



An
Bord
Pleanála

Inspector's Report

An Bord Pleanála Ref. PL07.246579

Proposed Development	Variation of planning permission Ref. 14/77 to demolish an existing dwelling and to construct a replacement dwelling on the landholding.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	16/105
Applicant(s)	Martin Murtagh
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Appellant(s)	Martin Murtagh
Observer(s)	none
Date of Site Inspection	8th August, 2016
Inspector	Stephen Kay

1.0 Site Location and Description

The appeal site comprises two elements, the first a site which contains an existing two storey farmhouse building is located on the Letteragh Road in the townland of Toin na Brocai. The site is located close to the junction between the Letteragh Road and a laneway that leads to the south and a local road that runs to the north. There is an existing small cluster of development around this junction including an industrial premises \at the south west corner of the junction. The existing farmhouse is stated in the application to have a floor area of 103 sq. metres and from an external inspection is in relatively poor condition. From the information on file the building is not currently inhabited. Vehicular access to this site is via a right of way to the Letteragh Road at the south east corner of the site. There is a short frontage to the Letteragh Road with a pedestrian access. The site on which the house is located forms part of a larger site in this location that extends to the north, north west and north east of the site.

The second part of the appeal site is located c. 450 metres to the south of the existing dwelling and is accessed via the southern end of the laneway that runs to the south from the junction adjacent to Site 1. This laneway is very restricted in width in some sections along its length being less than 4 metres in parts along the section which has been surfaced and taken in charge by the local authority. Currently a total of 7 no. dwellings are accessed via the laneway including a dwelling which the applicant is currently renting. Development currently extends as far as the end of the surfaced part of the lane, c. 30 metres to the east of the site at the closest point.

The second site is located approximately 30 metres to the south of the end of the surfaced section of the laneway and is separated from this area by a section of unsurfaced lane which is of very restricted width being c. 3 metres wide. The site

itself is L shaped and has a frontage of over 60 metres to the laneway. The site is currently in grass and boundaries comprise primarily low stone walls with some hedgerow and shrub planting. The site slopes away from the road and falls towards the eastern boundary. The stated area of this part of the appeal site is 0.86 ha.

2.0 Description of Proposed Development

The proposed development comprises the demolition of the existing two storey dwelling located with frontage onto the Letteragh Road in the townland of Toin na Brocai. The applicant has submitted a number of assessments of the existing dwelling which indicate that its condition is such that renovation would be a very difficult and expensive job. This poor structural condition and the fact that the son of the applicant is allergic to trees and grass which are located in the immediate vicinity of this site are given as the justification for the proposed demolition.

In place of the existing dwelling it is proposed to construct a new two story house on the second site that is accessed via the laneway to the south of the existing dwelling. This site is located c. 450 metres to the south of the dwelling that is proposed to be demolished as part of the overall development.

The proposed dwelling is a two storey design that would be located c. 75 metres from the closest existing dwelling to the east at the nearest point. The access to the site is proposed to be at the far north east corner and the section of laneway between this entrance and the existing end of the hard surfaced part of the lane is proposed to be surfaced at the expense of the applicant.

The dwelling is proposed to be served by a proprietary effluent treatment system and the application drawings indicate an on site well at the north west corner of the site.

3.0 Planning History

There is no record of any planning history relating to the appeal site.

The following is a summary of the most significant planning history relating to the appeal site and surrounding lands:

Galway County Council Ref. 15/703 – Permission refused by the Planning Authority to Martin Murtagh for the construction of a two storey over basement level dwelling on the appeal site. Permission was refused for five reasons including that the development would be contrary to rural housing policy in Objective RHO 1 and the Sustainable Rural Housing Guidelines, the absence of trial holes on site and poor aquifer status leading to concerns regarding site drainage, deficiencies in the road network serving the site, lack of detail regarding a water supply for the development and also that, on the basis of the information presented, the Planning Authority is not satisfied that the proposed development would not have a significant effect on European sites.

Galway County Council Ref. 14/77 – Permission granted by the Planning Authority to martin Murtagh for the renovation, refurbishment and extension of the existing farmhouse located on lands at Toin na Brocai. This dwelling is that which is proposed to be demolished as part of the current application.

Galway County Council 14/1050 – Application by Martin Murtagh for the demolition of an existing dwelling and the construction of a replacement dwelling on an alternative site. This application was withdrawn prior to a decision being issued.

Galway County Council Ref. 13/956 – Application for the construction of a dwelling on the appeal site. This application was withdrawn as it was located within one of the potential alignments for the Galway City Bypass.

Galway County Council Ref. 13/957 – Application for the demolition of existing dwelling on the northern part of the current appeal sites. This application was withdrawn prior to a decision being made.

Galway County Council Ref. 05/2740 – Permission granted by the Planning Authority for the construction of a dwelling on a site immediately to the north of and on the opposite side of the lane from the current appeal site. This permission was not developed and has now expired.

4.0 Planning Authority Assessment and Decision

4.1 Internal Reports

Planning Officer Report – The report of the Planning Officer notes the location of the site in an area under strong urban influence, the planning history, the case made by the applicant in the submitted Planning Report and the submission received. It assesses the proposed development having regard to Objective RHO 1 of the Plan (Rural Housing Zone 1) and concludes that the applicant does not comply as they already own a house (refs. 13/956, 14/77 and 14/1050 cited), the family home is not within 8km of the site and no intrinsic links with the rural area have been established. Issues relating to water supply, the absence of trial holes on site and poor road access are also noted. The compliance or otherwise of the proposal with Objective RHO 6 is not specifically addressed in the report of the planning officer. There are no other internal reports on file.

4.2 Notification of Decision

A Notification of Decision to Refuse permission, consistent with the recommendation contained in the report of the Planning Officer, was issued by the Planning Authority. The following is a summary of the reasons for refusal in this notification of decision:

1. That notwithstanding the submissions made that the site is located in a rural area that is the subject of strong urban influence. It is not considered that the applicant has demonstrated compliance with Objective RHO 1 of the development plan as it relates to Rural Housing development in an area of strong urban influence.
2. That having regard to the location of the site above a poor aquifer that it is not considered that the site can be adequately drained by the proposed on site waste water treatment system.
3. That there is a deficiency in the local road network serving the site and that this deficiency is such that it would not be suitable to accommodate increased traffic and would be such as to endanger public safety and lead to the creation of a traffic hazard.
4. That in the absence of satisfactory evidence of a potable water supply the proposed development would be prejudicial to public health and would endanger the health and safety of occupants of the dwelling.

5.0 Appeal Submission

The following is a summary of the main issues raised in the appeal

- That the Planning Authority failed to properly assess the applicant in the context of the rural housing policy set out in the development plan and specifically Objective RHO 6. The Planning Authority based its assessment on Objective RHO 1 relating to new housing and rural housing need rather than Objective RHO 6 relating to replacement housing. It is submitted that an application for a replacement dwelling is not required to demonstrate compliance with Objective RHO 1 (rural housing need).
- That the applicants proposal for a replacement dwelling represents a genuine case given that his existing property cannot be lived in by his family for medical reasons. Specifically, his son has allergies to pollen, trees and insects that make the existing dwelling location unviable. It is therefore proposed that the existing dwelling would be demolished and that a replacement dwelling on an alternative site in the applicants ownership would be constructed as a replacement. It is submitted that Objective RHO 6 facilitates such a proposal.
- That ABP ref. PL17.239266 is a precedent case where the Board granted permission for the demolition of a dwelling and the construction of a new dwelling on the same landholding c. 1km away.
- That the application to the Planning Authority set out in detail the applicants links to the rural area however these have been discounted. The connections to the area include family, whereby the applicants father and extended family were from the local area, work where the applicant is a teacher in the closest

national school and also undertakes significant farming activity in the locality, sporting connections with the area and the fact that he and his family have rented in the local area since 2005.

- The concerns of the Planning Authority regarding wastewater and the on site treatment and disposal of effluent is unreasonable and is not reflective of the approach to other development proposals in the area. The comments of the Planning Authority that no adequate site assessment was undertaken is also not correct and the submitted site assessment demonstrates that the site is suitable for the installation of a proprietary effluent treatment system.
- That the contention of the planning authority that there is not an adequate water supply available is not correct. The existing piped water supply could be extended at the expense of the applicant or alternatively water could be sourced from the proposed on site well. Other dwellings in the vicinity have been permitted with a connection to the piped water supply.
- That the case regarding the road deficiency is not correct. It is noted that the site opposite the appeal site was granted permission subject to a condition requiring that the laneway would be widened and resurfaced. This permission (Ref. 05/7240) has since expired. The same proposal is included in the current application but has not been rejected by the Planning Authority despite being the normal practice in cases such as the appeal site where services are extended incrementally over time. It is submitted that this reason for refusal is included to support the main basis for refusal which is lack of rural housing need.
- For the reasons set out above it is submitted that the decision of the Planning Authority is contrary to the principal of rational and consistent decision making

promoted in the Development Management Guidelines for Planning Authorities.

- It is requested that the Board would consider the case de novo and have regard to the comprehensive case made by the applicant in support of a grant of permission in this instance.

6.0 Response Submissions

6.1 Planning Authority Response to Grounds of Appeal

There is no response submission from the Planning Authority on file.

6.2 Further Submissions on Grounds of Appeal

The following is a summary of the main issues raised in further submissions received from Kathleen Carr, John Shaughnessy and Mike Shaughnessy: :

- That M. Shaughnessy was a friend and neighbour of the previous owner of the lands which the applicant claims to have historical links to and that he never met the applicant or heard of the previous owner speak about him.
- Mr John Shaughnessy states that the applicant does not live in the area. He also states that the applicant already has a house in the area and that he bought this dwelling in 2013.

- Stated by Mr Shaughnessy that he is willing to challenge the information provided by the applicant that he resides or has links to the area.
- Mrs Carr is the owner of the section of land between the appeal site and the existing end of the laneway which is surfaced. Stated that she does not consent to the widening of the access road and also that the construction of a new dwelling would lead to damage to her property due to the restricted width.

7.0 Planning Policy

The appeal site is zoned in an area that is outside of any development boundary or zoned land. The site is within the GTPS area and is therefore categorised as an area that is under strong urban influence. Policy relating to Rural Housing are set out in section 3.7 of the Galway County Development Plan, 2015-2021.

Objective RHO 1 sets out the policy for rural housing development in areas that are under strong urban pressure. This states that it will be an objective to facilitate rural housing for applicants who (inter alia) have rural links to the area and who are seeking to develop their first home on a family farm, those with no family links but who have significant other connections to the area, those who are functionally dependant on the immediate rural area in which they are seeking to build. Provision is also made for exceptional health circumstances (2b.)

Objective RHO 6 relates to replacement dwellings and states that it is an objective that the refurbishment of existing dwellings would be encouraged unless a conclusive case for demolition can be made and such proposals will be assessed on a case by case basis.

The site is also located in an area that is identified as landscape category three (where one is the least sensitive and 5 is the most sensitive).

The site is stated in the report of the Planning Officer to be located in the Gaeltacht area. Figure RHO 2 of the plan indicates such areas however it is difficult to determine from this drawing the location of the appeal site.

8.0 Assessment

In my opinion the following are the main issues relevant to the consideration of this appeal:

- Principle of Development / Rural Housing Need
- Design and Impact on Amenity
- Access and Traffic
- Site Servicing
- Other Issues / Appropriate Assessment

8.1 Principle of Development / Rural Housing Need

8.1.1 The appeal site is located in an area that is within the area covered by the Galway Transportation and Planning Study area and is therefore identified in the County Development Plan (section 3.7) as being an area that is a Rural Area Under Strong Urban Pressure. The council policy for rural housing in this high pressure area is set out in Objective RHO 1 of the plan and it is this objective which has been focussed on in the assessment undertaken by the Planning Authority. In this assessment it is concluded by the Planning Authority that the applicant does not meet the requirements of Objective RHO 1 as they already own a house (Planning

Refs. 13/956, 14/77 and 14/1050 cited in the Planners report), that the family home is not within 8km of the site and that no intrinsic links with the rural area have been established. With regard to these issues and the specific criteria set out in Objective RHO 1 I would note the following.

8.1.2 The family ties that the first party has to the area appear to relate to his grandparents and the fact that his father grew up in the general area and went to school in the local school. From the information presented on file, however there is nothing to indicate that the first party himself has any direct family connection to this area. The lands that he owns have been bought in the relatively recent past and are not long held family lands. Similarly, the Planning Authority are correct in their assertion that this application is not for a first dwelling / home for the first party and it is clear from the application documentation that he already owns a dwelling which is that located on the current appeal site and which is proposed for demolition.

8.1.3 The planning authority state that the first party have no connections to the local area and also that he does not live within 8km of the site. I would not agree with this assessment on the basis of the information presented it appears that the applicant has been renting a house at Toin na Brocai for a period of 11 years (since April, 2005). This residency does not however in itself serve to meet the requirements of Objective RHO 1. The first party has also submitted information regarding his agricultural activities which involve the farming of 17 acres of his own land plus an additional 90 acres that he rents. Some, though not very comprehensive details regarding this farming activity have been submitted with the application including a letter from his vet and also from the IFA stating that he is a member in this local area. The applicant has also stated that he owns 55 cattle and that c. 40 percent of his income derives from agricultural activity. It would therefore be my opinion that a case could be made that the applicant is functionally dependant on the immediate rural area in which they are seeking to develop a

dwelling and therefore meet the requirement set out in sub paragraph 1(c). It would, however, have been useful if additional documentation to support the scale of agricultural activity had been submitted as supporting documentation with the application.

8.1.4 The applicant has submitted significant detail regarding the allergies which his 12 year old son suffers from including from consultant doctors and his GP. It is evident from this information that his son is seriously allergic to pollen arising from evergreen trees and timothy grass and such that it is not feasible for him to reside in the existing farmhouse on the family landholding on account of the presence of these pollen sources on adjacent third party lands. In these circumstances it would be my opinion that the applicant has a strong case that he meets 2(b) of Objective RHO 1, which acknowledges that exceptional health circumstances supported by relevant documentation can require a person to live in a particular location are met. It could be argued that an alternative rural location is not the best environment for a child suffering from the allergies set out in the application and that an urban location would be more appropriate, however this has to be set in the context of the existing agricultural activity that the applicant is engaged in as well as the ownership of a significant area of land (c.17 acres) which includes an existing dwelling.

8.1.5 The main case made by the applicant regarding the principle of the proposed development is that the assessment undertaken by the Planning Authority is that the fact that the proposed dwelling is a replacement was not taken into consideration. In this regard, I note that the report of the Planning Officer does not make any reference to the fact that the existing farmhouse on the lands owned by the first party are proposed to be demolished as part of the development. The planners report notes the fact that the applicant has an extant planning permission (Ref. 14/77) for the renovation and extension of the existing farmhouse however there is no reference or assessment of the case made regarding why this dwelling

is not suitable on medical grounds for the son of the first party or an assessment of the proposal in the context of Objective RHO 6 which relates to replacement dwellings. Similarly, no information is presented in the Planners report as to why it is considered that Objective RHO 6 is not considered to be applicable in this case.

8.1.6 Objective RHO 6 states that it is an objective of the council that the refurbishment of existing habitable dwellings would be encouraged unless a conclusive case for demolition based on technical evidence is made. It is stated that proposals for demolition will be assessed on a case by case basis, that replacement dwellings should accord with the councils rural housing design guide and also that in cases where the principle of demolition is accepted that there shall not be a requirement for the establishment of rural housing need. In the case of the subject proposal it is noted that the report of the Planning Officer does not contain any assessment of the merits of the proposed demolition as presented in this case.

8.1.7 The applicant has submitted written opinions from a number of builders and an engineer as to the feasibility of restoring and renovating the existing dwelling on his lands. These all indicate that the level of work and investment required to undertake a refurbishment and upgrading to modern stands would be very significant and that there are structural issues with the building that lead to a conclusion that demolition and reconstruction is the best option. I was not able to view the interior of the existing dwelling at the time of inspection however from an external inspection the building is clearly in poor condition and in need of significant work. Given its age (from the 1930s) I can see that the structural aspects of the building which would likely be sub standard. Architecturally the existing structure is a reflective of the form of a traditional two storey farmhouse albeit one that is not of particularly significant architectural merit. In view of these facts, it is therefore my conclusion that the applicant has presented a strong case as to why demolition is justified. When this is added to the medical case presented as to why the site of

the existing house is not suitable for the son of the first party to reside in then it is my opinion that a strong case for the principal of a replacement dwelling on lands in the ownership of the first party has been established.

8.1.8 The question as to why a replacement dwelling on the same site or the adjoining lands in the ownership of the first party arises, however the applicant has set out how this northern parcel of his lands are compromised either by the presence of problematic tree and grass species on adjoining third party lands or issues regarding access due to the levels on site. From an examination of the relevant lands I would agree with the first party that the provision of a new dwelling on the northern part of the lands in the ownership of the first party is not viable. On balance therefore I consider that the applicant has demonstrated compliance with Objective RHO 6 of the plan regarding replacement dwellings and that this together with the farming and other employment connections to the area (being a teacher in the local school) are such that the principle of an application for a replacement rural dwelling on his landholding has been established satisfactorily. The following sections assess the proposed replacement dwelling having regard to relevant factors and policy and the notification of decision issued by the planning authority.

8.2 Design and Impact on Amenity

8.2.1 The design of the proposed dwelling comprises a dwelling that when viewed from the front elevation would read as a storey and a half dwelling. The main orientation of the floorplan is north west to south east and therefore the dwelling has a significant depth and bulk when viewed from the side. The scale and orientation of the floorplan would be mitigated by the fact that the proposed floor level of 69.15 is below that of the road. The exact degree to which this is the case is not clear from the drawings submitted however I would estimate it to be in the order of one metre. In addition, the ground level on site rises to the front of the site such that the dwelling would be

partially screened although some of this raised area would be lost to provide the driveway and vehicular access to the site. Overall, it is my opinion that the design of the proposed dwelling, while visually bulky when viewed from the side elevations is not of an excessive scale or located such that it would have a significant negative impact on visual amenity.

8.2.2 In terms of the potential impact on the amenity of surrounding properties, the closest dwelling is that to the east on the same side of the laneway. This dwelling is single storey and is in excess of 70 metres from that proposed on the appeal site. The proposed dwelling is c.16 metres from the site boundary to the east. It is not therefore considered that the proposed development would have a significant adverse impact on the residential amenity of existing adjacent dwellings by virtue of overlooking or overbearing visual impact.

8.3 Access and Traffic

8.3.1 The Planning Authority contend that the existing road access to the site is sub standard and Reason for refusal No.3 relates to the restricted width, capacity and alignment of the road leading to a danger to public safety and the creation of a traffic hazard. I also note the concerns of the owner of the lands immediately to the east of the appeal site who object to the proposed development on the basis that access for construction would lead to damage to the stone walls bounding their property and who state that they are not willing to cede or sell any land that would facilitate the widening of the access laneway in this location.

8.3.2 The site is accessed via an existing laneway with the site located c. 500 metres from the junction with the Letteragh Road. The existing laneway is narrow in certain locations being just sufficient for one vehicle to pass however there are a number of locations along its length in the vicinity of dwellings where it widens out such that two

vehicles could pass. The section from the Letteragh Road up to c. 50 metres from the appeal site is surfaced and given the passing locations available and the fact that the lane currently serves only seven dwellings I would not agree with the assessment of the Planning Authority that the current layout of the lane is a danger to public safety or a traffic hazard.

8.3.3 With regard to the section that is closest to the appeal site, there is a section of c. 50 metres in length between the proposed entrance to the appeal site and the existing limit of the surfaced part of the lane. The applicant proposes that he would pay for the surfacing of the lane over this length and while there is no record of a report from the area engineer in respect of the current proposal I note that a similar proposal was considered acceptable by the local authority in the case of the now expired permission granted under Ref. 05/2740 opposite the current appeal site. The existing extent of the surfaced laneway is indicated on the appeal file as being taken in charge.

8.3.4 With regard to the restricted width of the section of laneway immediately to the north east of the appeal site, it would appear from the submissions on file that no consent to the widening of this area will be provided by the adjoining landowner. The width of the lane in this location is a maximum of 3 metres and while restricted, I consider that this is adequate to enable satisfactory access for construction of the proposed development. It should also be noted that it will only be the appellants proposed property that will be currently using this extended section of the laneway.

8.4 Site Servicing

8.4.1 The Planning Authority have included reasons for refusal related to the lack of an available water supply (Reason No.4) and the inadequacy of the proposed on site treatment system given the location of the site on a poor aquifer (Reason No.2). The

issue regarding water supply is that the applicant has indicated a willingness to connect to the existing piped supply that terminates to the east of the site approximately at the location of the limit of the surfaced section of road. He has also indicated on the site plans a proposed bored well at the north west corner of the site. I consider that in the event of a grant of permission being considered that the applicant should be conditioned to connect to the existing piped water supply. I would also note that in the case of Ref. 05/2740 the Planning Authority included such a condition relating to water supply.

8.4.2 With regard to foul drainage, the appeal site is located on a poor aquifer and in an area that is classified as being of extreme vulnerability. The response matrix for on site treatment systems indicates that the response is R2(1) with the requirement being *'acceptable subject to normal good practice. Where domestic water supplies are located nearby particular attention should be given to the depth of subsoil over bedrock such that the minimum depths required (EPA, 2000) are met....'*. In the case of the appeal site and surrounding development a piped water supply is in use and a treatment system should therefore be acceptable in principle. I would agree with this assessment and note that there are a maximum of seven existing dwellings on the c. 500 metre long laneway with the closest treatment system being in excess of 75 metres from that proposed in the subject development.

8.4.3 Previous applications on the site, and specifically refusal of permission issued under Ref. 15/703 for the development of a dwelling on the site made reference to the lack of trial holes visible when inspected by the council. Results of a site assessment undertaken in November 2015 were submitted with the application and this indicates a T value of 25 and P value of 12. It is not clear from the results submitted what was the level of the water table and no open trial hole was observed at the time of my site inspection in August, 2016. On the basis of observations of the ground conditions recorded, the P and T test results submitted and having regard to the aquifer and

vulnerability status and the number and location of existing dwellings in the vicinity I consider that the proposed installation of an on site treatment system is acceptable in principle.

8.5 Other Issues / Appropriate Assessment

8.5.1 A screening for appropriate assessment was submitted with the application and notes that there are a total of six Natura 2000 sites located within a 10 KM radius of the site. These sites are as follows:

1. Lough Corrib SAC (000297)
2. Lough Corrib SPA (004042)
3. Connemara Bog Complex SAC (002034)
4. Ross Lake and Woods SAC (001323)
5. Inner Galway Bay SPA (004031)
6. Galway Bay Complex SAC (000268)

The nature of the proposed development is such that the potential pathway between the proposed development site and any of the above listed Natura 2000 sites is by way of groundwater pollution. Given the nature of the proposal and the proposed installation of an on site proprietary treatment system and the lack of a ground or surface water pathway to sites 1-4 above it is considered that subject to normal mitigation regarding construction, installation and maintenance of this system none of the above sites are likely to be significantly affected having regard to their conservation objectives.

8.5.2 The closest site to the appeal site is the Lough Corrib SAC and SPA sites which are c. 2.3km away. The closest surface water feature to the appeal site is a stream (Barna stream) located c. 125 metres to the east of the appeal site and this drains to Galway Bay c. 5 km away and within the Galway Bay Complex SAC and SPA. Given the groundwater conditions, the proposed on site treatment system, the separation distance to the Barna stream and the 5km reach of this stream before it meets the Galway Bay Complex SAC / SPA, it is not considered that the proposed development would be likely to have significant effects on these European sites – (Nos. 5 and 6 above) in the light of their conservation objectives.

9.0 Recommendation

In view of the above, it is recommended that permission be granted based on the reasons and considerations set out below and the attached conditions.

Reasons and Considerations

Having regard to the circumstances of the applicant, including his employment connections with the area, land ownership and the case made for a replacement dwelling on medical and building condition grounds, to the nature of the proposed development and to the pattern of development in the area, it is considered that the proposed development is in accordance with Objective RHO 6 of the Galway County Development Plan, 2015-2021 as it relates to replacement subject to compliance with conditions below, the proposed development

- would not seriously injure the amenities of the area or of property in the vicinity,
- would not be prejudicial to public health,
- would be acceptable in terms of traffic safety and convenience.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the proposed surfacing of the access road between the application site and the existing road that is taken in charge shall be submitted for the written agreement of the Planning authority prior to the commencement of development. This surfacing shall be undertaken at the expense of the applicant.

Reason: In the interests of traffic safety.

3. Prior to the first occupation of the new dwelling hereby permitted the applicant shall undertake the demolition of the existing dwelling located on his lands and the site shall be cleared to the satisfaction of the Planning Authority.

Reason: In the interests of clarity.

4. The proposed front boundary wall shall consist of natural local stone, the exact height and location of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof. External walls shall be finished in neutral colours such as grey or off-white.

Reason: In the interest of visual amenity.

6. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

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

Reason: To ensure adequate servicing of the development, and to prevent pollution.

8. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent pollution.

9. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 3 day of February, 2016, and in accordance with the requirements of the document “Wastewater Treatment Manual: Treatment Systems for Single Houses”, Environmental Protection Agency (current edition). 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) 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 in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

10. 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.

Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

11. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interests of sustainable waste management.

12. 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.

Stephen Kay
Planning Inspector

16 September, 2016