



An
Bord
Pleanála

Inspector's Report ABP – 306960-20

Development	68 Residential units with access via Cluain Ros Leamhain, new connection to public water main foul and surface water drainage, access rods, footpath parking, landscaping and boundary treatment and ancillary site works.
Location	Rosleven, Tulla Road, Ennis. Co Clare.
Planning Authority	Clare County Council
P. A. Reg. Ref.	19196
Applicant	Datcha Construction Ltd
Type of Application	Permission
Decision	Grant Permission.
Type of Appeal	Third Party
Appellant	Cluain Ros Leamhain Residents Association.
Date of Site Inspection	19 th June 2020
Inspector	Jane Dennehy.

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1.0 Site Location and Description

- 1.1. The site has a stated area of 2.537 hectares and is located to the north east of the town centre and north of the Tulla Road (R351) to the east of Ennis town centre. It comprises mainly of agricultural land and dense trees and vegetation at the eastern side. The walls for the walled gardens at the rear Rosleven House which is derelict are located along the eastern boundary on both sides of which there are trees and hedgerow. To the south there is residential development and lands subject of a prior refusal of permission for a residential development of twenty-five dwellings. (P.A. Reg. Ref P18-137/PL303477 refers. Details of which are set out under section 4 below.) These lands are to the west side of Cluain Ros Leamhain a residential development and to the south east and to the north and north east are further undeveloped lands in agricultural use.
- 1.2. There is a Distributor road between the lands and the Tulla Road. At the southern end there is a shopping centre and sports playing fields. To the east side of the sports fields and residential development to the south of the application site lands there is an additional access route between the Tulla Road and it terminates on the east side of the residential development and west side of Rosleven House. It serves several individual road frontage dwellings and some commercial development at the southern end. It has no footpaths or public lighting.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority on 15th March, 2020 indicates proposals for sixty-eight residential units comprising 41 two bed houses, 19 three bed houses and eight two bed apartments and 155 carparking spaces.
- 2.2. A multiple item request for additional information, was issued by the planning authority on 8th May, 2019 to which a response was received 22nd January, 2020 along with supplementary unsolicited information on 19th February, 2020, 20th February, 2020 and 25th February 2020 providing for a revised layout along with modifications and wider dwelling mix for the development and clarification of details mainly relating to relating to adjoining lands, existing trees, vegetation and boundary

treatment, roads and access, Title, landscaping, open space and access roads access and lighting for the scheme.

2.3. The revised total number of dwellings is reduced to sixty-three units and the dwelling mix comprises:

- 6 four bed units,
- 23 three bed houses,
- 8 two bed house and,
- 16 two apartments in two blocks.

The selection and mix of house types also provide for larger size units with wider footprints to address concerns of the planning officer on narrow planforms in the initial proposal.

Vehicular Access is to be provided via an existing road from the Tulla Road to the south through the Cluain Ros Leamhain development.

The application also includes proposals for alterations to ground levels, landscaping, open space, on site surface water drainage arrangements in accordance with SUDS methods and connections to the public sewer and water main.

2.4. Included with the application or further information written statements and drawings are a design statement, an engineering report on services including stormwater management to include storm water calculations, SUDs management incorporating attenuation and storage foul drainage and water supply layouts and roads and access arrangements, a bat and non-volant survey, a public lighting report; land registry details with a letter of consent from the current land owner, (Joseph Kearney, (address not provided.) and letter of consent for construction access (Bridget Keane) According to the planning officer the letter of consent was subsequently withdrawn. In the further information submission access is shown off the south eastern end of the site on land in the applicant's ownership.

2.5. The subject development is described in the application submission as part of a masterplan area in combination with the lands to the south subject of the application under. P.A. Reg. Ref. P18-137 (Details in section 4 below) providing for a

development of eighty-nine dwellings. come within a masterplan area of 3.09 hectares providing for a total of eighty-nine dwellings.

2.6. Planning Authority Decision

2.7. Decision

- 2.7.1. By order dated, 26th February, 2020 the planning authority decided to grant permission for the proposed development subject to twenty-seven conditions which are generally of a standard planning and technical nature.
- 2.7.2. Under Conditions attached there are requirements for submission of a revised site layout providing for omission of Dwelling Nos 54 and 55, (two four bed units) to provide for additional open space provision for adjoining dwellings, resulting in a total of sixty one units within the development), provision for footpaths and adjustments for integration with the adjoining development to the south, a revised access point mid-way along the internal access road for a spur road to the future development on the zoned LDR 3 lands to the east, universal access, omission of a pedestrian crossing, provision for revised internal access road layout raised tables and road junction surface treatments, additional and revised footpath provision, auto track analysis amendments to parking space sizes, lodgement of a structural integrity report for the existing boundary walls to be retained, retention and protection of linear trees and woodlands to the west outside the area of open space provision, clarification on details of drainage arrangements and minor specific details such as omission of a balcony at Block No 2 of the apartments.

2.8. Planning Authority Reports

- 2.8.1. The planning officer in his final report further to review of the response to the multiple item request for additional further information submission indicated a recommendation to grant permission subject to conditions to provide for minor details relating to the layout including omission of two units to enhance open space provision and several requirements set out in the technical reports.
- 2.8.2. The report of the Municipal District Office of 7th May, 2019 indicates a recommendation for a request for additional information on storm water

arrangements for the parcel of land LDR3 and R 3 within the CDP for Ennis municipal district (See section 5 below)

- 2.8.3. The final report of the District Municipal Office of 25th February, 2020 includes a number of conditions to be attached with regard to arrangements for storm water drainage which include provision for avoidance of storm run off to adjoining undeveloped lands and standard requirements for roads arrangements and a recommendation for a survey report on the trees to be prepared by an arborist.
- 2.8.4. It is stated that the preferred access according to section 2.3 for Roslevan Neighbourhood R 3 and LDR 3 is the continuation of the existing distributor road. Also recommended are Traffic calming measures, clarification on details of the extent of Roslevan domain wall removal and trees. and sign lines remains and removed and pedestrian access arrangements and turning bay.
- 2.8.5. The Roads Design report of 30th April, 2019 report indicated a number of concerns on design and layout for roads, parking, and footpaths and construction traffic management.
- 2.8.6. The final report of the Roads Design Office indicates acceptance of proposals with outstanding matters for further clarification to be addressed by condition.
- 2.8.7. The Environmental Assessment report includes recommendations for retention free of the wooded lands to the west of the site of development, limited pruning of trees along the eastern access roadway as shown in the landscape plan, and conditions for tree protection measures and implementation measures in accordance with the landscape plan in agreement with the planning authority by condition.
- 2.8.8. The report of Irish Water dated 25th February, 2020 indicated predisposition to provision for a connection agreement subject to standards requirements

2.9. Prescribed Bodies

- 2.9.1. The initial report of Department of Culture Heritage and the Gaeltacht indicates a recommendation for an archaeological assessment (including test excavation to be undertaken by a licensed archaeologist, by condition.
- 2.9.2. The closest European sites are noted, and it is stated the site has no hydrogeological connection to any of them. It is stated that there is some evidence of badger foraging and that a bat survey should be undertaken due to potential local habitats and concern is indicated with regard to illumination of adjoining treelines that could affect wildlife.
- 2.9.3. The final report of the of Department of Culture Heritage and the Gaeltacht indicates review of the submitted at and mammal survey lodged with the planning authority and it is recommended that the tree line surrounding the site which has been established as a vital commuting and foraging corridor for the bat population be strictly protected before during and construction. Compliance with mitigation measure recommended in the bat survey is required, by condition if permission is granted. Particular reference is made to the necessity to avoid spilling of light onto the surrounding trees and woodlands.
- 2.9.4. The report of Transport Infrastructure Ireland contains a recommendation that the development be shown to accord with official policies set out in *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012). It confirms that the responsibility regarding roads and transport issues in relation to for the development is within the remit of the local authority

2.10. Third Party Observations

- 2.10.1. An objection was lodged by the Appellant Party, Cluain Ros Leahain Residents Association in which issues of concern raised included that of project splitting, density and intensity, the proposed access route, an alternative being preferred, vehicular and pedestrian safety, provision for green infrastructure and recreational facilities and, surface water drainage.

3.0 Planning History

There is no record of a planning history for the application site. However adjoining further to third party appeal the planning authority decision to grant permission for a development of twenty-five houses on the lands to the south was overturned for reasons relating to dwelling mix, density and qualitative standards as prescribed in DMURS , (P.A. Reg. Ref. P18-137/PL303477 refers.) These lands are stated by the applicant to form a masterplan area incorporating the application site lands.

4.0 Policy Context

4.1. Development Plan

- 4.1.1. The operative development plan is the Clare County Development Plan, 2017-2023. According to Volume 3 A (Ennis Municipal District):
- 4.1.2. The district, inclusive of surrounding villages and clusters has a projected population of 33,497 by 2023, the current population being circa 25,150.
- 4.1.3. According to Settlement Strategy, the Settlement Plan Policy Objective for Ennis to ensure that Ennis, designed as a Hub town in the National Spatial Strategy (now superseded) as the county town at the top of the settlement hierarchy (a) is a driver of economic and regional prosperity by harnessing its strategic location strong urban structure, retail service and accommodation base as well as its competitive advantages, (b) a vibrant culturally rich town with a revitalised town centre strong economic growth balanced with enhanced social inclusion sustainable neighbourhoods and a high level of environmental quality ensuring an excellent quality of life is achieved and, (c) A local area plan for Ennis and its environs during the lifetime of the CDP.
- 4.1.4. Section 1.4.1 (Strategic Aims for Housing and Sustainable Neighbourhoods) The strategic aims Goal 1, (of ten goals to be carried through into the LAP) provides for Housing and Sustainable Neighbourhoods facilitating sustainable and balanced population increases by way of land use zoning, provision for consolidation and range of social and physical infrastructure, encouragement of population growth and community development, and creation of strong vibrant neighbourhoods in the Ennis

area with a high quality and mix of housing for all members of the community while achieving sustainable neighbourhoods and improving place making.

- 4.1.5. Proposals for new residential development must be in accordance with section 28 guidelines and be accompanied by a design statement. (Section 2.2) Development management standards for urban residential development are set out in Appendix 1

The site location is within the Rosleven Neighbourhood and according to section 2.3.1: “

“Recognising the existing availability of neighbourhood services, existing and planned road infrastructure and the potential of Roslevan, lands have been zoned to accommodate the expansion of this neighbourhood in the future. A number of areas of land have been zoned in the Roslevan neighbourhood to accommodate residential growth. The proposed residential development lands are in close proximity to existing housing, shopping facilities, church and community centre which will assist in the consolidation and appropriate expansion of the neighbourhood.”

- 4.1.6. The application site is within an area subject to the zoning objective “Residential R3; and the adjoining lands are subject to the objective LDR 3 – low density residential development. The specific objective for the site lands is set out below.

“Development proposals for the two sites must protect the character and setting of Roslevan House and Walled Garden. Views to and from the historic Roslevan House should also be a key consideration in the overall layout of future development proposals. It is the preferred option that access to the lands shall be a continuation of the existing distributor road. Development of a high-quality design and layout shall be provided on this site. Additionally, a surface water management plan should be submitted as part of any future planning application on these lands “

- 4.1.7. Development management standards for residential development are in Appendix 1.

- 4.1.8. Objectives for archaeological heritage are under CDP15.8 and for Vernacular Heritage under CDP 15.4. There are two recorded monuments within the Rosleven lands, - Rosleven House and a ringfort and four recorded monuments are within 120 and 180 metres of the site location. (Roslevan House, its walled gardens and attendant grounds are not included on the record of protected structures.)

4.2. Strategic Guidance.

4.2.1. Relevant statutory guidance issued under Section 28 of the Planning and Development Act, 2000 as amended are:

‘Guidelines for Planning Authorities: Sustainable Residential Development in Urban Areas’ and the accompanying ‘Urban Design Manual’, DOEHLG, 2009.

‘Design Manual for Urban Roads and Streets’ 2012 (DMURS)

‘The Planning System and Flood Risk Management’ (and associated ‘Technical Appendices’)

‘Childcare Facilities – Guidelines for Planning Authorities’ 2001

4.2.2. Relevant statutory guidance issued under Section 28 (1C) of the Planning and Development Act, 2000, as amended further to the National Planning Framework to facilitate delivery of sustainable development (the Act): “*Urban and Building Heights: Guidelines for Planning Authorities*” (2018) (2018 Guidelines) Sections 3.4 – 3.8: “Building Height in Suburban/ Edge Locations (City and Town) refer.

5.0 The Appeal

5.1. An appeal was received from Don Barrett on behalf of the appellant party on 18th March, 2020 according to which there is no objection in principle to the proposed development. The objection is to the width of the inner road in the estate which is to serve as an entrance. It is submitted that as it is six to six and a half metres wide; it will not be suitable for the increased volumes of traffic, including construction traffic resulting in hazardous conditions for the residents of the existing development. It is contended that an alternative more suitable option is the approach road from Roslevan roundabout to the Cluain Ros estate which is 7.7 metres in width is suitable to accept the additional traffic.

5.2. Attached to the appeal is a copy of the objections submitted to the planning authority in connection with the original application at application stage, prior to lodgement of the further information submission.

5.3. According to this submission the proposal is project splitting and piecemeal development as there is a lack of master planning. It is contended that: there are

four interconnected sites comprising the application site, the site for which permission was refused for twenty five houses to the south under P. A. Reg Ref. 18/137, lands to the west subject to a future application for eleven dwellings and, a site with access to the LDR 3 lands which can provide for 100 units and that there is a lack of recreational space and green infrastructure. The submission also includes the objections raised in the appeal relating to the entrance and access road arrangements.

5.4. Applicant Response

5.4.1. A submission was received from Arnold Leahy on behalf of the applicant on 27th April, 2020 according to which:

- The development is designed for permeability in the application site and adjoining lands: there is a 370 metres long arterial street and a 168 metres link road, based on DMURS standards.
- Construction traffic will operate between 0800 and 1800 hrs Monday to Friday and 9.00-1400 hrs Saturdays.
- The construction period is for fifteen months. 18 tonne HGVs and occasionally 27 tonne HGVs will be used. Earthworks, to take place in the first four weeks will involve 413/362 cubic metres of fill. (A breakdown is provided.) The applicant is willing to contribute to traffic calming measures on the link road if required and cleaning and maintenance of the road network will be addressed in the CMP The applicant is willing to plant a beech hedge around the open space 'boundaries with the link road if required, instead of railings as requested by residents.
- Use of the alternative access road sought by the appellants would not accord with the development plan or government policy in DMURS for facilitation of permeability. This option would not accord with the development plan zoning map which shows that access should be from the distributor/link road on the south and east boundary of the existing estate. Objective V3A (160 identifies a future local road from the R458 Gort Road and R 351 Tulla Road to the site according to Section 2.15 of the plan and Zoning Map.)

- With regard to the contentions about project splitting, multiple applications are inevitable in that the lands are not in the same ownership, but the masterplan does provide for cohesion. It is easier to obtain finance for smaller developments.
- Removal of the pedestrian footpath adjacent to House 31 in the existing development is not an issue for the applicant because there is an alternative footpath close to the join with the link road. It is a curved footpath alternative.

5.5. Planning Authority Response

A submission from the planning authority was received on 11th May, 2020 according to which the planning requests that its decision on the application be upheld on grounds that the development is in fully consistent with the CDP and section 28 statutory guidelines and is satisfactory.

6.0 Assessment

6.1. The issues central to the determination of a decision having regard to objections of the appellant party as indicated in the appeal and submission lodged with the planning authority at application stage are considered below under the following subheadings:

Development in Principle,
 Piecemeal Development
 Access Routing
 Construction Access
 Dwelling Mix
 Density
 Open Space amenity and connectivity
 Archaeological Heritage
 Ecology
 Environmental Impact Assessment Screening
 Appropriate Assessment.

6.2. Development in Principle.

6.2.1. Owing to the location within the settlement boundary for Ennis and within the designated lands for development within Rosleven Neighbourhood, the zoning and specific objectives provided for in the CDP – Vol 3A, (section 2.3.1 ff) including linkage to the road network shown in the extant development plan, the principle of development on the site and adjoining lands is established. This not disputed in the appeal. Furthermore, the zoning of the lands within the Rosleven Neighbourhood development is consistent with the projections for population increase for Ennis and surrounding settlements from 25,150 to 33,497 by 2023, within the for the settlement strategy and services, having regard to the capacity within the Clonroadmore Sewage Treatment Plant for a pe equivalent in excess of 31,000.

6.3. Piecemeal development

- 6.3.1. In the objection lodged at application stage, (a copy of which is attached to the appeal), it is contended that the proposed development is piecemeal and that a masterplan is warranted. The applicant's submissions indicate a masterplan area to provide for eighty-nine dwellings comprising the application site and the parcel of land to the south which was subject of the refusal of permission under P.A. Reg. Ref. P18-137 following appeal.
- 6.3.2. It is not apparent or evident that a masterplan has been prepared by any party in connection with the other lands zoned R3 and, LDR 3 for residential development for the Rosleven Neighbourhood Area within the Ennis Municipal District within the CDP (Vol 3). It is agreed that a comprehensive proposal for the staged development of the lands in entirety is ideal and desirable.
- 6.3.3. As contended on behalf of the appellant it is agreed that there has been and is a piecemeal approach having regard to the current proposal and prior unsuccessful application for the adjoining lands to the south referred to as the masterplan area and, the zoned lands to the east to which is access is proposed via spur from the estate road for the current proposal. Nevertheless, specific objectives are available among development plan provisions to facilitate assessment for the application site and adjoining zoned lands zoned R3 and LDR 3 within the Rosleven Neighbourhood. According to the CDP:

“Development proposals for the two sites must protect the character and setting of Roslevan House and Walled Garden. Views to and from the historic Roslevan House should also be a key consideration in the overall layout of future development proposals. It is the preferred option that access to the lands shall be a continuation of the existing distributor road. Development of a high-quality design and layout shall be provided on this site. Additionally, a surface water management plan should be submitted as part of any future planning application on these lands “

6.3.4. With regard to the statement in the appeal as to multiple ownerships of the lands zoned R3 and LDR 3 within the Rosleven Neighbourhood it is noted that it has been established that the applicant has Title to land the south eastern corner from which access along a road as far as the Tulla Road is proposed, and that the applicant has written consent from the Titleholder to lodgement of the application for the remainder of the application site lands. However, it is also noted, that no address has been provided for the Title holder on this letter of consent.

6.4. Access Routing.

6.4.1. Access to the lands subject of the application as a continuation of the existing road at the northern end of which is the Cluain Ros Leamhain development, the residents' association of which is the Appellant Party. This road is to the east of the Distributor Road which is the “preferred” route according to the CDP and which is also confirmed as such in the report of the Municipal District Office. The concerns expressed in the appeal as to hazard and public safety risk attributable to the additional traffic generation along the proposed alternative access route are reasonable.

6.4.2. The suitability of the selected route for access to the application site and adjoining lands is questionable particularly with regard to the junction of this road with the Tulla Road an important regional route through the town at the southern end having regard to additional traffic generation and turning movements that would be generated on a main arterial route to the town centre, to the alignment, lack of footpath provision of predominance of single house developments opening directly onto it. The appellant party refers to a six-metre width.

- 6.4.3. The application lacks a traffic impact assessment report, which it is considered is warranted not only in respect of the current proposal and the possible future development of the lands to the east to which a spur is to be provided via the estate road. (It is noted that the auto track analysis shows that encroachment by larger vehicles would occur and that footpath provision has not been included in the design.)
- 6.4.4. It is agreed with the Appellant party that the Distributor Route is the most suitable route for access for additional traffic that would be generated by the proposed development and possible future development on adjoining lands zoned for development. The Distributor Road intersects with the Tulla Road at a roundabout and it appears, based on visual inspection to be designed and constructed to an appropriate standard to serve commercial, retail and institutional development at the southern end and existing and future residential development on zoned lands to the north. It appears that the application site and adjoining zoned lands to the east could in effect be landlocked in the absence of the availability of routing from the west via the Distributor Road in that, in the absence of consent from the landholder of the lands to the west to facilitate a continuation for the distributor road to the zoned lands which include the application site.
- 6.4.5. There do not appear to be any favourable considerations that would support the selection of the proposed access route from the Tulla Road to serve the proposed development and adjoining lands to the east as opposed to the Distributor road to the west. The appellant's objections based on increased traffic circulation and volumes along the internal access route are noted but there is an undertaking to provide for traffic calming and for beech hedge planting along the perimeter of the open space adjoining the route which should address concerns as conflict with safety of movements by children and other vulnerable residents resulting in hazardous conditions and risk to public safety.
- 6.4.6. **Construction access.**
- 6.4.7. There is no dispute that a construction stage of any development is a source of inconvenience of varying degrees depending on the nature of works being undertaken at any one time, relative to the amenity generally enjoyed by established development in residential areas, However, there is a reasonable expectation for

some inconvenience, subject mitigation provided for by good construction practice and adherence to standards within relevant codes to be accepted during a period of limited duration. A fifteen-month construction period is indicated in the application. It is considered that subject to compliance with these requirements and to submission of a comprehensive construction and environmental, management plan, to include construction traffic routing and environmental management in accordance with general standards, for agreement with the planning authority following appointment of a contractor and prior to commencement of development, rejection of the proposal over construction would be excessive.

6.5. **Dwelling Mix**

6.6. The development is provided for in the grant of permission attached to the planning authority decision provides for a total of sixty-one units just four of which are four bed units. With regard to the overall development concept, it is agreed with the planning officer that an appropriate dwelling mix has been achieved in the revisions in the further information submission for the development when considered, in isolation, outside of the context of the zoned lands for the Roslevan neighbourhood overall for which a wide mix and range of household formation might be encouraged by a broader range of dwelling type and size.

6.7. **Density.**

6.7.1. The proposed development as originally indicated in the application for sixty eight units, but to a greater extent as modified to a sixty one unit development in the further information submission and the condition with the requirement for omission of an additional two proposed units, according the planning authority decision, while consistent with the CDP provisions is contrary to national strategic policy. It falls short of the delivery of sustainable development and consolidation of settlements as provided for in the National Planning Framework and or the recommendations within relevant statutory guidance namely, *Guidelines for Planning Authorities: Sustainable Residential Development in Urban Areas* and the accompanying *'Urban Design Manual'*, (DOEHLG, 2009) and *"Urban and Building Heights: Guidelines for Planning Authorities"* (DOHPLG 2018)

6.7.2. The site location, having regard to these guidelines comes within "Suburban/Edge Locations, (City and Town) for which residential densities of 30-35 dwellings per

hectare are prescribed. The density for the development of sixty one units, as amended and provided for in the planning authority decision, results in a density of twenty four units per hectare, increasing to circa 24.8 units per hectare for sixty three unit development and to 26.8 for the sixty eight unit development initially proposed. As a result, the proposed development is contrary to these statutory guidelines and would not facilitate consolidation of settlements and sustainable development as provided for in the NPF and relevant statutory guidance.

6.8. Open Space, Amenity and Connectivity and Layout.

- 6.8.1. The additional two units, (Nos 54 and 55) which are omitted by condition according to the planning authority decision so that additional open space provision does provide for enhancement of the amenities of the remaining adjoining dwellings. However, the potential additional utility value of this space as public open space with good visual connectivity with the dwellings is somewhat limited. It would be bounded by the rear garden walls of Units 51-53 to the east, and a gable end to the south and it has limited amenity potential for the apartment block (No 2), which has poorly configured space to its north side, through severance from it by a significant hard surface allocated to parking and the internal road. There is no objection to the sports and play area.
- 6.8.2. The internal estate road, (which is to provide a spur route for the adjoining lands to the east) is through the most sensitive area of the site which is also of significant amenity potential having regard to the adjacent walled gardens within the grounds of Rosleven House, existing trees and woodlands. It is considered that the potential functionality of this space is significantly compromised in that it is bisected by the internal access road serving the proposed development and future development on adjoining lands to the east. It is apparent that in the dual purpose as open space and an estate road, the primary function of the space is as an access route for a significant quantum of residential development and as such it is questionable as to whether the space to either side could be regarded as a primary open space. It would appear this space would be more appropriately defined incidental open space to surrounding the estate road.
- 6.8.3. As such any indication as to a hierarchy of open space within the application site or within the overall area zoned for development for the neighbourhood is not evident.

In the absence of details for open space provision for the overall future development of the zoned lands within the Rosleven Neighbourhood area provided for in the CDP which would indicate how the neighbourhood would, as an integrated new resident community would benefit, optimally from such provision as an element of the open space provision within an overall scheme for the lands in entirety cannot be assessed.

- 6.8.4. Having regard to the foregoing, a further consideration is, as indicated in the development plan, that provision should be made for views towards Rosleven House within future development of the Rosleven Neighbourhood lands. The walled gardens adjoin the eastern boundary of the application site and the house, which is derelict is to the south east. These are significant features in consideration of the overall future layout in development of the application site and adjoining lands.
- 6.8.5. It is not evident from examination of the application as to the precise rationale for the 1.8 metres wide footpath along the perimeter of the site of the west side of the scheme on the outer side of the existing stone wall in that it is not evident as to how it connects to and through adjoining lands and onwards contributing to circulation and amenity. In the absence of comprehensive details of onward connectivity for pedestrian and cycle routes, estimation of the value and convenience and encouragement for use by future residents cannot be fully appreciated. The scope for detailed consideration is restricted the lack of available information on the future development of the adjoining lands zoned for development.
- 6.8.6. As such the proposed development does not accord with the principles of the Urban Design Manual Department of the Environment, Community and Local Government in 2009. In addition, it does not accord with the provisions of the Design Manual for Roads and Street issued by the Department of the Environment, Community and Local Government and The Department of Transport in 2012 having regard to the above observations with regard to open space provision and to the relatively monotonous linear layout in two storey detached and semi-detached houses along internal roads off the estate road resulting in lack of hierarchy, central focus and sense of place and neighbourhood. The scope for the site and surrounding zoned lands to accept an integrated medium density development with its own neighbourhood identity, character areas with a range of densities, dwellings types and sizes, which encourage a wider range of household formation hierarchies and

sense of place having regard to the recommendations of the Urban Design Manual requires consideration. As such the proposed development when considered in isolation is piecemeal as asserted in the appeal.

6.9. It is noted from the development plan. Section. 2.3.1 that services and facilities are considered to be available along with the distributor road in providing for the zoning of the lands within the Rosleven Neighbourhood. However, the written submission accompanying the application lacks assessment as to availability of and take up of local services and facilities. In addition, while no creche facilities are proposed for the current application, the total number of units coming below the threshold for which there is a mandatory requirement for creche facilities to be provided. Possible future provision of creche facilities benefiting the development, in conjunction with surrounding development is not addressed in the application.

6.10. **Archaeological Heritage.**

6.10.1. As indicated in the report of the Department of Arts Heritage and the Gaeltacht, archaeological assessment is warranted in view of the presence on adjoining lands of recorded monuments CL034-046002- House of indeterminate date and, CL034-046001-ringfort – *rath* , further monuments within 180 metres and any other potential archaeological features which could come within the site or be affected by the development. This requirement can be addressed by condition according to the report.

6.11. **Ecology/ Wildlife.**

6.11.1. The further information submission includes a public lighting scheme incorporating lanterns stated to be suitable for minimisation of overspill and disturbance to bat and mammals for which mitigation is required according to the bat and volant survey report provided and the report of the Department of Arts, Heritage and the Gaeltacht. This matter is satisfactorily addressed.

6.12. **Environmental Impact Assessment – Screening.**

6.12.1. Having regard to the minor nature of the proposed development and its location in a suburban area for which services are available and which is removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.13. Appropriate Assessment.

6.13.1. The site location is on the east side of Ennis on a greenfield site within a residential area. The European sites closest to the site location are:

Ballyalia Lake SAC (000014) 0.75 km from the site. The qualifying interest is Calaciferous fens wit Cladium mariscus and species of the caricion davallianae [7210]

Ballyallia Lough SPA (004077) 0.75 km from the site. Several bird species are qualifying interests.

The Lower River Shannon SAC (002165). 1 km from the site. Several habitats, fish species and the otter are qualifying interests.

6.13.2. These European sites do not have direct or indirect connectivity including hydrogeological connectivity to the application site that would be cause of source pathway risk having regard to the qualifying interest. It is, therefore, reasonable to conclude that on the basis of the information available, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on these European Sites in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment is not required.

7.0 Recommendation

Given the foregoing it is recommended that the planning authority decision be overturned, and the appeal be upheld. Draft reasons and considerations.

8.0 Reasons and Considerations

- 1 The Board is not satisfied based on the information available in connection with the application and the appeal that the proposed development would not lead endanger public safety by reason of traffic hazard and by obstruction of other road users along the road between the Tulla Road and the proposed access to the development (and possible future development on adjoining lands) and, by reason of the additional turning movements onto and off the Tulla Road, (R352)

and important regional route at a location close to the town centre. As a result, the proposed development would be contrary to the proper planning and sustainable development of the area.

- 2 The “*Urban Design Manual – a Best Practice Guide*”, which accompanies “*Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas*” issued by the Department of the Environment, Heritage and Local Government in 2009 includes key criteria such as context, connections, inclusivity, variety and distinctiveness. It is considered that the proposed development is piecemeal, substandard in layout and in quality and quantity of public open space provision owing to the routing of the estate road through the principle element which lacks integration with the dwellings, and lack of meaningful distribution of open space within the scheme and a lack of street hierarchy, central focus and sense of place; Furthermore, the layout of the proposed scheme, in which there is a predominance of hard surfacing for roads and limited cyclist and pedestrian connectivity, is contrary to the provisions of the Design Manual for Urban Roads and Streets, issued by the Department of the Environment, Community and Local Government and the Department of Transport, Tourism and Sport in 2013. As a result, the proposed development would, therefore, seriously injure the residential amenities of future occupants, and would be contrary to the proper planning and sustainable development of the area.

Jane Dennehy
Senior Planning Inspector.
24th June, 2020