



An
Bord
Pleanála

Inspector's Report ABP-305409-19

Development	Construction of a single storey dwelling house, garage, treatment system and percolation area.
Location	Laghtonora, Tiaquin, Colemanstown, Ballinasloe, Co. Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	19434
Applicant(s)	John Langan.
Type of Application	Permission.
Planning Authority Decision	Grant permission subject to conditions.
Type of Appeal	Third Party
Appellant(s)	Patrick Sheridan.
Observer(s)	None
Date of Site Inspection	28 th November 2019.
Inspector	Brid Maxwell

1.0 Site Location and Description

1.1. The appeal site has a stated area of 0.4382 hectares is located in a rural area approximately 5km east of Monivea in County Galway. The site is triangular in shape and comprise a level field under grass with drainage ditches along its eastern and southern boundary. A forestry plantation adjoins to the east. There is a single storey dwelling located on the opposite side of the road to the north west with a scattered pattern of rural housing development in the vicinity.

2.0 Proposed Development

2.1 The proposal involves permission for the construction of a dwellinghouse of 226m² and garage, treatment system and percolation area. The design of the proposed dwelling was revised during the course of the application to Galway County Council. The proposed dwelling comprises a long bungalow type dwelling 23.7m in length with a gable breakfront and a side annex. A garage of 60sq.m with a pitched roof is proposed to the side and rear of the dwelling.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. By order dated 23 August 2019 Galway County Council decided to grant permission subject to 13 conditions including condition 13 requiring payment of a development contribution of €3,847 in accordance with the Galway Development Contribution Scheme.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's initial report sought additional information with regard to local housing need and wastewater treatment system design particularly having regard to minimum standards with regard to location of proposed soil polishing filter within 10m

of watercourse. The proposed house design was considered to be out of character in a rural area. A flood risk assessment was also requested. Area Planner's request for a Natura Impact Statement was omitted by direction of Senior Planner. The second planner's report following further information response indicated satisfaction that the items of further information have been adequately addressed and recommended permission subject to conditions.

3.3. Third Party Observations

3.3.1 Submission from Patrick Sheridan, Laghtonora, Cuddoo opposite the site objects strongly to development of this site citing grounds of infringement of privacy, density and negative effect on residential amenity. Concern that the proposal will result in overlooking and loss of views. Development would be out of character with the current infrastructure of residential properties in the neighbourhood. Proximity of proposed entrance would give rise to traffic conflict and hazard.

4.0 Planning History

11/634 Extension of duration granted for construction of a serviced dwellinghouse with garage, septic tank and effluent treatment system. Previous permission 06/2196

06/2196 Permission granted to J Langan for construction of a serviced dwellinghouse with garage, septic tank and effluent treatment system.

5.0 Policy Context

5.1. Development Plan

5.1.1 The Galway County Development Plan 2015-2021 refers.

Chapter 3 outlines Urban & Rural housing Policy. The site falls within an area designated as a rural area under strong urban pressure within the development plan.

The key objectives in such areas are

To facilitate the genuine housing requirements of the local rural community (rural generated housing) subject to satisfactory site suitability and technical considerations;

To direct urban generated development to areas for new housing development in the adjoining urban centres, towns and villages as identified in the County Settlement / Core Strategies;

To accommodate residential development proposals in accordance with Chapter 13 (Development Management Standards and Guidelines).

5.2. **Natural Heritage Designations**

The site is not within a designated site. There are a number of such sites in the vicinity including

Lough Corrib SAC c183m to the east

Lough Tee Bog NHA

Monivea Bog SAC

5.3. **EIA Screening**

- 5.3.1. Having regard to the nature and scale of the proposed development and to the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The appeal is submitted by Patrick Sheridan who resides in the dwelling located opposite the appeal site. Grounds of appeal are summarised as follows:

- Sie is unsuitable for development given presence of land drains bounding the site. Concerns regarding surface water run-off.
- Proposed development would give rise to traffic hazard given constricted nature of the road and proximity of proposed entrance to established entrance.

- Concern regarding potential impact on private well.
- Applicant has alternative lands which would be more suitable for development.

6.2. **Applicant Response**

The response on behalf of the applicant was received outside the appropriate period and thereby returned.

6.3. **Planning Authority Response**

The planning authority did not respond to the appeal.

6.4. **Observations**

The Board referred the application to a number of prescribed bodies including Inland Fisheries Ireland, An Taisce, Department of Culture Heritage and the Gaeltacht, and The Heritage Council. No responses were received.

7.0 Assessment

7.1 From my review of the file, all relevant documents and inspection of the site and its environs, I consider that the main issues in this appeal can be dealt with under the following broad headings:

- Settlement Strategy
- Road safety
- Wastewater treatment, Flooding and Impact on rural amenity
- Appropriate Assessment

7.2 Settlement Strategy.

7.2.1 As outlined above, the site falls within an area indicated as an area under strong urban pressure in the Galway County Development Plan. Within the Development Plan it is the Council's policy to facilitate the rural generated housing requirements of the local rural community whilst also directing urban generated rural housing to areas zoned for new housing development in the city, towns and villages. Objective RHO1 – Rural Housing Zone 1 (Rural Area Under Strong Urban Pressure - GTPS provides at 1(a) "*Those applicants with Rural Links (defined as a person who has strong links to the rural area and wishes to build a dwelling generally within an 8km radius of where the applicant has lived for a substantial continuous part of their life) to the area through long standing existing and immediate family ties seeking to develop their first home on existing family farm holdings*". The application details indicate that the applicant is local having been born and raised in the area and the dwelling is part of the family farm. Documentation indicates a strong local connection. Having assessed the submitted details, I am satisfied a local rural need has been demonstrated and indeed this is not disputed by the third party appellant.

7.3 Road Safety

7.3.1 As regards the issue of road safety I note that the public road is lightly trafficked and the additional traffic arising from the proposed development is not likely to give rise to any hazard. The proposal provides for setting back of a section of the existing roadside boundary to achieve the requisite sightlines. The proposal is therefore considered acceptable from a traffic safety perspective.

7.4 Wastewater Treatment and Impact on rural amenity

7.4.1 On the issue of wastewater treatment and disposal, it is proposed to provide a wastewater treatment system and percolation area. I note that within the trial hole excavated to 2.1m watertable was encountered at 1.5m. Rock was not encountered. The soil profile as described includes a crumb topsoil with loam clay with angular shale sections at 0.4m, large boulders (infill) at upper levels, and at 0.9 loam gley with stone shale content with pebbles subsoil. A T value of 11.7 was recorded and a P Test of 14. A *Solido Smart* wastewater treatment system is proposed discharging to a soil polishing filter constructed from topsoil from the site is proposed. Based on the submitted information it has been demonstrated that the proposed layout, revised in response to the Council's request for additional information, complies with EPA Wastewater Treatment Manuals in terms of ground conditions and separation distance.

7.4.2 As regards visual impact and impact on rural amenity, I consider that the proposal can be accommodated on the site subject to comprehensive scheme of landscaping. As regards impact on established residential amenity having regard to the separation distance from the adjacent dwelling no issues of overlooking or undue impacts on established residential amenity arise.

7.4.3 As regards flood risk the site falls within an area indicated as potentially at fluvial flood risk and therefore flood risk assessment was submitted in response to the request for additional information. The report completed by Aiden Doyle Consulting Engineer notes the fall in the site from northwest to south east with the open drain on

the eastern and south west boundary draining to an adjacent drain that runs south west in turn draining to the Kilacloghter River some 3.4km from the site. It is outlined based on rainfall calculations on the 1/100 year return period with climate change allowance that the proposed finished floor level allows a free board of 1.4m between the top floor water level and finished floor level.

7.5 Appropriate Assessment

7.5.1 On the matter of Appropriate Assessment I note the screening report submitted by Aidan M Doyle, which notes the site's location within c183m of the Lough Corrib SAC (also Lough Tee Bog NHA). It is noted that the appeal site is buffered from the European site by forestry and farmland. Whilst an indirect source pathway for pollution exists in the drain bordering the east of the site it is considered that based on the nature and scale of the proposed development and the nature of the receiving environment together with the proximity to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans and projects on a European site. It is reasonable to conclude that on the basis of the information on file which I consider adequate 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 the Lough Corrib SAC or any other European site in view of the site's conservation objectives, and a Stage 2 Appropriate Assessment is not therefore required.

7.6 Recommendation

7.6.1 I have read the submissions on the file, visited the site, had due regard to the development plan and all other matters arising. The proposed development is considered to be acceptable having regard to the pattern of development in the vicinity and the provisions of the Galway County Development Plan. The proposed development would not give rise to traffic hazard and is considered to be in keeping

with the proper planning and sustainable development of the area. I recommend that planning permission be granted for the reasons set out below.

8.0 REASONS AND CONSIDERATIONS

9.0 It is considered that subject to compliance with the conditions set out below, the proposed development would be in keeping with the existing character and pattern of development in the immediate area. The proposal would not be injurious to the existing residential amenities of the area, would be acceptable in terms of traffic safety and convenience, would provide an adequate standard of residential amenity, would not be prejudicial to public health and would otherwise be in accordance with the proper planning and sustainable development of the area

Conditions

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the plans and particulars received by the planning authority on the 31st July 2019 except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter [unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant]. The applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted [to meeting essential local need] in the interest of the proper planning and sustainable development of the area.

3. Prior to commencement of construction of the house, details of the materials, colours and textures of all the external finishes to the proposed house shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development and the visual amenities of the area.

4. The road works associated with the proposed development including the setting out of entrance shall be carried out and completed in accordance with the requirement of the planning authority.

Reason: In the interest of traffic safety and orderly development.

5. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

6. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

7. A proprietary effluent treatment and disposal system shall be provided, This shall be designed, constructed and maintained in accordance with the requirements of the

planning authority. Details of the system to be used, and arrangements in relation to the ongoing maintenance of the system, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Treated effluent shall be discharged to a raised percolation area which shall be provided in accordance with the requirements of “Wastewater Treatment Manual: Treatment Systems for Single Houses”, EPA (2010).

Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the raised percolation area is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

8. The site shall be landscaped using only indigenous deciduous trees and hedging species in accordance with details which shall be submitted to and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape in the interest of visual amenity.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Bríd Maxwell
Planning Inspector
20th December 2019
