



An
Bord
Pleanála

Inspector's Report

ABP-312130-21

Development	Demolish house & sheds and construct 65 houses. Road junction re-configuration and associated site development works.
Location	Carrowncurry, Castlebar, Co Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	21985
Applicant(s)	Comhair Developments Limited.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Comhair Developments Limited.
Observer(s)	None.
Date of Site Inspection	8 th February 2022.
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1. This appeal relates to a site of 3.6090 hectares located within the townland of Carrowncurry to the north of Castlebar Co Mayo. The appeal site which is roughly triangular in shape has frontage onto the regional road R310 Pontoon Road to the east and a local road Burren Road to the west. The appeal site is occupied by a derelict dwelling and agricultural sheds which are located towards the southern tip of the site while the remainder of the site is in use as grazing lands. The site elevates to the north reaching a high point of 58m OD towards the north-western part of the site relative to a contour of 44m OD towards the southern part of the site. The frontage along the regional road is interposed by a single storey dwelling towards its northern end. Appeal site boundaries are defined by a mix of low walling to the regional road with stone wall and trees and hedgerow along the Burren Road to the west.
- 1.2. There are two individual dwellings adjoining to the north along both frontages. There is an established residential development of predominantly two storey dwellings 'Sion Hill' on the elevating lands to the west while lower lying lands to the east are characterised by predominantly single storey/ dormer type dwellings on generous sites fronting onto the regional road.

2.0 Proposed Development

- 2.1. The proposal as set out in public notices involves permission to demolish the existing dwellinghouse and agricultural sheds and to construct 65 dwellinghouses comprising 17 number 4 bedroom detached, 32 no 4 bedroom semi-detached and 16 no 3 bedroom terraced houses. Permission is sought for two separate vehicular accesses, ancillary site services, open space and road junction reconfiguration.

3.0 Planning Authority Decision

3.1 Decision

- 3.1.1 By order dated 9th November 2021 Mayo County Council decided to refuse permission for the following reasons:

“The proposed residential development located on an elevated prominent site at the edge of Castlebar Town would be visually obtrusive due to the excessive cut required, changes in site levels and retaining wall systems proposed, such that the character of the landscape would be severely damaged. Therefore, the development would interfere with the character of the landscape which is necessary to preserve and would be contrary to proper planning and sustainable development of the area.

The proposed development which represents a monotonous repetitive type development is substandard in terms of design and layout with unusable open space, lack of permeability, sustainable mobility, variety and undesirable public realms and therefore fails to comply with the principles of “The Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) Department of Environment, Community and Local Government and ‘Best Practice Urban Design Manual” (2009). Therefore, the proposed development would give rise to a substandard form of development and would seriously injure the amenities, and depreciate the value of the property in the vicinity, and therefore would be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.1.1 Planner’s report notes concern regarding the steep topography of the land and implications of the extreme engineering solutions on the character of the landscape. Excessive excavation of between 5 and 6 metres to the northwest corner of the site is of significant concern. Design and layout is considered to be substandard and refusal is therefore recommended.

3.2.2. Other Technical Reports

3.2.2.1 Senior Archaeologist report recommends the submission of an archaeological assessment consisting of site visit and desk top study. On foot of the assessment additional geophysical and or other non-invasive surveys, licenced pre-development testing, archaeological excavation or monitoring of grounds works may be required.

3.2.2.2 Roads Design report recommends submission of further information. A single access should be considered onto the R310. Sightline to be demonstrated. Access gradient to be shown. Stage 1 /2 road safety audit and Traffic Impact Assessment required with particular emphasis on the L1721/R10 junction. Details of cycle routes within the layout. Two-way cycle lane in addition to a 2m wide pedestrian footpath to be provided along the entire boundaries of the L1721 and R310 with linkages from the development at appropriate points. Minimum parking standards have not been met.

3.3. **Prescribed Bodies**

No submissions.

3.4. **Third Party Observations**

3.4.1 Submission from the following third parties.

- Maurice E O Malley. Rossnally, Pontoon Road Castlebar.
- Colette Tuohy. Pontoon Road.

3.4.2 The submissions raise a number of issues which I have summarised as follows:

- Japanese Knotweed on the site needs to be addressed in any proposal to develop the site.
- Concerns regarding vibration and noise. Health and Safety issues.
- Hazardous Materials Risk assessment required regarding including potential asbestos.
- Assessment of rodent infestation.
- Need for dust suppression.
- Terraced houses are not in keeping with the existing pattern of detached and semi-detached bungalows. Potential for overlooking and negative impact on privacy.
- Lighting impacts
- Loss of native trees and surface water run off.

- Performance bond of 25 million euro should be put in place to guarantee full completion of the project.
- Construction hours should be restricted.
- Traffic Issues and concerns. Proposed road reconfiguration will increase traffic hazard. History of collisions on Sion Hill / Pontoon Road.
- Potential for congregation and anti-social behaviour along walkways.
- Layout unduly segregated in terms of housing mix.
- Existing ash trees should be integrated into the plan.

4.0 Planning History

I am not advised of any planning history on the appeal site.

5.0 Policy Context

5.1 National Policy

5.1.1 Project Ireland 2040 – National Planning Framework

The National Planning Framework Section 2.6 highlights the importance of securing compact and sustainable growth. National Policy Objective 3a seeks to deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements. 3c is to 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.

Objective 13 states that in urban areas, planning and related standards including in particular building height and car parking, will be based on performance criteria that seek to achieve well designed high-qualified outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

Chapter, No. 6, entitled 'People Homes and Communities' - Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of

our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.

Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Objective 35 seeks to increase densities 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.

5.1.2 S28 Ministerial Guidelines.

- Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) Guidelines for Planning Authorities. Department of Environment, Heritage and Local Government, May 2009.
- Urban Design Manual A best practice Guide. May 2009.
- Design Manual for Urban Roads and Streets, DMURS
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') Dept Environment Heritage and Local Government November 2009.
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities – Department of Housing Planning and Local Government March 2018
- Urban Development and Building Height Guidelines, Department of Housing Planning and Local Government, December 2018
- Regulation of Commercial Institutional Investment in Housing Department of Housing Local Government and Heritage May 2021

5.2 Development Plan

5.2.1 The Castlebar Town and Environs Development Plan 2010-2016 as extended refers. Three zoning objectives pertain to the appeal site.

The southern tip occupied by the derelict dwelling is zoned Existing Residential – Infill.

The main body of the site is zoned New Residential -Medium Density.

The northern part of the site is zoned residential low-density phase 2.¹

Existing Residential/Infill Objective *“It is an objective to protect, preserve, improve and develop existing residential areas; to provide for appropriate infill residential development; to provide for new and improved ancillary services and to provide for facilities and amenities incidental to those residential areas. This zoning relates to lands, which have been granted permission or are fully or partly built on. The purpose of the zoning is to protect and preserve the amenities of existing residents while allowing for infill development at a density that reflects the existing density in the area. In any infill development proposals careful consideration must be given to issues such as design, overlooking, daylight/sunlight etc.”*

B New Residential Medium Density Objective *It is an objective to provide for new residential development, associated facilities and services. The new residential zone relates to c157ha of lands in 4 distinct areas of the town where it is envisaged that new communities will develop throughout the life of the plan. The areas are intended primarily for housing but may also include a range of other uses particularly those such as schools, crèches and community buildings. A masterplan framework will be required for all sites over 2ha in size detailing layout of services, open spaces, roads, pedestrian linkages and landscaping. An adequate amount of land has been zoned in the draft plan to cater for the projected residential development requirements of the town over the plan period.*

C New Residential Low Density Objective *It is an objective to provide for the low density housing at a maximum density of 4 units per aces, subject to meeting the requirements of the development standards. It is envisaged that the development of these lands will provide for an alternative to single rural housing at a density of*

¹ Variation No 5 of the Castlebar Town and Environs Development Plan 2010-2016 made on 10th July 2017 released phase 2 lands for development.

between 1 and 3 – 4 units per acre. The development of lands will be subject to compliance with the development management standards set out in chapter 14.

5.2.2 I note in relation to Housing Design and Layout the development plan includes the following objectives

HO 11 It is an objective of the Council to encourage the high quality design and layout of residential development that reduces reliance on the motor car, supports movement by pedestrians and cyclists, provides adequate and convenient access to public transport and connects well with the wider locality.

HO 12 It is an objective of the Council to encourage innovative housing design and layout solutions that address concerns of environmental sustainability with regard to matters such as energy efficiency and use of materials

HO 13 It is an objective of the Council to promote social inclusion by supporting the provision of community facilities and in particular childcare facilities in new and established residential areas.

HO 14 It is an objective of the Council to ensure that adequate green space and recreational areas are provided in all new housing developments. It is the policy of the Council: HP 8 To encourage the development of several residential neighbourhoods with associated services and amenities subject to compliance with the requirements of the Core Strategy.

HP 9 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.

5.2.3 I also note the following objectives which relate to lands zoned low density.

RHO 3 It is the objective of the Council to ensure that new housing in the low density zoned lands, respect the character, visual quality environment and amenity of the countryside and its vernacular traditions in order to safeguard the built and natural heritage of the area.

RHO 4 It is an objective of the Council to ensure that as far as possible, new housing development in the lands zoned for low density housing lands is of the highest design standards.

RHO 5 It is an objective of the Council to protect the visual character of the drumlin landscape, by controlling the siting and development of housing so that ridgelines do not break the skyline and no development will occur in the top third of the hillside.

In the development of new residential areas, the maximum gross residential density shall be 20 dwellings per hectare (8 dwellings per acre). All proposals should have due regard to the "Residential Density Guidelines for Planning Authorities" 1999 and the final Planning Guidelines on Sustainable Residential Development in Urban Areas and the Best Practice Urban Design Manual once adopted.

5.2.4 Within Chapter 14 Castlebar and Environs Development Plan 2008-2014

Development Management 115 The following indicative residential densities are considered appropriate: - Indicative residential Density Zoning Units Per hectare

A Existing residential/Infill On individual sites the prevalent density will be the deciding factor On sites greater than 0.5ha a density may be agreed with the planning authority so long as the development does not impact negatively upon the amenities of existing residents, businesses or other landowners.

B New Residential Medium Density 20 dwellings per hectare (8 per acre)

C New Residential Low Density 10 per hectare (4 dwellings per acre)

Public Open Space Public open space is one of the key elements in defining the quality of the residential environment. It provides passive as well as active amenity and has important ecological and environmental aspects. Public open space is to be provided in a two-tier system. Parks and playing fields will be provided at a rate of one hectare per 1000 population the provision of which is to be funded from the open space element of development contributions. The public open space requirement within housing development, which is to be provided by the developer, is as follows: Greenfield/suburban sites - Minimum 20% of total site area. Other cases - Minimum 10% of total site area.

5.3 EIA Screening

5.3.1 An Environmental Impact Assessment Screening report was not submitted with the application. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

It is proposed to construct 65 dwelling houses. The number of dwellings proposed is well below the threshold of 500 dwelling units noted above. The site has an overall area of 3.609ha and is located within an existing built-up area but not in a business district. The site area is therefore well below the applicable threshold of 10 ha. The site is surrounded by established residential development. The introduction of a residential development will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site and there is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site/or other). The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Mayo County Council, upon which its effects would be marginal.

5.3.2 Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),

- The location of the site on lands that are zoned for residential development under the provisions of the Castlebar and Environs Development Plan 2008-2014, and the results of the strategic environmental assessment of the Mayo County Development Plan 2014, undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of residential development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case.

5.4 Natural Heritage Designations

There are no designated sites in the vicinity of the site. The closest such site which is circa 3km to the north is the River Moy SAC site code 002298, but the site is not within that water catchment. All watercourses in Castlebar drain to Clew Bay, about 17km to the west. The Clew Bay Complex SAC side code 001482 is designated for a number of coastal and littoral habitats.

6 The Appeal

6.3 Grounds of Appeal

6.3.1 The appeal is submitted by The Planning Partnership on behalf of the first party.

Grounds of appeal are summarised as follows:

- Planning Authority failed to have regard to the zoning of the site. Apparent dismissal of principle of development on the entire site is inappropriate given that the zoning objective for development.
- Proposed flattening of the summit of the site in the northwest corner seeks to soften the profile of the site to facilitate a more gradual level change whilst also removing the raised bank along the Burren Road to introduce a residential streetscape and an extension of the public footpath. Board is requested to confirm that this is acceptable.
- It is unclear from refusal reason as to what transport strategy is favoured by the local authority. Site frontages appear to be categorised as main roads rather than residential streets where the local authority seeks to limit access points. The extent of interaction of the scheme with the street to both frontages will have a material effect on the optimal layout for the site.
- Refusal reasons are misleading and/or inaccurate and are inappropriate and lacking in specificity.
- It is noted that issues raised in third party submissions would not warrant refusal.
- Density proposed is appropriate and proportionate for the area which is mixed in terms of vernacular styles of architecture and density.
- Modular nature of the site should be noted. Dwellings 1-44 as accessed from Pontoon road and no 45-65 are more constrained in terms of the site shape. Board is requested to consider the scheme on an overall basis and also on a phased /modular basis. Should there be an overriding concern with one element it should not prejudice the granting of permission for the remaining element.
- Applicant is willing to respond to any modifications via condition or further information.
- Applicant sought formal pre-planning advice in relation to the site however such advice was not provided within a reasonable timeframe,

- Preliminary pre planning advice recommending effective abandonment or sterilisation of a significant portion of the site is unsustainable and is a piecemeal approach to the development of zoned land.
- Assessments do not appear to place any material emphasis on the importance of and need to develop the site to achieve development plan objectives and to meet the needs of housing in Castlebar and its surrounds.
- Lands with topographical constraints cannot be dismissed merely due to a degree of difficulty in realising its development. Such would result in /particularly inefficient urban development.
- Existing development at Rossmore. Sion Hill, Blackrock and adjacent ribbon development along the Burren Road has already clearly established the principle of intensive development up to the top of the ridge on the opposite side of the Burren Road.
- Existing dwelling adjoining the site on Burren Road has already materially altered site levels by an estimated 2-3m as illustrated in plate 1. Continuation of the cut to the summit of the site would be a logical and appropriate.
- Many examples of reprofiling including Ashwood in Westport and Cherrington Place Castlebar. 19/119 Balling reprofiling of lands in the order of metres.
- Extent of retaining wall elements would be relatively limited. Primary location for the retaining wall systems relates to a section of the Burren Road along the western site boundary southward from the site entrance adjacent to dwelling no 23.
- ABP Ref 310577-21 (small apartment scheme in Castlebar) the Board overruled the decision of the planning authority in relation to a number of issues particularly that of the scale and height of part of the retaining boundary wall.
- ABP309699 (small housing scheme in Westport) Board overruled decision of the Local Authority who refused permission largely on the basis of site levels and need for considerable site engineering.
- Core issue in relation to level changes / retaining systems relates to the specification and detail of transition areas, in particular the Burren Road frontage. The transition in

level can be managed and enhanced by a number of elements / solutions including layout and finish modifications such as.

- Omission of amenity space between dwellings 23, 44, 45 & 40 and western site boundary to increase area available for level change and provide for simpler solutions.
 - Landscaping of open space as 'green walls'.
 - Provision of substantial boundary wall with a landscaped buffer including a footpath. Streamlined layout which also engages with the Pontoon Road and provides more flexibility to the changes in levels to the Burren Road along the western boundary.
- Applicant is amenable to providing sufficient setback to the Pontoon Road to provide for footpath and cycle lanes however overall width of the road need not be excessive and should be deliberately narrowed in accordance with DMURS principles. With regard to the provision of a dedicated cycle lane on the Burren Road it is submitted that this is not justified by virtue of the function of the road and a standard urban road cross section and set back would appear to be the more appropriate arrangement. This is also relevant in relation to access for dwellings 1-34 which is from the lesser road.
 - Any works along the public roads or elsewhere would be required to be appropriately agreed and financed on a proportionate basis with recognition and contribution to reflect the wider benefit as provided under Section 34(4)(m) of the Planning and Development Act.
 - Proposal will provide a residential development to both frontages of the site along with boundary treatments in keeping with the prevailing character of the area.
 - Landscape context is not a constraint to appropriate development. The site is in a robust landscape as it would be considered continuous or discontinuous urban fabric. No scenic routes or views in the area.
 - In terms of landscape character the proposed development would be considered in the moderate to significant range of presence and in neutral to minor positive range of impact.

- Assertion that the proposal would be monotone or repetitive or substandard is unsubstantiated and unfair. Proposal is a typical residential scheme.
- The dismissal of the usability of the open space is without justification or substantiation. Shape of the site does not facilitate one central open space rather a series of spaces. Largest open space is overlooked on two sides by dwellings within the scheme.
- Proposed development is heavily informed by sustainable mobility considerations not least due to its shape and location. Site has seven connections to the public street network. Segregated cycle links within the site are considered inappropriate and counterproductive. Segregation of pedestrians and vehicles could imply that carriageways are car only dominant surfaces. Internal circulation areas are intended as homezones in accordance with DMURS principles.
- Public realm of the proposed development will not be undesirable nor does the principle of embankments or other level changes infer an undesirable public realm.
- Proposed development is consistent with the principles of the Sustainable Residential Development in Urban Areas Guidelines (2009) and Best Practices Design Manual.
- The design and layout of the scheme has been led by the site characteristics along with relevant guidance from local and national planning policy along with due regard to the pattern of development in the area which is fundamentally urban / suburban in nature.
- No potential to depreciated or devalue property in the vicinity.
- Applicant is amenable to undertaking standard archaeological assessment procedures prior to construction at planning compliance stage.
- Proposal is strongly supported by national and local policy and the Board is requested to overturn the Council's decision to refuse.

6.4 Planning Authority Response

The Planning Authority did not respond to the grounds of appeal.

7 Assessment

7.1 Having inspected the site and reviewed the file documents, I consider that the proposed development can be addressed under the following general headings:

- Principle of Development
- Density, design, layout, access and amenity
- Other planning issues
- Appropriate Assessment

7.2 Principle of Development

7.2.1 The site has three zoning objectives applying within the Castlebar LAP 2008. The southern tip is zoned existing residential the objective being to protect preserve improve and develop existing residential areas to provide for appropriate infill and for new and improved ancillary services and to provide for facilities and amenities. The main body of the site is zoned Objective B New residential. In such areas, the objective is *“to provide for new residential development, associated facilities and services. The new residential zone relates to c.157ha of lands in 4 distinct areas of the town where it is envisaged that new communities will develop throughout the life of the plan. The areas are intended primarily for housing but may also include a range of other uses particularly those such as schools, crèches and community buildings. A masterplan framework will be required for all sites over 2ha in size detailing layout of services, open spaces, roads, pedestrian linkages and landscaping.”* The remaining northern portion of the site is zoned Objective C Residential Low Density the objective to provide for low density housing at a maximum density of 4 units per acre subject to meeting the requirements of the development standards. The development of these lands will provide for an alternative to single rural housing at a density of between 1-3-4 per acre.

7.2.2 The National and Regional context is set out in a number of policy documents, including *Project Ireland 2040; Rebuilding Ireland (2016)*; the Sustainable Urban Development Guidelines 2009 (later updated) and its companion Urban Design Manual, the *Urban Development and Buildings Heights Guidelines for Planning*

Authorities (December 2018); and the *Sustainable Urban Housing: Design Standards for New Apartments* (2018), in addition to related guidelines and circulars such as DMURS and the Building Heights Guidelines for Planning Authorities. These policies consistently set out policy objectives for promoting high quality residential uses within existing urban areas at significantly higher densities than has been the norm in the past, in particular when those sites are served by good public transport networks. A key shared policy objective of the National Development Plan, the National Policy Framework, and associated guidelines and circulars is to promote the compact growth of cities and towns of all sizes to add value and create more attractive places in which people can live and work. The preferred approach is to focus on greater reuse of previously developed 'brownfield' land, consolidating infill sites, which may not have been built on before, the reuse of existing buildings appropriately, and the development of sites in locations that are better serviced by existing facilities and public transport. I note that the Castlebar Local Area Plan and the current Mayo County Development Plan which is soon to be replaced² predate some of the above guidance.

- 7.2.3 As regards the principle of demolition of the existing dwellinghouse and agricultural sheds, the dwelling is of no particular architectural merit and is therefore acceptable in the context of the utilisation of serviced urban lands. On the basis of the foregoing I conclude that the proposed residential infill scheme is appropriate in the context of the zoning objectives pertaining to the site and is in line with the requirements of the National Planning Framework which seeks to ensure that at least 30% of all new housing development is delivered within the existing built-up area of towns and villages on infill and or brownfield sites. Having regard to the foregoing I consider the principle of the proposed development to be welcome subject to detailed matters.

² I note in relation to the draft Mayo County Development Plan 2021-2027 interrogation of the Mayo County Council website [https:// www.mayo.ie](https://www.mayo.ie) reveals that Councillors agreed to extend the Development Plan review period on the 26th of July 2021, following a commencement order to extend the plan process arising from Covid disruptions (Section 9A of Planning & Development Act (amendment) 2021). The review process is due to recommence on the 1st of February 2022 with the consideration of the Chief Executive's Report and Draft Mayo County Development Plan.

7.3 Design, layout, access strategy and amenity

7.3.1 The proposed site density equates to 18 dwellings per hectare. As noted above while the local area plan indicates a maximum gross residential density of 20 dwellings per hectare on lands zoned medium density and 10 per hectare on lands zoned low density. Clearly this indicative guidance, dating from the adoption of the plan in 2008, is out of date in the context of the more recent national guidance. As the site is suburban in nature and is zoned as part of a town development plan, I consider that Paragraph 6.11 of the 2009 Sustainable Housing Guidelines applies, which sets a target of 20-25 dwellings per hectare as appropriate. I consider that the density proposed in this instance is insufficient with regard to national policy. I consider that the size and configuration of the site would provide for higher density of development and indeed a greater mix. On this basis I consider that the site has the capacity for more than 65 dwellings to ensure consistency with national policy.

7.3.2 As regards the layout the proposed development it is in my view characterised by a somewhat conventional and unimaginative approach with poor character variation over the overall site. The site location, its dual frontage and topographical character whilst constraining in terms of potential layouts also provide interesting opportunities in terms of possible layouts and the creation of more variety of spaces and function over the site. I consider that the application as submitted is entirely deficient in terms of the exploration of design solutions for the site. No design statement is provided. There is a failure to address the existing site context and potential for integration of existing site features for example trees and hedgerows within the design. Furthermore, there is no information provided with regard to connectivity within the locality and the wider area in terms of analysis of the availability of services and facilities, public transport schools, creche facilities.

7.3.3 I note that the grounds of appeal suggest alternative layout arrangements which would provide for street frontage and enhanced engagement with the Pontoon Road which would in my view achieve a more appropriate approach to the site however the level of detail on the appeal file is entirely deficient in terms of design evolution. As

regards the issue of site topography and the need to engineer a more workable profile on the site with respect to its frontage with Buren Road in particular I consider that given the site zoning it would be unreasonable to rule out some degree of re profiling however I would consider that the degree of intervention and extent of retaining walling should be minimised and appropriately mitigated.

7.3.4 As regards house orientation the first party contends that an element of dual aspect is provided to address the streetscape on both public road frontages, however this is in my view token and not sufficiently engaging with the site context. On the matter of open space provision, I would agree with the conclusions of the Area Planner that the open space is poorly overlooked and poorly integrated with the dwellings.

7.3.5 As regards the access strategy the proposal as submitted is in my view insufficient in relation to DMURS requirements and guidelines. While pedestrian permeability is contemplated there appears to be little to no specific provision for cycling. As regards the interaction of the scheme with the site frontage I would consider that given the location within the built up area it not appropriate that access points be limited as suggested in the report of the Council's Roads Engineer. I would however agree that having regard to the scale and nature of the development a stage 1 /2 road safety audit and a traffic impact assessment is required.

7.3.6 As regards residential amenity of the proposed dwellings given the conventional form and layout all individual dwellings have satisfactory arrangements for light and would achieve all minimum statutory standards and guidance and development plan standards. Given separation distance to established development I do not consider that the layout would result in any significant loss of amenity for any dwellings adjoining or near the proposed development by way of overshadowing or other direct or indirect effects. The most significant impact arises in respect of the established single storey dwelling fronting onto the R 310 Pontoon Road. I note that the poor level of detail provided within the application with regard to context (finished floor level details are illegible) and I would be of the view that additional detailed drawings, cross sections and photomontage representations should be provided to inform assessment.

7.4 Other planning issues

- 7.4.1 On the issue of servicing with respect to water supply and sewerage I note that Irish Water did not make a submission in relation to the application. Storm water is proposed to be managed by way of attenuation. Four separate attenuation beds are proposed. No specific concerns are raised by any parties with regard to capacity or detailed servicing design.
- 7.4.2 As regards Archaeology and Cultural heritage there are no protected structures on or in the vicinity of the site. The nearest recorded monument is a battlefield MA09134 which is located approximately 300 metres to the north of the appeal site. I note that the Senior Archaeologist Mayo County Council recommended an archaeological impact assessment of the proposal which I would concur that this should be submitted with any future application to inform the assessment of the proposal.
- 7.4.3 On the issue of Part V, I note that the applicant proposes to provide 6 completed dwelling units (proposed houses 61-65 inclusive) to Mayo County Council at a discounted figure of €24,982 per unit to meet obligations in relation to Part V. The detailed calculations on which this proposal is based accompany the proposal. The Planning Authority did not comment or indicate a preference with regard to Part V arrangements.

7.5 Appropriate Assessment

- 7.5.1 The closest EU designated habitat, around 3km to the north, is the River Moy SAC site code 002298, but Castlebar is not within the Moy catchment so there are no potential pathways for pollution. Watercourses in Castlebar drain west to Clew Bay, about 18km from the appeal site. The Clew Bay Complex SAC site code 001482 is designated for a number of coastal and littoral habitats. Having regard to the distance

involved and the nature of this SAC, it is considered that there is no likelihood of a significant effect.

7.5.2 Having regard to the absence of source pathway receptor link and the lack of effects on ex-situ designated species in relation to the Natura 2000 sites and taking account of the nature of the proposed development which involves the construction of a residential development on a fully serviced site within the built up area of Castlebar it is concluded that no appropriate assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.5.3 I therefore consider that it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Sites No's 002298 or 001482 or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8 Recommendation

I recommend that the Board uphold the decision of the planning authority to refuse permission for this housing development, for the reasons and considerations set out below.

9 Reasons and Considerations

1. The "Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas" published by the Department of the Environment, Heritage and Local Government in May 2009, require a high-quality approach to the design of new housing. The proposed development, with a density of approximately 18 units per hectare, is considered substandard with regard to Section 6.11, which sets a target of 20-25 dwellings per hectare for such urban sites. It is a policy of the

Planning Authority as set out in the Castlebar Town and Environs Development Plan 2008-2014 to ensure high quality design and layout of residential development that reduces reliance on cars and supports movement by pedestrians and cyclists and provides adequate and convenient access to public transport and connects well with the wider locality. Policy HO12 encourages innovative housing design and layout solutions that address concerns of environmental sustainability with regard to matters such as energy efficiency and use of materials. Having regard to the proposed site layout and house designs, it is considered that the development would constitute an inappropriate design response to the existing context of the site would result in an unattractive and inappropriate housing scheme, which would not accord with the prevailing character of the town. It is considered that the proposed development would, therefore, conflict with provisions of the said guidelines, and development plan would seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.

Bríd Maxwell
Planning Inspector

21st March 2022