



An
Bord
Pleanála

Inspector's Report 309570-21

Development	26 no. 2-storey dwellings, upgrading & widening of existing agricultural entrance, connection to Garryduff Park, demolition of existing dwelling and reconfiguration of remaining residential plot
Location	Garryduff Park, Snugborough, Castlebar, Co. Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	20364
Applicant(s)	Darren McGuinness
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v. Decision
Appellant(s)	Darren McGuinness
Observer(s)	James McLoughlin Brendan & Christine Leonard

Date of Site Inspection

4th May 2021

Inspector

Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 1.49 ha and is located at Garryduff Park, Snugborough, Castlebar, Co. Mayo. The existing development on the site comprises a detached, single-storey dwelling (No. 7 Garryduff Park) and a detached shed structure. The property was vacant at the time of the inspection. The site is accessed directly from Garryduff Park and via an agricultural laneway which adjoins the southern site boundary of the existing dwelling. The gable elevation of a neighbouring detached dwelling abuts this laneway to the south, with windows fronting directly onto the laneway at the ground and 1st floor levels.
- 1.2. The remainder of the site generally comprises a rectangular parcel of undeveloped greenfield land. This area is bounded by a variety of single, 2-storey and dormer residential dwellings extending along its eastern boundary and fronting onto Garryduff Park. A residential estate of 2-storey dwellings (Glencarra) adjoins the site to the north/north-west, while single and 2-storey dwellings adjoin the site to the south at Pound Road. The adjoining site to the west is greenfield in nature.
- 1.3. A stream extends in an east-west direction along the southern site boundary, with the southern portion of the site being defined by marshy conditions underfoot, with bull rushes and mosses noted throughout. Significant pools of water were present in this part of the site at the time of the inspection. The southern portion of the site is also characterised by mounds of disturbed earth and wood materials. Similar material was also noted towards the northern and north-eastern boundaries. The site levels increase towards the northern site boundary, with the central and northern portions of the site being drier underfoot and characterised by grassland.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a housing development of 26 no. 2-storey dwellings, and all associated and ancillary works and development including the upgrading and widening of the existing agricultural access connection to Garryduff Park and consequential demolition of existing dwelling house and reconfiguration of the associated remaining residential plot.

- 2.2. The development includes 6 no. detached, 3-bedroom dwellings of 120 m² and 20 no. semi-detached, 3-bedroom dwellings of 122 m². The internal access route extends in a generally east-west direction from the realigned entrance laneway, with 2 no. spur roads extending in a northerly direction towards the boundary with the neighbouring Glencarra residential estate. The layout of the internal access road has been configured to facilitate future access to the adjoining lands immediately to the west. These lands are noted to be in separate ownership.
- 2.3. All the proposed dwellings are located on the northern side of the internal access road. The dwellings are generally arranged in a courtyard configuration around a centrally located green space.
- 2.4. The lands on the southern side of the internal access road will accommodate landscaped open space, including a Multi-Use Games Area (MUGA). An earth berm is proposed to demarcate the lands which are subject to flooding at the southernmost end of the site.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Refuse Permission issued on 11th December 2020 for 2 no. reasons, which can be summarised as follows:
 1. The proposed development is located in an area which is at risk of flooding, and if granted, would be contrary to the proper planning and sustainable development of the area.
 2. The proposed development would contravene housing objectives and policies of Section 14.5.4 of the Castlebar and Environs Development Plan 2008-2014 (incorporating variations 1-5) as extended, by virtue of the monotonous repetitive type of development proposed and the failure to consider existing patterns of development to the east and south.

3.2. Planning Authority Reports

3.2.1. Planning Reports (28th July 2020 and 10th December 2020)

3.2.2. Mayo County Council's Planning Officer recommended that Further Information be requested in relation to:

- (1) A revised site layout plan relocating the vehicular entrance centrally into the proposed development, with the entrance to be meandered to allow for traffic calming. Landscaping proposals to be included for both sides of the entrance road.
- (2) A site section through house no. 20 and no. 5 onto Garryduff Park clearly indicating the existing house levels.
- (3) The replacement of the chain link fence to proposed boundary type no. 4 with a more natural boundary treatment having regard to its location along an existing stream and wetland area.
- (4) A revised site layout plan indicating the full extent of the existing treelined boundary to the rear of houses 1-8.
- (5) Clarification of whether the risk of pluvial flooding in the area known as "An Lochan" was considered in the submitted Flood Risk Assessment.
- (6) Concerns regarding the layout and design of the proposed development as identified in the report of Mayo County Council's Architects Department (see section 3.2.14 of this report below for details).

3.2.3. The applicant submitted a response to the Request for Further Information on 23rd October 2020, which was deemed to contain Significant Further Information by the Planning Authority. The response noted that the changes to the layout and scale of development which were sought by the Planning Authority, would result in an unsustainably low density of development. The response can be summarised as follows:

3.2.4. **Item No. 1:** It is submitted that the access road as aligned is the optimum approach and that the scheme as presented should not be modified.

3.2.5. **Item Nos. 2 - 4:** Drawings submitted as requested.

3.2.6. **Item No. 5:** Langan Consulting Engineers submit that the Flood Risk Assessment has considered the localised flood event identified by third parties.

3.2.7. **Item No. 6:** It is submitted that:

- (1) the omission of house nos. 24-26 is not warranted.
- (2) the relocation of the MUGA is not appropriate and would undermine the hierarchy of open spaces within the site.
- (3) the redesign of house nos. 1-8 is not warranted.
- (4) the external area to the front of house nos. 15-21 has been reconfigured as a homezone.
- (5) Additional shared parking is provided to house nos. 15-21.
- (6) Revised road surfacing is proposed as requested.

3.2.8. Following the assessment of the Further Information submission, the Planning Officer considered that planning permission should be refused for the proposed development as identified in section 3.1.1 of this report.

3.2.9. **Other Technical Reports**

3.2.10. **Senior Archaeologist (19th June 2020):** Notes that no archaeological site or monument will be affected by the proposed development and that no further work is required.

3.2.11. **Flood Risk Management (29th June 2020 and 5th November 2020):** The report of 29th June 2020 raised no objections to the proposed development subject to its compliance with the recommendations set out in the Flood Risk Assessment.

3.2.12. The report of 5th November 2020 indicates that a grant of planning permission for the proposed development would be premature in the absence of a Strategic Flood Risk Assessment for the zoned lands between Rathbawn Road, Pound Road, extending north of the R311 to Snugborough. A refusal of planning permission was recommended on this basis.

3.2.13. **Road Design Office (9th July 2020 and 9th October 2020):** Recommended that Further Information be requested in relation to: (1) the location of car parking in compliance with development plan standards, and (2) the location of the access road centrally to the site entrance.

- 3.2.14. Following the applicant's Further Information submission, no objections arose to the proposed development subject to conditions.
- 3.2.15. **Architects Department (10th July 2020):** Recommends that: (1) houses 24-26 be omitted; (2) MUGA is inappropriately located; (3) houses 1 and 2 should be a single-storey solution that fronts onto the access road; (4) external area to front of units 15-21 should be treated as a homezone; (5) a higher number of shared parking spaces should be provided to avoid parking on footpaths; (6) brick/cobblelock paving in trafficked areas is inappropriate; (7) development works adjacent to a watercourse and its wet margins must be carried out in a manner that protects water quality and biodiversity.
- 3.2.16. **Water Services (26th June 2020):** Notes that a 150mm watermain line runs east of the development and that no building should take place which would interfere with Irish Water infrastructure.
- 3.2.17. **Engineering Department (3rd July 2020):** Concerns noted regarding flooding, with the use of a pumped system noted to be unsustainable and not best practice. Recommends that the entrance detail should be meandered to allow for traffic calming, with the area on both sides to be landscaped as green areas.

3.3. **Prescribed Bodies**

3.4. **Irish Water:** None received.

3.5. **Dept. of Arts, Heritage, Regional, Rural and Gaeltacht Affairs:** None received.

3.6. **Third Party Observations**

- 3.6.1. Four third-party observations were made on the application by: (1) James McLoughlin on behalf of Snugborough/Garryduff Residents, Garryduff Park, Snugborough, Castlebar, Co. Mayo, (2) Brendan and Christine Leonard, Garryduff Park, Snugborough, Castlebar, Co. Mayo, (3) Michael Cusack, 41 Foxfield, Castlebar, Co. Mayo, (4) Michael Cunningham, Garryduff Park, Castlebar, Co. Mayo.
- 3.6.2. The issues which were raised can be summarised as follows: (1) proposals for the site of existing dwelling unclear; (2) flood prone lands not suitable as public open space; (3) unclear site levels and finished floor levels; (4) insufficient details of boundary wall treatments; (5) unclear landscaping details at site entrance; (6) impact of public lighting on private gardens unclear; (7) public sewer is located underneath

rear gardens of proposed house nos.1-9; (8) raised junction at site entrance would assist traffic calming; (9) flooding of the site during the winter results in flooding of neighbouring gardens; (10) inadequate sightlines at entrance; (11) provision should be made for dedicated paths for cyclists and pedestrians; (12) the access road must facilitate universal access; (13) inappropriate removal of hedgerows from the site; (14) bats roost in the existing dwelling; (15) the natural wetland at the southern end of the site is home to a wide variety of indigenous and migratory birds and amphibians; (16) sediment runoff will damage the natural state of the site and its watercourses; (16) site construction hours should be limited to 9am to 6pm.

- 3.6.3. A further observation was received from Mr. Brendan Leonard on foot of the applicant's Significant Further Information submission. It is submitted that the applicant has not addressed third party concerns in relation to flooding on the subject site and the resulting flooding in the rear gardens of neighbouring properties.

4.0 **Planning History**

- 4.1. **Planning Authority Reg. Ref. 20/91; ABP Ref. 308047-20:** Planning permission granted to demolish the existing house and shed on the lands, to adjust the site boundaries and to construct a new house and new domestic garage. The development will include a new entrance together with associated site development works and provision of ancillary services.
- 4.2. The permitted development will replace the existing single-storey cottage on the subject site with a 2-storey dwelling.

5.0 Policy and Context

5.1. Castlebar and Environs Development Plan 2008-2014 (as extended)

- 5.1.1. The preparation of the Draft Castlebar and Environs Development Plan 2021-2027 commenced in February 2021. Until such time as this Plan is adopted, the 2008-2014 plan (as extended) remains the statutory local planning policy document for the assessment of this appeal case.

5.2. Land Use Zoning

- 5.2.1. The site is subject to land use zoning “B” (New Residential – Medium Density), the objective of which is “to provide for new residential development, associated facilities and services”. The site also forms part of the Phase 2 residential lands for the plan area, which were released for development by way of variation no. 5 of the plan as made on 10th July 2017.
- 5.2.2. It is envisaged that new communities will develop on “B” zoned lands throughout the life of the plan. These areas are intended primarily for housing by may also include a range of other uses, particularly schools, crèches and community buildings.

5.3. Housing

- 5.3.1. **Housing Policy 5:** To require the provision of playground facilities in all new residential developments of more than 20 units.
- 5.3.2. **Housing Policy 7:** To encourage higher density of residential development in accordance with the Planning Guidelines on Sustainable Residential Development in Urban Areas (May 2009) and the Best Practice Urban Design Manual (May 2009) published by the DOEHLG.
- 5.3.3. **Housing Policy 8:** To require a high standard of design and layout of all residential developments in view of requirements for the increase of density of residential development.

5.4. Flood Risk Management

- 5.4.1. **Public Utilities Policy 8:** Development proposals in areas which are at risk from flooding or perform a flood control function, will not be permitted unless it can be demonstrated that such development: (a) has been designed to minimise risk of inundation and will not contribute to or increase the risk of flooding elsewhere (either

up or down stream), (b) has adopted all reasonable measures to improve the management of floodwaters on and adjacent to the site and to assist the protection of properties within the vicinity of the site.

(c) does not impede the flow of floodwater or the ability of the floodplain to store water and to flood naturally and takes account of the impact on supporting ecosystems

(d) incorporates building design measures and materials to assist evacuation and minimise damage from inundation; and,

(e) can provide for the maintenance of any approved privately funded flood defence measures to the satisfaction of the Council.

5.4.2. **Public Utilities Policy 9:** The Council will seek to adopt a 'Sustainable Urban Drainage System' (SUDS) approach to storm water drainage to reduce the likelihood of flood risk. The Council will seek to retain and protect existing morphological features, which contribute to the attenuation of surface water runoff therefore preventing the discharge of surface water onto public roadways from adjacent lands and development.

5.5. **Development Management Standards for Residential Development**

5.5.1. The key development management standards which apply to the subject site and proposed development are set out below.

5.5.2. **Plot Ratio:** 1:0.35 – 1:0.5

5.5.3. **Site Coverage:** 0.6

5.5.4. **Indicative Residential Density:** 20 dwellings per hectare

5.5.5. **Public Open Space:** Min. 20% of site area required on greenfield/suburban sites

5.5.6. **Private Open Space:** To be provided at a rate equivalent to half the gross floor area of the house but not less than 50 m² and shall normally be located behind the building line.

5.5.7. **Overlooking/Minimum Rear Garden Size:** Generally 22m required between opposing 1st floor windows. Reduced garden sizes may be considered in exceptional circumstances.

5.5.8. **Car Parking:** 2 spaces per family dwelling

- 5.5.9. **Housing Layout and Design:** In achieving higher densities, there is an emphasis on high quality design in new developments. Large residential areas shall generally be broken into small functional and visual groups of approximately 20 houses or less, which fulfil a social and aesthetic need for identity. These shall be designed to create safety for young children, facilitate social interaction and introduce variety into the visual environment, avoiding monotonous repetitive type of development.
- 5.5.10. The housing development should relate to the surrounding urban form and land use. Protection and respect for the existing amenities and the character of the area should be regarded as a feature of good design. All areas used by the public such as open spaces, roads and footpaths should be overlooked by housing. Road alignments should discourage speed and give priority to the safety and convenience of pedestrians and cyclists. House design should make use of materials, architectural form and colour to create a high level of visual amenity. The Planning Authorities will require a variety of house types in developments over 10 houses.
- 5.6. **National Planning Framework (NPF): Project Ireland 2040**
- 5.6.1. The NPF seeks to secure compact and sustainable growth patterns in existing settlements to increase the supply of housing, support local services, and enable people to live closer to places of employment and recreational opportunities.
- 5.6.2. **National Policy Objective 3c:** Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints.
- 5.6.3. **National Policy Objective 11:** In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- 5.6.4. **National Policy Objective 33:** Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- 5.6.5. **National Policy Objective 35:** Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights

5.7. Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009)

- 5.7.1. These Guidelines set out the key planning principles which should guide the preparation and assessment of planning applications for residential development in urban areas. The Guidelines identify locations in larger towns which may be appropriate for increased residential densities, including infill sites located in inner suburban areas.
- 5.7.2. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill. The local area plan should set out the planning authority's views with regard to the range of densities acceptable within the area. The design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities.

5.8. The Planning System and Flood Risk Management - Guidelines for Planning Authorities (2009)

- 5.8.1. The Guidelines identify 3 flood zone types, within which the likelihood of flooding is in a particular range. In Flood Zone A, the probability of flooding from river and the sea is highest. Most types of development are considered inappropriate in this zone. In Flood Zone B, the probability of flooding is moderate. Highly vulnerable developments, including dwellings, are generally considered inappropriate in this zone unless the requirements of a Justification Test can be met. In Flood Zone C, the probability of flooding is low. Development in this zone is appropriate subject to its compliance with normal planning parameters.
- 5.8.2. Table 3.1 of the Guidelines confirms that amenity open space, outdoor sports and recreation are water-compatible developments. Box 5.1 of the Guidelines sets out the criteria which must be satisfied when considering proposals for development which may be vulnerable to flooding (Justification Test).

5.9. **Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes Sustaining Communities (2007)**

5.10. These Guidelines set out target gross floor areas for a range of different dwelling types. Those which are relevant to the assessment of this appeal case are set out below.

House Type	Target GFA (m²)	Min. main living room (m²)	Aggregate living area (m²)	Aggregate bedroom area (m²)	Storage (m²)
3-B/5-P/2-S	92	13	34	32	5

5.10.1. The Guidelines also recommend the following:

- A main bedroom area of at least 13 m² in dwelling for 3+ persons
- Double bedroom of at least 11.4 m² (min. width 2.8 m)
- A single bedroom of at least 7.1 m² (min. width 2.1 m)
- Min. obstructed living room width of 3.8 for 3-bedroom dwellings

5.11. **Natural Heritage Designations**

5.11.1. None.

5.12. **EIA Screening**

5.12.1. Having regard to the nature and scale of the proposed development, comprising 26 no. residential units on zoned residential land in an established urban area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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 first-party appeal has been lodged by The Planning Partnership on behalf of the applicant, the grounds of which can be summarised as follows:

- The applicant submitted a comprehensive Flood Risk Assessment (FRA) at application stage and clarified queries arising at Further Information stage. It has always been acknowledged that part of the site is liable to flooding and this area is being preserved free of development. The FRA dealt with the issue of any potential upstream flooding and it is inappropriate to refuse planning permission on this basis.
- The Planning Authority Flood Risk Management Engineer initially accepted the findings of the applicant's FRA and had no objection to the granting of permission for the proposed development.
- The proposed development includes a comprehensive surface water design which includes for attenuation of runoff to greenfield rates. As such, the development should not have any impact downstream as recognised by the Flood Risk Management Engineer in their report of 5th November 2020.
- All future developments in the wider area will be required to adhere to basic modern standards of development, which will include the attenuation of surface water runoff to greenfield rates. As such, a strategic FRA is not necessary to enable planning permission to be granted on the subject site.
- No evidence has been provided by the Planning Authority that the built elements of the proposed development are located in an area which is at risk of flooding.
- The proposed development would not contravene Section 14.5.4 of the Castlebar & Environs Development Plan 2008-2014, which relates to general principles for the design and layout of higher density schemes. These principles have been followed in the design of the proposed development.

- The design amendments requested by the Planning Authority would result in an unsustainably low development density which would not adhere with national planning policy.
- The proposed development would not be monotonous or repetitive and this view is not substantiated by the reports of the Planning Officer or Architect. The primary rationale for this view appears to be the applicant's resistance to a wholesale scaling down of the scheme to omit dwellings and replace some 2-storey dwellings with single-storey units.
- The proposed development is a typical residential scheme, with a mix of house types. The number of house types is limited by the small nature of the scheme.
- The applicant has had due regard to existing patterns of development to the east and south, which include a broad spectrum of house types. The existing development patterns in the area are not of any particular or unusual character that would warrant an unusually low-density design approach as favoured by the Planning Authority.
- The reference to serious impacts on amenities and depreciation of property values is entirely unsubstantiated. The proposed development will comply with or exceed typical standards for the design and siting of residential schemes.

6.2. Planning Authority Response

6.2.1. None received.

6.3. Observations

6.3.1. Two observations were made on the appeal by: (1) Brendan and Christine Leonard, and (2) James McLoughlin.

6.3.2. No new issues have been raised (see section 3.6.2 of this report for a summary of the third-party submissions).

7.0 Assessment

7.1. The proposed development was amended by way of the applicant's Further Information submission as summarised in section 3.2.7 of this report. I note that the number and configuration of the proposed dwellings remained unchanged under this response. Thus, I consider that the amended development remains consistent with the description of the proposed development as advertised in the statutory notices, and as such, forms the basis of my assessment.

7.2. I am satisfied that the main issues for consideration in this case include:

- Housing Layout and Design
- Compliance with Development Management Standards
- Flood Risk
- Appropriate Assessment

7.3. Each of these issues is addressed in turn below.

7.4. Housing Layout and Design

7.4.1. Refusal reason no. 2 of Mayo County Council's Notification of the Decision to Refuse Permission states that the proposed development would contravene the housing policies and objectives of Section 14.5.4 of the development plan, by virtue of the monotonous repetitive-type development proposed and the failure to consider existing patterns of development to the east and south. As such, it was considered that the proposed development would give rise to a substandard form of development and would seriously injure the amenities and depreciate the value of property in the vicinity.

7.4.2. The proposed residential dwellings are arranged in a courtyard configuration, fronting onto a central green space. The lands adjacent to the southern site boundary accommodate a further green space and a MUGA. A landscaped berm is proposed to enclose the lands which are prone to flooding.

7.4.3. The dwellings which extend along the northern, eastern and western site boundaries front onto the centrally located green space, while the rear gardens of unit nos. 24-26 back onto this space. The Architects Department of Mayo County Council recommended that unit nos. 24-26 be omitted on the basis that rear garden walls

facing a green area is a poor design solution which would impact negatively on the privacy of the occupants. In my opinion, the layout of unit nos. 24-26 is acceptable and I note that the rear gardens will be demarcated by a 1800mm high stone-faced screen wall with stone capping, with a further landscaped buffer proposed to demarcate the private boundary from the adjoining public open space.

- 7.4.4. The Architects Department also recommended that house nos. 1 and 2 should be changed to single-storey units fronting onto the internal access road and the home-zone. In considering this matter, I note that the gable elevations of these units fronting onto the access road include a door to the utility room at ground floor level and an en-suite window above at 1st floor level. While I agree that a more active elevation fronting onto the internal access road would comprise an improved design response as identified by Mayo County Council, I do not consider that a reduction in dwelling size would be warranted on this basis. I further note that unit nos. 24-26 front onto the internal access road, enabling passive surveillance and enclosing the scheme in a courtyard configuration. Having regard to the foregoing, I consider that the design of unit nos. 1 and 2 is acceptable.
- 7.4.5. Section 14.5.4 of the Castlebar & Environs Development Plan 2008-2014 (as extended) states that large residential areas shall generally be broken into small functional and visual groups of approximately 20 houses or less, which fulfil a social and aesthetic need for identity. These shall be designed to create safety for young children, facilitate social interaction and introduce variety into the visual environment, avoiding monotonous repetitive type of development. The Planning Authority will also require a variety of house types in developments of more than 10 houses.
- 7.4.6. While I acknowledge that the same house design is proposed throughout the scheme, comprising detached and semi-detached, 2-storey/3-bedroom dwellings, I do not consider that this approach would have an undue negative impact on the character of the development given that only 26 no. units are proposed.
- 7.4.7. In considering the relationship of the proposed development to the existing residential developments adjacent to the subject site, Mayo County Council's Planning Officer noted that those to the north, south and east are primarily single-storey in height, with particular regard to the immediate east and south along Pound Road. The Planning Officer acknowledged that the adjoining development to the

north at Glencarra is comprised of 2-storey dwellings. The Planning Officer notes that the applicant was advised to reduce the height of the dwellings along the eastern site boundary to a single-storey on foot of the existing pattern of development along Garryduff Road.

7.4.8. In considering this matter I note that a separation distance of approx. 80 m arises from the southern site boundary and the rear elevation of the dwellings fronting onto Pound Road to the south of the site. I further note that these dwellings comprise a mix of single and 2-storey dwellings and dormer bungalows. The dwellings on the eastern side of Garryduff Park adjoining the subject site include a similar mix of dwelling heights and styles, with planning permission recently granted for the demolition of the existing single-storey cottage on the subject site and its replacement with a 2-storey dwelling (Planning Authority Reg. Ref. 20/91; ABP Ref. 308047-20 refers).

7.4.9. As such, I consider that the assessment of Mayo County Council's Planning Officer that the proposed development fails to consider existing patterns of development to the east and south is inaccurate. In my opinion, the design, height and layout of the proposed development would be appropriate at this location and would not impact on the character or amenities of any of the neighbouring residential developments.

7.5. Compliance with Development Management Standards

- **Development Density**

7.5.1. The subject site is zoned to accommodate medium density residential development (objective B) under the Castlebar and Environs Development Plan 2008-2014 (as extended). An indicative residential density of 20 units per ha is identified for B zoned lands. The applicant's planning application cover letter confirms that a net residential density of 19.4 units/ha is proposed in this instance, excluding the flood prone lands at the southern end of the site and the plot of the existing detached dwelling fronting onto Garryduff Park. While I acknowledge Objective 35 of the NPF seeks to increase residential densities in existing settlements, I consider that the proposed development density would be appropriate in this instance, having regard to the scale and configuration of the residential developments which adjoin the northern and eastern site boundaries, the requirement to exclude development from

the southern portion of the site and the location of this infill site within the outer suburbs of the town.

- **Unit Size**

7.5.2. The Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes Sustaining Communities (2007) identify a target gross floor area of 92 m² for 2-storey/3-bedroom/5-person dwellings. The proposed dwellings range in size from 120 – 122 m², and as such, significantly exceed the target floor area.

- **Private Open Space**

7.5.3. The development plan requires the provision of private open space at a rate equivalent to half the gross floor area of the house, but not less than 50 m². It is also required that a 22 m separation distance be provided between opposing 1st floor windows. Reduced garden sizes may be considered in exceptional circumstances.

7.5.4. The rear gardens which are proposed to serve the dwellings range in size from 56 m² to 325 m², which complies with development plan requirements. The depth of the rear gardens varies in response to the layout of the site boundaries, ranging from 9.52 m to 12.67 m. I note that separation distances of between 28.73 m and 35.46 m arise between the rear elevations of the dwellings which are proposed along the eastern site boundary and the single-storey detached dwellings fronting onto Garryduff Park. In my opinion, these separation distances would be acceptable in an urban context.

- **Public Open Space**

7.5.5. The development plan requires that 20% of the site area be provided as public open space on greenfield/suburban sites. While a public open space figure of 18% is quoted on the planning application drawings, the applicant's cover letter states that a total of 16% is provided on a site area of 1.34 ha, excluding the flood storage area. In my opinion, the proposed quantum of public open space would be acceptable having regard to the infill nature of the site.

7.5.6. I note that 2 no. public open spaces are proposed, including a centrally located green and a further green area and MUGA between the southern site boundary and the internal access road. The open space in the centre of the site has a regular configuration and is overlooked by the proposed dwellings to the north, east and

west of the site. I consider the layout of the centrally located open space to be acceptable.

7.5.7. I note Mayo County Council considered that the MUGA was disjointed from the site and had requested its relocation to a more central location (item no. 6 of Request for Further Information refers). The applicant disagreed with this assessment and submitted that the relocation of the MUGA would fundamentally alter the character of the development. It was also noted that the MUGA is intended for use by older children, thus facilitating more active uses and requiring more distant surveillance.

7.5.8. In my opinion, the MUGA occupies a prominent location adjacent to the site entrance and would benefit from indirect passive surveillance from dwelling nos. 24, 25 and 26 fronting onto the internal access road and from cars and pedestrians entering / exiting the site. As such, I consider that the layout of the MUGA within the site is acceptable.

- **Car Parking**

7.5.9. The development plan requires that car parking be provided at a rate of 2 spaces per family dwelling. Unit nos. 1 – 4 and 15 – 26 are served by 2 no. off-street, car parking spaces. Unit nos. 5 – 14 will be served by 18 no. communal spaces arranged around the home zone in the north-eastern portion of the site. This equates to 1.8 spaces per dwelling, which is marginally below the required standard. A further 7 no. visitor car parking spaces are proposed adjacent to the homezone to the north-west of the site. In my opinion, the proposed car parking arrangements would be acceptable.

7.5.10. On balance, I consider that the proposed development complies with all relevant development management standards, and as such, would provide an appropriate standard of residential accommodation on the site.

7.6. **Flood Risk**

7.6.1. Refusal reason no. 1 of the Planning Authority's Notification of the Decision to Refuse Permission for the proposed development states, inter alia, that having regard to local evidence of fluvial and pluvial flooding upstream from the subject site, the potential impact of surface water runoff from the new development on the downstream Woodville Estate, and in the absence of a strategic flood risk

assessment for the wider area between Rathbawn Road, Pound Road and extending north of the R311 to Snugborough, the proposed development is located in an area at risk of flooding and therefore would be contrary to the proper planning and sustainable development of the area. Flooding risk concerns were also raised as a significant issue in the third-party submissions on the application.

- 7.6.2. The applicant's agent submits that it has always been acknowledged that part of the site is liable to flooding, with the relevant area being preserved free from development. It is submitted that the applicant's FRA dealt with the issue of any potential upstream flooding and that no evidence has been provided by the Planning Authority that the built elements of the proposed development are located in a flood risk area.
- 7.6.3. It is also submitted that the proposed development includes a comprehensive surface water design which includes for attenuation of runoff to greenfield rates, with no impacts arising downstream. It is noted that all future developments in the wider area will be required to adhere to basic modern standards of development, which will include the attenuation of surface water runoff to greenfield rates. As such, it is considered that a strategic FRA is not necessary to enable planning permission to be granted in this instance.
- 7.6.4. The applicant's FRA confirms that an unnamed minor watercourse, outfalls to groundwater within the subject site. This watercourse drains lands to the northeast and traverses Garryduff Park Road via a culvert. A stormwater pump station is located in the Woodville residential estate, approx. 200 m downstream of the proposed development and controls groundwater in the area. A public foul-water pump station is located immediately to the south-east of the development, which is operated and maintained by Irish Water.
- 7.6.5. The FRA confirms that the southern portion of the site is liable to flooding, with consultations with the Local Authority suggesting that stormwater ponds and discharges to groundwater at this location. In the most extreme ponding event on record, stormwater levels were noted to rise to almost plinth level of the neighbouring foul-water pump station, which is confirmed to be 0.97 m below the minimum finished floor level of the proposed development. It is stated that this ponding issue was related to pump failure at the downstream stormwater pump station.

- 7.6.6. The FRA states that the primary flood source to the site is the pluvial risk from the unnamed watercourse which traverses the site. A secondary flood risk exists from storm water generated within the proposed development lands. The assessment identifies 2 no. flood zones within the subject site as illustrated on Drawing No. 20061-DG-2302 contained in Appendix B. The southern portion of the site is designated as Flood Zone B, with the remainder of the site designated as Flood Zone C.
- 7.6.7. Section 4.3 of the applicant's FRA states that all roads and dwellings are located in Flood Zone C. The FRA estimates a design flood level of +39.5 mOD for structures and +38.6 mOD for access and egress. The FRA concludes that, based on the location of the proposed development land, the proposed ground levels, the estimated flood extents and assuming adequate site drainage design, the proposed development is likely to have a negligible impact on flood storage in the area.
- 7.6.8. In considering this issue, I note from a review of the Site Layout Plan (Drawing No. L (90)04) that the proposed site levels along the east-west portion of the internal access road range from 39 mOD to 39.45 mOD. I further note that the adjoining dwelling nos. 22-26 have a finished floor level of 39.65 mOD. However, a comparison of the site plan and the Flood Zone Map contained in appendix B of the FRA, indicates that the internal access road extending from the front of dwelling no. 26 and extending as far as the western site boundary, is located within the identified Flood Zone B. I further note that part of the side/rear elevation and rear garden of dwelling no. 23 is located within Flood Zone B, as are the front driveways of unit nos. 24-26, with the front elevations of these properties located directly adjacent to this zone.
- 7.6.9. I acknowledge that mitigation measures are proposed to address the risk of flooding on site, including the proposed design levels of the dwellings and access road which reflect the recommendations of the applicant's FRA. I also note that an earth berm is proposed to enclose the lands which are liable to flooding at the southern end of the site. However, in my opinion, given the largely greenfield nature of the site and that residential development is a highly vulnerable development with reference to The Planning System and Flood Risk Management Guidelines, I consider that a design solution should be provided which excludes all of the built elements of the proposed development from Flood Zone B. I note in this regard that the majority of the site is

categorised as Flood Zone C. I further note that flood risk has been raised as a significant concern in the third-party submissions and that the Flood Risk Management Department of Mayo County Council considered the development to be premature pending the undertaking of a Strategic Flood Risk Assessment for the wider area.

- 7.6.10. As such, I am not satisfied that the potential for flood risks to arise on foot of the proposed development has been adequately resolved in this instance and I recommend that planning permission should be refused on this basis.

7.7. Appropriate Assessment

- 7.7.1. Having regard to the nature and scale of the proposed development, its location relative to Natura 2000 sites and the availability of public water and wastewater infrastructure serving the site, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission be refused for the proposed development for the reasons and considerations outlined below.

9.0 Reasons and Considerations

- 9.1. Having regard to the location of the site in an area which is prone to flooding and on the basis of the submissions made in connection with the planning application and appeal, the Board is not satisfied that the proposed development would not give rise to an increased risk of flooding of the site or of property in the vicinity. The proposed development would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

Louise Treacy
Planning Inspector

6th August 2021