



An
Bord
Pleanála

Board Direction
BD-000892-18
ABP-300499-17

The submissions on this file and the Inspector's report were considered at a Board meeting held on August 8th 2018.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

- 1 On the basis of the documentation submitted with the application and appeal, and due to the scale and extent of non-residential use, and the limited proportion of the building used for residential purposes, the development for which retention is sought cannot be characterised, as proposed in the application, to be an ancillary use of part of a residential dwelling. It is considered that the frequency of and numbers in attendance at gatherings at the subject property are such that the primary use of the building for residential purposes is significantly undermined and compromised. The development for which retention is sought would, therefore, be contrary to the proper planning and sustainable development of the area.
- 2 It has not been demonstrated that the development for which retention is sought can satisfactorily dispose of the likely volume of waste water that is being/would be generated as a result of the extent of use envisaged. It is considered that the existing waste water treatment system, which was designed on the basis of a single residential dwelling, with a population capacity of 8 persons, is unsuited to the nature of the uses envisaged and numbers of persons attending at the

facility. Having regard to the proximity of the subject site to the water sensitive Moycullen Bogs Natural Heritage Area and the lack of compliance with the EPA Waste Water Treatment Manual for Small Communities, Business, Leisure and Hotels, it is considered that the development for which retention is sought would create conditions that would be prejudicial to public health. The development for which retention is sought would, therefore, be contrary to the proper planning and sustainable development of the area.

- 3 The proposed semi-basement residential area for which retention is sought provides an unacceptable level of residential amenity, with restricted access to natural light in most rooms and no natural lighting in the living room. The subject development, if permitted, would create an unsatisfactory residential development that would seriously injure the residential amenities of its occupants and would not be in keeping with the proper planning and sustainable development of the area.
- 4 Having regard to the location of the subject site along a narrow local road, and in an area characterised by similar local roads with limited width and variable alignment, it is considered that it has not been demonstrated that the local road network in this rural area, without any footpaths and in the absence of adequate public transport, can satisfactorily accommodate the extent of traffic generated by the development for which retention is sought, and that the limited amount of dedicated on-site car parking, as compared with the existing and predicted usage of the subject development as a place of worship, would not be likely to result in a demand for on-road car parking. The development for which retention is sought would, therefore, result in a serious traffic hazard, thereby impacting adversely upon traffic and pedestrian safety in the area, and would be contrary to the proper planning and sustainable development of the area.
- 5 Having regard to the location of the subject development within an unserviced rural area that is lacking in basic facilities such as footpaths, public lighting and adequate public transport, and in an area zoned for agricultural/high amenity purposes in the Galway City Development Plan 2017 – 2023, which seeks to provide for the development of agriculture and protect areas of visual importance

and / or high amenity, it is considered that the development for which retention is sought would represent an unsuitable form of development that would be more appropriately located within an urban area that is serviced and has such facilities, and would conflict with the zoning as set out in the Development Plan. The development for which retention is sought would, therefore, be contrary to the proper planning and sustainable development of the area.

Note 1: The Board noted the concerns expressed by the Inspector regarding the potential for the development to have a significant effect on the Galway Bay Complex Special Area of Conservation, but decided not to include this as an additional reason for refusal, as it would represent a new issue in the context of the appeal, and having regard to the substantive reasons for refusal set out above. In this regard, the Board considered that any such potential related to the inadequacy of waste water treatment, and that this matter could be resolved by the provision of a more appropriate wastewater treatment system, in compliance with the EPA Waste Water Treatment Manual for Small Communities, Business, Leisure and Hotels, and therefore was capable of resolution without the need for the submission of a Natura Impact Statement.

Note 2: The Board noted the specific local objective in relation to the subject site, which stated that the Council “will consider” the use of the subject premises as a place of congregation and worship by the Muslim Community, and concurred with the view of the Council’s Planner, and of the Board’s Inspector, that such objective did not require that planning permission be granted in this instance, but merely that the proposal would be considered. The Board was satisfied that other issues, relating to zoning, wastewater treatment, scale and frequency of usage, and pedestrian and traffic safety, were matters that had to be taken into account in this context.

[Please issue a copy of this Direction with the Board Order to the parties.]

Board Member

Date: 9th August 2018

Philip Jones