, therefore, materially contravene the said zoning objective for the area which seeks to encourage a high standard of residential design in new residential developments and to improve permeability and accessibility. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

## 5.0 Policy and Context

### 5.1. Development Plan

Under the 2016 Census, Mungret Village had a population of 216 and so, under the Settlement Strategy of the Limerick County Development Plan 2010 – 2016 (CDP), it is a Tier 5 small village, i.e. one with a population between 150 and 400.

Under the Southern Environs Local Area Plan 2011 – 2017 (LAP), which has been extended to 2021, the site is shown as lying within an area zoned existing residential and the local road from which it would be accessed is shown as forming part of the District Roads Distribution Network. Under Objective HO2 of this Plan residential density is addressed, as follows:

*It is an objective of the Council to:*

*a) Promote the concept of a 'compact district' by encouraging appropriate densities in suitable locations and by resisting sporadic isolated developments;*

*b) Require an average net density of 33 units per hectare on 'Residential Development Area' sites within the plan area;*

### 5.2. Natural Heritage Designations

Lower Shannon SAC (site code 002165)

### 5.3. EIA Screening

Under Items 10(b)(i) & (iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2019, where more than 500 dwelling units would be constructed and where 10 hectare-urban sites would be developed, the need for a mandatory EIA arises. The proposal is for the development of a 0.718-hectare site to provide 13 dwelling units. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall below the relevant thresholds, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

#### (a) Brid Crowley & Others

- Due process under the Planning and Development Regulations, 2001 – 2019  
Attention is drawn to the 6 dates cited under condition 1 attached to the draft permission on which plans were submitted by the applicant to the Planning Authority. The resulting complexity risks confusion as to what is actually being permitted. Clarification, in this respect, is thus needed.

Attention is drawn to the site notice, which was posted on 16<sup>th</sup> May 2019 and which was illegible. The Planning Authority was duly informed of this.

- Development encouraged that would be contrary to the LAP

Attention is drawn to plans submitted by the applicant to the Planning Authority on 10<sup>th</sup> June 2019, which show 7 dwelling houses on zoned residential land (0.34 hectares) to the south of the site and yet with an access road that would pass through zoned agricultural land. These dwelling houses would constitute over development and the access road would be unacceptable on land use grounds. Attention is also drawn to notation on the said plans, which invites future development to the west of the site on land zoned for agriculture.

- Zoning – a reserved function

The aforementioned masterplan presentation is critiqued on the basis that, by accepting it, the Planning Authority could be construed as seeking to influence its members future intentions with respect to exercising the reserved function to zone land for residential development. (In 2015, the above cited agricultural lands were the subject of a proposal to rezone from agriculture to residential, however this proposal was not passed).

- Existing infrastructure

The site is c. 500m to the SW of Mungret Village along a local road. Only the first 156m of this distance is served by a public footpath.



- National Spatial Strategy

NSS Objective, “The concentration of development in locations where it is possible to integrate employment, community services, retailing and public transport”, is cited. Most of the working residents of Mungret commute to the Raheen Industrial Estate. At Raheen itself, 345 dwelling houses are under construction, with a further 800 planned. The aforementioned Objective would thus be progressed in Raheen rather than in Mungret.

NSS Objective, “Mixed-use and well-designed higher density development, particularly near town centres and public transport nodes like railway stations”, is cited. Mungret has only 2 bus services a day and so it is not in a position to progress this Objective.

NSS Objective “The efficient use of land by consolidating existing settlements, focusing in particular on development capacity within central urban areas through re-use of under-utilised land and buildings as a priority, rather than extending green field development”, is cited. Attention is drawn to the current development of 2 other sites in Mungret, Sli Na Manach for 145 dwelling houses and Mungret Gate for 200 dwelling houses. These sites are on under-utilised land and so they are progressing the said Objective, thereby obviating the need for the current proposal.

- Road safety

The 70m SW sightline from the proposed site egress would be obscured by vegetation after the first 35m. Unlike the first 35m, the second 35m would be outside the applicant’s control.

The point of access/egress would also coincide with a stretch of the local road that is only 4.5m wide.

Under the proposal, the junction between the site access road and the local road would be used by potentially 21 households and so its use at peak times would be quite dangerous, especially as there would not be scope to make proper provision for pedestrians and cyclists.

- Master planning of the Mungret area

Given the numbers of dwelling houses either under construction or planned for the Mungret area, any masterplan exercise should be the subject of EIA. Such an exercise would afford an opportunity for the impacts of the current proposal, in conjunction with other housing projects, to be properly assessed.

- Scale of development

Attention is drawn to application 14/1113, which was for a site along the local road, the frontages to which are composed of bungalows. The proposed dwelling house on this site was, accordingly, revised with respect to its scale and massing.

The Planning Authority has not adopted a similar approach with respect to the current proposal. Given that 14 dwelling houses are proposed, the cumulative scale would be considerable and so out of character with the locality.

- Mass of development

Attention is drawn to 2 other housing schemes in Rathmale, i.e. 11 dwelling houses on 1.78 hectares and 4 dwelling houses on 0.86 hectares. By contrast the proposal is for 14 dwelling houses on 0.718 hectares and so the resulting massing and site coverage would be greatly in excess of these other comparable schemes.

The presence of windows in the southern side elevations of the dwelling houses numbered 1 and 5 would lead to overlooking of the adjacent residential property to the south.

#### **(b) Susan Lysaght & Others**

- Concern is expressed that, due to the scale, mass, density, design, and layout of the proposal, it would be out of character with the rural vernacular of the area and it would be overbearing towards, and it would lead to the overlooking of, existing residential properties.
- Concern is expressed that the local road, which serves the site and which is known as Pump Road, is used for recreational purposes as well as by vehicular traffic. It already suffers from congestion caused by parking

associated with the use of local sports grounds. Additional traffic generated by the proposal would add to congestion and, insofar as access/egress to the site would occur at a narrow point on Pump Road, it would be hazardous.

- For the majority of Pump Road between Mungret Village and the subject site, there is no public footpath. While this Road is subject to a 50 kmph speed limit, it cannot facilitate unimpeded two-way traffic. Sightlines at the proposed egress to the site would be sub-standard. Their depiction was only belatedly addressed by the applicant.
- Concerns are expressed over the extent of public consultation that was allowed for thus affecting the opportunity for the public to comment on the application.
- The proposal could facilitate further development that would add still further to traffic on Pump Road.
- The need for housing is already being met by large schemes known as Mungret Gate and Sli Na Manach.

## 6.2. Applicant Response

- Disappointment is expressed that, after a lengthy application stage, third party appeals have still ensued.
- The site is close to Limerick City and the Raheen Business Park and so it effectively functions as a suburb.
- The grounds of appeal raised by appellants concern matters that were addressed at the application stage.
- The applicant has had regard to PL91.248852 and the need to ensure integrated non-piecemeal development. The submitted masterplan illustrates how this would be achieved.

## 6.3. Planning Authority Response

None

#### 6.4. **Observations**

Willie O'Dea TD

- The masterplan shows housing that would be accessed via land zoned agriculture – this is in danger of pre-empting the reserved function of members in zoning land for residential development.
- Whether the applicant has met the Planning Authority's various requests is unclear.
- The draft permission is contrary to the NSS.
- The available sightlines would be inadequate.
- The proposal would be at variance with the bungalow streetscape of Pump Road.
- The proposal would not be part of the masterplan for the Mungret area.

#### 6.5. **Further Responses**

None

#### 6.6. **Consultees**

- DoCHG: Advises on nature conservation to the effect that the proposal must not impact upon the water quality of the River Shannon, an invasive plant survey should be undertaken, and the hedgerow around the site should be retained.

### 7.0 **Assessment**

7.1. I have reviewed the proposal in the light of national planning guidelines, the CDP and the LAP, relevant planning history, the submissions of the parties and the observer, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Procedures,
- (ii) Settlement, land use, and density policies,

- (iii) Development standards,
- (iv) Amenity,
- (v) Traffic, access, and parking,
- (vi) Water, and
- (vii) Stage 1 Screening for AA.

**(i) Procedures**

- 7.2. Appellant (a) draws attention to condition 1 attached to the Planning Authority's draft permission, which cites 6 dates upon which plans and particulars were lodged. Concern is expressed over the confusion that is risked thereby in establishing what has been permitted. Appellant (b) draws attention to the extent of the public consultation process that transpired on foot of these lodgements.
- 7.3. I note that condition 1 states that, following the original lodgement of plans and particulars, subsequent ones are by way of progressive amendment. Thus, what is permitted is that which has not been superseded by such amendment. Thus, although the number of rounds of lodgement is unusually high in this instance, what is permitted can be ascertained in the way just described.
- 7.4. I note, too, that 3 public consultation exercises were conducted after the original one, i.e. following receipt of further information on 20<sup>th</sup> December 2018, prior to receipt of unsolicited further information on 8<sup>th</sup> April 2019, and following receipt of clarification of further information on 16<sup>th</sup> May 2019. While the first and third of these notices cited 13 dwelling houses when 14 were being proposed, the second cited an increase from 13 to 16. The need for these exercises hinged on whether the Planning Authority deemed that what had been lodged constituted significant further information and their duration was in accordance with that set down in the Planning and Development Regulations, 2001 – 2019.
- 7.5. I consider that it is regrettable that the first and third notices failed to specify the correct number of dwelling houses being proposed. Nevertheless, insofar as the maximum number to have been proposed was cited in the second notice, I am prepared to accept that the public consultation exercise was not fatally undermined by this error.

7.6. I conclude that there are no procedural matters that would prevent the Board from assessing and determining the proposal in the normal manner.

**(ii) Settlement, land use, and density policies**

7.7. The site is located within Mungret Village, which, under the 2016 Census, has a population of 216. Accordingly, under the CDP's Settlement Strategy, this Village is a Tier 5 small village and, under the LAP, the site itself is shown as lying within an area zoned existing residential. Objective HO2 of the latter Plan comments on density within this zone to the effect that the concept of a compact district is to be promoted by encouraging appropriate densities in suitable locations and by resisting sporadic isolated developments.

7.8. The Sustainable Residential Development in Urban Areas (SRDUA) Guidelines address small towns and villages and advises on density standards. Thus, edge of centre sites and edge of village sites should exhibit densities of 20 – 35 dwellings per hectare and 15 – 20 dwellings per hectare, respectively, on the basis that, in the latter case, no more than 20% of the new housing stock in the village in question is provided thereby.

7.9. The centre of Mungret Village is focused around the junction between the N69 and the R859 from where it extends by means of ribbon development along adjoining local roads. The site lies c. 0.4 km away along the L-1402 towards the extremity of the continuous ribbon development along this local road. I, therefore, take the view that the site lies more towards the edge of the village than towards the edge of the centre.

7.10. The wider area of Mungret is the subject of a master plan, which is presented as Map No. 6 in the LAP. Under this plan, extensive areas of land to the east and south east of the existing of the village are zoned as residential development areas, which would be served by link roads between the R859 and the R526, off which lies the Raheen Business Park. Under the Objective HO2, these areas would be required to have average net residential densities of 33 dwellings per hectare or, under the SRDUA Guidelines, higher densities again.

7.11. The site has a stated area of 0.718 hectares, and it would be developed to provide 14 dwelling houses. Accordingly, this site would exhibit a net residential density of 19.5 dwellings houses to the hectare. I consider that, in the light of the foregoing

discussion of density and the site's location and context, this level of provision would, in principle, be appropriate.

- 7.12. The planning history of the lands in the vicinity of the subject site, includes that of a proposal for 3 dwelling houses on a site adjoining this site along the western portion of its southern boundary. This proposal was also for a dwelling house that would front onto the L-1402. Under application 17/368 and appeal PL91.248852, the former dwelling houses were refused, on the grounds of piecemeal development that would prejudice the orderly development of adjoining zoned lands in the vicinity, while the latter dwelling house was permitted.
- 7.13. Under further information, the applicant was requested to demonstrate the compatibility of its proposal with the possible development of adjoining lands. Initially, this request was responded to by the inclusion of un-zoned lands to the west as well as zoned lands to the south. Subsequently, only the latter lands were shown.
- 7.14. The appellant (a) and the observer express concern that the initial depiction may have been misconstrued as applying pressure on members of the Planning Authority to zone the lands to the west for residential development. (Such zoning was previously proposed but successfully objected to by local residents). However, insofar as the subsequent depiction only shows dwelling houses indicatively on lands currently zoned as "existing residential", I consider that this concern has been to a degree allayed.
- 7.15. Notwithstanding the foregoing paragraph, I note that the majority of the access road denoted as a "home zone" and open space that are shown indicatively by the applicant would be on lands that are currently un-zoned, i.e. zoned only for agriculture. I consider that these items would be ancillary to any future residential development of the site in question and so they should be capable of being included within the same. The applicant's indicative layout does not demonstrate that its current proposal for the subject site would be compatible with the provision of dwelling houses and their accompanying access road and open space wholly within lands zoned as "existing residential". In these circumstances, I do not consider that the applicant has avoided the Board's previous critique of the proposal for the adjoining land, i.e. the current proposal would be piecemeal, too.

7.16. The applicant in a letter dated 21<sup>st</sup> May 2019 acknowledges the above cited over run, but, as it was not cited as a reason for refusal in the Board's decision on PL91.248852, the view is expressed that it should not be an issue now. I note that the inspector's report did state the following: "In the main the dwellings are located within the existing residential zoned lands save for a small portion of the front gardens of the three dwellings set into the site and the access road." I note, too, that this issue was not alone in not being made the subject of a reason for refusal, the inspector also referred to the provision of a public footpath as being "a prerequisite for any in-depth development". It may be that the Board in line with the inspector's report considered that the piecemeal critique was the more fundamental one that needed, therefore, to be cited in its refusal.

7.17. I conclude that, while I raise no in principle objection to the proposal on land use or density grounds, the proposed layout of the site would not demonstrably be compatible with the future residential development of an adjoining site zoned as "existing residential" and so this proposal would risk being piecemeal development that would, in practise, prejudice the appropriate future development of this adjoining site.

### **(iii) Development standards**

7.18. Under the proposal in its finally revised form, 14 dwelling houses would be provided. These dwelling houses would comprise the following:

- House type A: 2 four-bed units each with a floorspace of 150sqm,
- House type B: 9 three-bed units each with a floorspace of 111 sqm,
- House type C: 2 three-bed units each with a floorspace of 140.5 sqm, and
- House type D: 1 two-bed with a floorspace of 84.8 sqm.

7.19. I consider that the resulting mix of dwelling house sizes would be appropriate. The applicant has indicated that it intends to meet its Part V obligations on-site.

7.20. The applicant has not submitted a housing assessment table. Nevertheless, a comparison of the submitted house type plans with Table 5.1 of Quality Housing for Sustainable Communities Best Practice Guidelines indicates that compliance would be either be achieved or, in the case of slightly small utility rooms, would be capable of being achieved.



- 7.21. Each of the proposed dwelling houses would be provided with private open space. The extent of such space would be adequate or better, except in the case of the dwelling house denoted as 13B, where a tapered rear garden and the retention of hedgerows on two of the three sides would militate against sufficient size and amenity value. The introduction of more semi-detached dwelling houses in the row of dwelling houses numbered 6B – 13B would create the opportunity for this deficiency to be remedied. The proposed dwelling houses would also be served by a swath of communal open space. Details of the landscaping of this space, under the finally revised plans, need to be revisited and its future management conditioned.
- 7.22. The layout of the proposed housing scheme would be such that dwelling houses would either be orientated on a roughly north/south axis or a roughly east/west axis. Where dwelling houses would correspond with one another, conventional separation distances or greater would be achieved, except in the case of dwelling houses nos. 4B and 6B, where just under 12m would pertain. A slight set back to dwelling house no. 4B would allow full achievement. The handing of this dwelling house and the neighbouring one, no. 5B, would allow for the greater lighting of their proposed patios and family/dining rooms. These matters could be addressed by condition.
- 7.23. The proposal would broadly accord with relevant development standards. However, at the level of detail, some revisions to the internal layout and siting of dwelling houses would be necessary to ensure full compliance.

#### **(iv) Amenity**

- 7.24. The appellants and the observer draw attention to the vernacular of Pump Road, which is influenced by the high incidence of cottages/bungalows on individual plots. They express concern that the proposal would, due to its scale and the design of the proposed dwelling houses, represent a departure from this vernacular.
- 7.25. During my site visit, I observed the said high incidence. I also observed the presence of dormer bungalows and one-and-a-half-storey dwelling houses along Pump Road and the presence, too, of an existing residential cul-de-sac off this Road, known as Rathmale.
- 7.26. I note that the proposal would entail the construction of a bungalow on either side of the proposed on-site access road at its junction with Pump Road. Thus, these bungalows would be the “public face” of the new housing scheme and they would

correspond well with the existing bungalows on either side of them to the north and to the south. I note, too, that the remaining dwelling houses would be of one-and-a-half-storey form and so their design would minimise their height over two floors and so reduce their profile from Pump Road. The retention of the existing mature hedgerows along the long northern and southern boundaries would also assist in this respect and it would ease ensuing relationships with existing dwelling houses.

- 7.27. If my suggested handing of proposed dwelling house no. 5B were to be followed through upon, then the glazing to the first-floor rear bedroom window should be set back within this opening, i.e. behind a maximised external reveal, to ease any overlooking of the existing bungalow to the south east. This could be conditioned.
- 7.28. I conclude that the proposal would be compatible with the existing visual and residential amenities of the area.

#### **(v) Traffic, access, and parking**

- 7.29. The proposal would generate an increase in traffic movements along the L-1402 in either direction. Under this proposal, the existing site access point would be utilised in the formation of one suitable for the proposed housing scheme. This access point is off a portion of the local road that is of straight horizontal alignment and which rises to a gentle gradient further to the south west. Carriageway width varies and public lighting is in-situ. The speed limit is 50 kmph. There are no public footpaths accompanying the carriageway, except for one on the south eastern side c. 230m away, which thereafter connects to the village centre of Mungret.
- 7.30. Appellants and the observer draw attention to existing use of the L-1402, which can lead to congestion due to overspill parking from the local football club and which does comprise recreational users, too. The narrowness of the carriageway corresponding to the existing/proposed access point, at 4.5m, is emphasised and the availability, in practise, of the envisaged sightlines (2m x 70m) is questioned. The absence of public footpaths is likewise emphasised. Concern is thus expressed over traffic management and road safety.
- 7.31. Under the Design Manual for Urban Roads and Streets (DMURS), the needs of pedestrians and cyclists are to be prioritised. I am thus concerned that the subject site is not served by a public footpath and that the narrowness of the carriageway would militate against the incorporation of a cycleway.

- 7.32. During my site visit, I observed the variable width of the carriageway and the variable width of accompanying verges, which, in places, are decidedly narrow. I am thus concerned that, under the proposal, the absence of a public footpath between the subject site and where such a footpath begins to the north east would lead to both increased pedestrian movement along Pump Road, which would be inherently hazardous, and increased car usage due to the absence of pedestrian facilities, which would, in effect, mean the promotion of a non-sustainable mode of transport. I, therefore, consider that the provision of a public footpath either along Pump Road or by means of some other route to the village centre is essential if the subject site is to be developed to the density now proposed and encouraged by the SRDUA Guidelines.
- 7.33. Under DMURS the appropriate sightlines for the proposed access would be 2.4m by 59m, i.e. assuming a design speed of 60 kmph. This Manual does countenance an x distance of 2m, although the accompanying commentary implies that where carriageway widths are narrow such relaxation would be inappropriate. I am therefore concerned that the applicant has not specified a x distance of 2.4m in its depiction of sightlines. The concerns of the appellants and the observer as to the availability of such sightlines, in practise, have not been addressed by the applicant.
- 7.34. Turning to parking, each of the proposed dwelling houses would be served by the 2 off-street car parking spaces and a further 5 visitor parking spaces would be provided, i.e. 3 would be formally laid out as appendages to the cul-de-sac and 2 would be provided at the end of the cul-de-sac. The former provision would be a little in excess of the standards set out in Table 10.5 of the CDP and the latter provision would accord with these standards.
- 7.35. I conclude that, in the absence of a public footpath connection between the site and the nearest public footpath leading to the centre of Mungret Village, the proposal would be premature. I conclude, too, that the applicant has failed to demonstrate that the proposed access would be capable of being served by sightlines to the requisite dimensions.

**(vi) Water**

- 7.36. Under the proposal, the proposed dwelling houses would be served by the public water mains and public sewerage system. While Irish Water has not objected to

connections in these respects, its letter dated 18<sup>th</sup> September 2018 sets out a considerable number of factors that the applicant would need to address in making a pre-connection application to it.

- 7.37. Under the proposal, a stormwater drainage system would be installed that would be designed to simulate the greenfield run-off rate. This system would incorporate an attenuation tank and hydro-brake that would be designed to cope with up to 1 in 100-year storm events with a 10% climate change allowance. It would also incorporate a Class 1 by-pass interceptor.
- 7.38. It is unclear from the submitted plans if other SUDS methodologies would be “designed-in” to the proposal. These could, nevertheless, be conditioned.
- 7.39. The OPW’s flood information website does not show the site as being the subject of any identified flood risk. It does, however, record that a flood event occurred in the village centre to the north east of the site on 18<sup>th</sup> July 2012 as a result of prolonged rainfall leading to a build up of surface and ground water. The accompanying report states that a local access road was flooded. It is unclear if the L-1402 was affected thereby. In this respect, I note the distance between the site and the village centre and I note, too, that the local road is a through route rather than a cul-de-sac.
- 7.40. I conclude that there is no in principle objection to the proposal being serviced by the public water mains and sewerage system. I also conclude that the proposed stormwater drainage arrangements for the site would be appropriate.

#### **(vii) Stage 1 Screening for AA**

- 7.41. The site does not lie either in or near to a Natura 2000 site. The nearest such site is the Lower Shannon SAC (site code 002165), which lies just over 2 km to the north. I am not aware of any source/pathway/receptor route between the subject site and this SAC and so I do not consider that the proposal would be likely to have any significant effect upon its Conservation Objectives.
- 7.42. Having regard to the nature and scale of the proposal and its proximity to the nearest European site, 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.

## 8.0 Recommendation

8.1. That permission be refused.

## 9.0 Reasons and Considerations

1. The applicant has failed to demonstrate that the proposed layout of the subject site would facilitate the residential development of the adjoining site to the south west, which is zoned “existing residential” in the Southern Environs Local Area Plan 2011 – 2017, in a manner whereby such development would be wholly within the site thus zoned. Accordingly, the current proposal would risk being piece meal in its effect, thereby prejudicing the future development of this adjoining site and frustrating the zoning objective for the same. Accordingly, in these circumstances, it would be premature to permit the current proposal and so it would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the prioritisation of pedestrian facilities, especially, in the Design Manual for Urban Roads and Streets, the proposal fails to include within it any such facilities between the subject site and the village centre of Mungret. This site would continue to be accessed off the L-1402, which links the site to this village centre. However, over the greater portion of this local road there is no public footpath. The proposal would generate increased pedestrian movement along this portion of the road, movement which would be inherently hazardous. Conversely, the absence of any pedestrian facilities would lead to an increase in the unsustainable use of private motorised transport. The prioritisation of pedestrian facilities would thereby be neglected and so, in these circumstances, the proposal would be premature and contrary to the proper planning and sustainable development of the area.
3. Having regard to the advice on visibility splays set out in the Design Manual for Urban Roads and Streets, the applicant has failed to demonstrate that the proposed access to the site would be accompanied by sightlines of the requisite dimensions and that it would have sufficient control over these sightlines to ensure that, in practise, they would be available. In these

circumstances, the proposal would be premature and contrary to the proper planning and sustainable development of the area.

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Hugh D. Morrison  
Planning Inspector

31<sup>st</sup> October 2019