



An
Bord
Pleanála

Inspector's Report 247292

Development	New wastewater treatment system and percolation area, retention and completion of artist's studio, retention of revised site boundaries and all site development works.
Location	Mountain Park, Commons, Carlingford, Co. Louth.
Planning Authority	Louth County Council.
Planning Authority Reg. Ref.	16/315.
Applicant(s)	J. J. Duffy
Type of Application	Permission and permission for retention.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant(s)	Henry Johnston.
Observer(s)	None
Date of Site Inspection	26 th January 2017
Inspector	Deirdre MacGabhann.

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1.0 Site Location and Description

- 1.1. The appeal site lies c.700m south west of Carlingford town centre. It lies in an elevated rural area, overlooking Carlingford Bay, that is characterised by substantial one off housing on large plots. Access to the appeal site, and the wider area, is from a network of minor public roads and private laneways.
- 1.2. The 0.238ha appeal site contains a two storey residential property to the south west of the site and a partially constructed building to the north west of it (see photographs). The site falls from west to east. The site is bounded by minor laneways to the north and west. Residential properties lie to the west, south and east of the appeal site.
- 1.3. A small watercourse runs along the western boundary of the site, crossing over the laneway to the north of the site, and the site slopes from west to east. At the time of site inspection, trial holes, which had been opened up to the east of the property, were dry.

2.0 Proposed Development

- 2.1. The proposed development comprises:
 - Construction of a new wastewater treatment system and percolation area, to serve the existing property on the appeal site and the artist's studio.
 - Retention and completion of the artist's studio on the appeal site, to a height not exceeding 5m, finished in smooth plaster and black slate,
 - The retention of revised site boundaries,
 - All associated site development works.
- 2.2. Accompanying the application for permission/retention are the following reports:
 - *Appropriate Assessment Screening Report*. This report identifies Natura 2000 sites within 15km of the appeal site. It focuses on three which are connected to the site via local streams, Carlingford Lough SPA, Carlingford Shore SAC and by extension Dundalk Bay SPA and SAC. It concludes that, having regard to the absence of emissions from the site, no negative impacts upon

any Natura 2000 site will arise and that the proposed development does not therefore warrant progression to Stage 2 appropriate assessment.

- *Site Suitability Assessment for On-site Waste Water Treatment System.* This report describes the receiving environment for wastewater and based on the observed characteristics recommends that a package wastewater treatment system and sand polishing filter be installed, with discharge to groundwater. Drawings of the proposed polishing filter are provided.

2.3. Further information submitted by the applicant (9th August 2016) included:

- Clarification that the studio will be used by the applicant's wife, that there will be no visitors to the studio and that no toilet facilities are proposed in the studio (the only waste water associated with the development will be a sink used to clean brushes and artist's equipment).
- Details regarding the proposed wastewater treatment system and confirmation that a sand polishing filter would be installed (the Site Layout Map accompanying the planning application indicates a soil polishing filter).
- Confirmation that there are no wells within 60m of the proposed development.

2.4. On the 24th January 2017 the applicant clarified, for the Board, that the artist currently uses organic water soluble paints and pastels, containing non-toxic materials. Consequently, no hazardous solvents would be required in the studio with brushes washed with soap and water and other utensils cleaned using water washable oils or light oils (e.g. baby oil, walnut oil). All soiled rags will be disposed of off-site by external refuse contractor. The applicant also states that any oil based paints or thinners would impact on the performance of the waste water treatment system and it is not in his interest, therefore, to cause harm to the system.

3.0 Planning Authority Decision

Decision

3.1. On the 25th August 2016, the planning authority decided to grant permission for the proposed development subject to 6 no. conditions, including the following:

- No. 2 – Requires photographic evidence of the reduction in height of the building to 5m within two months of the grant of permission.
- No. 3 – Restricts the use of the building to that for ‘ancillary domestic purposes’. Specifically precludes visiting members of the public and commercial uses.
- No. 4 – Requires the applicant to submit a landscaping plan to illustrate planting along the north and east of the site for agreement.
- No. 5 – Requires that water for the entire site shall be supplied by the Mountain Park Group Scheme.
- No. 6 – Sets out requirements in respect of the proposed wastewater treatment system.

Planning Authority Reports

- 3.2. The Planning Officer’s report of the 6th June 2016 recommends further information in respect of the proposed development (number of visitors to the studio, details regarding wastewater treatment system and polishing filter, wells, number of residents, effluent arising from proposed studio and source of water supply).
- 3.3. The Planning Officer’s subsequent report (17th August 2016) states:
- The development as an outbuilding is acceptable in principle, based on the reduction in height of the building to 5m and the restriction of visiting members of the public and use of the building for commercial development.
 - The polishing filter is sufficient to address the waste water issue and therefore the development would have no adverse effect on the watercourse which links into the Carlingford Lough SAC/SPA.
- 3.4. It recommends granting permission for the development subject to conditions.

Technical Reports

- 3.5. On file are the following technical reports from the planning authority:
- Environmental Compliance (24th May 2016) – Request further information in respect of proposed wastewater treatment system, number of wells in area,

maximum number of residents in property, effluent runoff from artist's studio and water supply.

- Environmental Compliance (11th August 2016) – Recommends granting permission subject to conditions.
- Infrastructure (13th June 2016) – Recommends permission is granted.

Prescribed Bodies

3.6. No observations received.

Third Party Observations

- 3.7. One observer, Henry Johnston, objects to the proposed development on the grounds of impact on visual amenity, drainage (water running from site in winter onto public road) and precedent set by planning history of the site.
- 3.8. The observer attaches a copy of his letter to the planning authority regarding a previous application on the site for the retention and completion of the artist's studio, PA Ref. 15/264, which was refused by the planning authority. In this he raised concerns regarding visual amenity, impact on landscape, site density and light.

4.0 Planning History

- 4.1. The following applications have been made in respect of the appeal site:
- PA Ref. 99/720 – Outline planning permission was granted for one dwelling house on the appeal site.
 - PA Ref. 00/1407 - Planning permission was refused for a dormer bungalow, sewerage treatment system, percolation area and domestic garage.
 - PA Ref. 01/602 - Planning permission for a dormer bungalow was refused on the grounds that the applicant did not meet the qualifying criteria for residential development in an Area of Outstanding Natural Beauty.
 - PA Ref. 01/403 – Planning permission was granted for a dormer bungalow, sewerage treatment system, percolation area and domestic garage.

- PA Ref. 05/1713 - Permission for a conservatory extension to the property, domestic garage and boat house was refused on the grounds that the road network serving the site would be inadequate and the boat house would, therefore, give rise to traffic hazard, the domestic extension would be of an unauthorised dwelling and visual impact (discordant development in area of outstanding natural beauty).
- PA Ref. 06/607 - Retention permission granted for dwelling house, subject to conditions.
- PA Ref. 06/1531 - Retention permission granted for artist studio, subject to conditions (duration of permission extended under PA Ref. 11/486 to 8th February 2015).
- PA Ref. 15/264 – Permission for the retention and completion of the artist studio was refused on the grounds that:
 - (1) The parent permission (PA Ref. 01/1403) indicated the percolation area to be under the studio to be retained and the development would therefore be prejudicial to public health and contravene condition no. 1 of the parent permission,
 - (2) Impact of development on percolation area of original dwelling, surrounding area and watercourse to west of site, and, therefore, risk of consequential impact on nearby European sites, and
 - (3) Failure to submit satisfactory evidence that the existing septic tank could deal with the additional loading from the artist’s studio, failure to comply with EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses and, consequently, the impact of the development on public health.

5.0 Policy Context

Development Plan

- 5.1. The appeal site falls within the administrative area of the Louth County Development Plan 2015 to 2021. It lies on land zoned ‘Zone 1’ to the south west of Carlingford

town which principally relates to the high mountainous areas of Cooley, Feede and Ravensdale. Due to the extremely sensitive landscapes of this zone (which include pNHA, SAC and SPAs) only very limited development and/or extensions to existing authorised uses appropriate to these sensitive landscapes will be considered, including limited on-off housing. Development of a commercial, industrial or other similar nature is specifically excluded (Policies RD 31 and 32).

- 5.2. The site also falls within the Carlingford and Feede Mountains Area of Outstanding Natural Beauty. Policy HER 60 of the Plan seeks to protect the unspoiled natural environments of the Area for the benefit and enjoyment of the current and future generations.
- 5.3. Policy SS 61 of the Plan states that new detached domestic garages and outbuildings in the country side will be accommodated where the visual impact of the resultant additional building is consistent with the design of, and subservient to, the existing dwelling, is sited to reduce visual impact, maintains the dominance of the landscape at the site and is incidental to the enjoyment of the dwelling.
- 5.4. Proposals for domestic effluent systems are required to comply with the EPA's *Code of Practice: Wastewater Treatment Systems for Single Houses*' (Policy SS 65).
- 5.5. Policy WS 10 of the Plan requires the incorporation of Sustainable Urban Drainage System (SuDS) measures in all developments to reduce the quantity of run-off from sites, control run-off quality and minimise impacts on habitats and water quality.

Natural Heritage Designations

- 5.6. The site lies c.250m east of Carlingford Mountains SAC/pNHA (site code 000453), c.375m south west of the Carlingford Shore SAC (site code 002306) and c.1km south west Carlingford Lough SPA (site code 004078), see attachments.
- 5.7. Natura 2000 sites are afforded protection in the Development Plan, under Policy HER 5 and proposed NHAs under Policy HER 7 (see attachments).

6.0 The Appeal

Grounds of Appeal

6.1. The third party appeal is made on the following grounds:

- Validity of Application – The site bounds two access laneways. There was only one site notice erected despite the planning regulations requiring that a site notice be erected on each road. The site notice wording does not match the newspaper notice. There was no SUDS report submitted with the application.
- Planning History
 - The applicant did not construct the dwelling house on the site as per the permission granted under PA Ref. 01/403. An application for retention was made under PA Ref. 06/607 and granted despite the new application contravening the permission and conditions of PA Ref. 01/403.
 - Under PA 06/1531 permission was granted for the artist's studio (and extended under PA Ref. 11/486) subject to conditions. The applicant ignored planning conditions attached to the permission. Enforcement proceedings were therefore being initiated as the development was unauthorised. It is inequitable that the applicant should be able to build a structure in total disregard of planning guidelines and then simply apply for retention.
 - Under PA Ref. 15/264 permission was refused for the retention and completion of the artist's studio. The current application is in effect the same as this application. The reasons for refusal were never addressed and the unauthorised structure was not removed.
 - Current Application (PA Ref. 16/315): Application does not demonstrate how waste from the artist studio will be dealt with and could have a negative impact on nearby European sites. No surface water provisions, SUDS calculations or soakpits provided. Given the poor permeability of soils, rainwater run-off from the structure would further exacerbate localised flooding and soil water logging. No groundwater risk assessment

provided (proximity to Carlingford Lough SPA). Screening report is generic, insufficient and inconclusive. It does not address issues of flora and fauna in the area or the effect of the development on them. There is confusion/conflict between the Site Suitability Report and Screening Report (geology).

- Building Design – The studio is excessive in height, suburban, alien in form and would set an inappropriate precedent. The mono pitch roof is not in keeping with surrounding dwelling houses. The building cuts the skyline, bears no relation to the landscape, shares the same building line as the dwelling house and is not subservient to it. The studio blocks the appellant’s view and that from adjoining properties over Carlingford Bay and the Mourne Mountains. As the proposed development is a single storey building supposedly ancillary to the dwelling house then a height of at most 4m would have been sufficient.
- Artist’s studio, use and traffic implications – The artist’s studio will lead to an intensification of traffic in the area. The roads in Mountain Park are in poor condition, narrow and barely able to cater for local traffic. The use of the studio is a commercial one. The area is zoned for residential development (local needs only) and the development will contravene the Development Plan. The size of the development is not required.
- Development Plan Zoning –The proposed development does not meet the criteria set out in Policy RD 31. The proposed development is not location or resource led. The policy specifically precludes commercial, industrial or similar development.

Applicant Response

- 6.2. The applicant does not respond to the appeal.

Planning Authority Response/Observations

- 6.3. The planning authority makes no additional comments on the appeal and there are no observations on the appeal.

7.0 Assessment

- 7.1. Having regard to the appeal file and my inspection of the site, it is my view that the key issues arising in respect of the proposed development are confined to the following matters:

Principle

- 7.2. Whilst the appeal site is situated in 'Zone 1' lands, permission for a residential dwelling on the appeal site was established under the parent permission PA Ref. 01/1403 and subsequently under PA Ref. 06/607 (retention permission). Further, policies of the County Development Plan facilitate the construction of domestic garages and outbuildings in the countryside, subject to certain conditions (Policy SS 61), including that the garage or outbuilding is subservient and proportional to the dwelling. The development, subject to meeting these criteria, is therefore in principle acceptable.

Planning History

- 7.3. Under PA Ref. 01/1403, permission was granted for a dwelling house on the appeal site with a sewage treatment plant and percolation area. Retention permission was subsequently granted under PA Ref. 06/607 for a dwelling house on the site. Plans for the development indicate that the dwelling house was constructed in the southern part of the site, with a septic tank in the approximate location of the proposed artist studio (see attachments).
- 7.4. Under PA Ref. 06/1531, the artist studio was granted planning permission with the studio sited to the north of the dwelling house and south of the septic tank (see attachments). In 2015 permission was refused for the retention of the artist studio, under PA Ref. 15/264, which had been constructed on the site of the septic tank (see attachments) with consequential impacts for public health and European sites.
- 7.5. I would accept, therefore, the appellant's observations, that development on the appeal site has taken place in a manner which has been contrary to terms of the planning permission which has been granted, with retention sought to address unauthorised development. This is not a matter for the Board, but the planning authority under their enforcement powers and section 35 of the Planning and Development Act 2000 (as amended). Notwithstanding this, the applicant is entitled

to bring forward an application for retention permission and it has been validated and determined by the planning authority. The merits of the proposed development are now considered here, including matters of public health and impact on European sites, which were reasons for refusal under the previous application for retention under PA Ref.15/264.

Visual Impact

- 7.6. On the foothills of the Feede and Carlingford Mountains, the proposed development is situated in a sensitive rural area. It lies within land zoned 'Zone 1' of the County Development Plan and within an Area of Outstanding Natural Beauty. Policies of the Louth County Development Plan seek to protect the natural unspoilt physical landscape by considering only very limited development and/or extensions to existing authorised uses appropriate to the sensitive landscapes (Section 3.10.1). Specifically, Policy RD 31 states:

'To permit only very limited development appropriate to these sensitive landscapes. This would include limited one off housing, active recreational amenities ... Certain unique, location tied or resource based developments and renewable energy schemes will be open to consideration. Such development will only be considered where it does not adversely impact on the conservation objectives of the Natura 2000 sites'.

- 7.7. Policy RD 32 specifically states that development of a commercial, industrial or other similar nature will not be considered appropriate.
- 7.8. The proposed development comprises an artist studio which is ancillary to the residential use of the appeal site. It is stated in the application documentation that applicant's wife will be the sole artist and there will be no visiting members of the public. I would accept, therefore, that the proposed development is not a commercial use and comes forward as an extension to an existing authorised use.
- 7.9. Policy SS 61 of the Plan states that new detached domestic garages and outbuildings in the country side will be accommodated where the visual impact of the resultant additional building is consistent with the design of, and subservient to, the existing dwelling, is sited to reduce visual impact, maintains the dominance of the landscape at the site and is incidental to the enjoyment of the dwelling.

7.10. The proposed development lies in an area where there is substantial one off housing on large sites, with a mix of architectural styles. The studio is sited to the north of the dwelling on slightly more elevated lands. It is designed with a monopitch roof and when viewed from the laneways to the north and west of the site it is substantial in scale. I estimate the ridge height to be c. 5.5m and I note that the space is currently sub-divided by timber joists, suggesting possible use of the upper space. Whilst the studio is smaller in height than the adjoining dwelling, it is not substantially subservient to it and, from some perspectives, competes with it. I would concur with the view of the planning authority, therefore, that as built the studio is excessive in height. Further, I consider that even with a ridge height of 5m the studio would be very visible and obtrusive from the public laneways to the north and west of the site. Having regard to the location of the development in a sensitive landscape (Zone 1) and policies of the plan which seek to permit only very limited development in these, I consider that the scale of the development should be further reduced to a maximum ridge height of 4m to ensure that it is clearly subservient to the existing dwelling and is acceptable in terms of its impact on the landscape. This matter could be dealt with by condition.

Traffic

7.11. The appeal site lies on a minor laneway. However, the proposed studio will be used by the applicant's wife alone, ancillary to the residential use of the property. Within this context, is unlikely to generate significant additional vehicle trips or give rise to a traffic hazard.

Surface Water

7.12. The appellant raises issues regarding provisions for surface water and to policies of the County Development Plan which require the incorporation of Sustainable Urban Drainage Systems (SuDS) measures in all developments (Policy WS 10).

7.13. I note that there is no information on the Site Layout Map (or other drawings) indicating the arrangements for the disposal of surface water. The proposed development is modest in scale however rain falling onto the studio and any associated hard standing area needs to be managed within the site to prevent localised ponding of water, flooding of the proposed waste water treatment system or off-site discharge. At the time of site inspection, the appeal site was dry under foot

and the exposed trial holes were all dry. Having regard to this observation and the modest nature of the development, I consider that surface water could in principle be managed within the site. If minded to grant permission for the development, this matter could therefore be addressed by condition i.e. to require the applicant to agree with the planning authority Sustainable Urban Drainage System measures and to implement these within a defined timescale.

Disposal of Waste Water

- 7.14. As stated, the proposed development comprises:
- a. An artist's studio, and
 - b. A wastewater treatment system and sand polishing filter.
- 7.15. Plans of the studio to be retained indicate a sink in the artist work bench which is connected to the waste water treatment system¹.
- 7.16. The Site Suitability Assessment refers to the existing dwelling on the appeal site and demonstrates its capacity to treat effluent arising from this. It identifies the bedrock as Dinantian Mixed Sandstones, Shales and Limestones with overlying till derived chiefly from granite. The underlying aquifer is locally important (Lm), it has a High status of vulnerability and the site lies within a groundwater protection scheme. The data is supported by extracts from the GSI database.
- 7.17. The EPA's *Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses* advises that in these circumstances (Groundwater Protection Response, R1), the site would be suitable for an on-site treatment system subject to normal good practice in terms of system selection, construction etc.
- 7.18. Trial holes found no water table or bedrock present and percolation tests concluded that the site was suitable for a percolation area for a septic tank (T test result = 39.38 min/25, which is in the acceptable range of 3-50). As stated above, at the time of site inspection there was no water standing in any of the exposed trial holes on site which would support the conclusions of the site assessment. Notwithstanding the

¹ I refer the Board to photographs of the studio which indicate three potential waste pipes in the approximate position of the proposed sink. However, the applicant has applied for retention permission for use of the artist studio with one sink. Any deviation from this would be a matter for the local authority under their enforcement powers.

above, due to site constraints (restricted separation distances to properties and watercourse), the report recommends the use of a package wastewater treatment system and sand polishing filter. Further information submitted to the planning authority indicates that the proposed system can accommodate a dwelling for 6 p.e. and one additional p.e. for any waste discharged from the artist studio.

7.19. In response to the Board's request for further information, the applicant has clarified that the artist currently uses organic water soluble paints and pastels composed of non-toxic materials. No hazardous solvents are required and no thinners will be used within the studio. Further, the applicant has clarified that it the disposal of oil based paints or thinners into the waste water treatment system will have a detrimental impact on it and it is not in his interest to case the system to fail.

7.20. Having regard to the above I consider that the applicant has demonstrated that the proposed effluent treatment system can accommodate the waste arising from the site and from the artist studio. I would consider therefore, that there are no risks to groundwater arising from the proposed development, subject to appropriate installation, commissioning and maintenance.

Appropriate assessment

7.21. The applicant's Appropriate Assessment Screening Report Natura 2000 sites within 15km of the appeal site (Appendix 1). Some of these occur upstream of the proposed development or are substantially removed from it with no pathways connecting the Natura 2000 site to the appeal site and are excluded from the assessment.

7.22. Three sites lie downstream of the appeal site (see attachments):

- Carlingford Mountains SAC (site code 000453) - c.250m west of the appeal site.
- Carlingford Shore SAC (site code 002306) – c. 375m north east of the appeal site.
- 002306) and c.1km south w Carlingford Lough SPA (site code 004078) – c.1km north east of the site.

7.23. Having regard to the presence of a watercourse along the western boundary of the site and to the direction of underground flow (which typically follows topography), it is

possible that surface and underground pathways connect the appeal site to these downstream Natura 2000 sites. Potential sources of pollution include contaminated surface water discharging from the site and inadequately treated effluent from the wastewater treatment system.

- 7.24. As stated above, surface water discharges arising from the modest development could be readily controlled by the implementation of standard Sustainable Urban Drainage System measures. Further, the applicant has demonstrated that waste water arising from the site (dwelling and artist studio) can be adequately treated via the proposed package waste water treatment system. Consequently, if constructed in accordance with the details on file, no contaminated effluent should discharge from the site or, therefore, impact on downstream Natura 2000 sites.
- 7.25. I consider, therefore, that it is reasonable to conclude 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 Site Nos. 000453, 002306 and 004078, Carlingford Mountains SAC, Carlingford Shore SAC and Carlingford Lough SPA (respectively), 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.

Other Matters

- 7.26. The appellant refers to inconsistencies between the Site Suitability Assessment and the AA Screening Report in respect of geology. I note that the Site Suitability Assessment refers to the geology of the site and is supported by material from GSI. In contrast the AA Screening Report refers to the underlying geology of the land mass to the west of Carlingford Lough, in particular in the vicinity of the Lough (sand/gravel banks, intertidal mud flats, geology at the mouth of the Lough). I do not consider, therefore, that the differences between the reports, which describe different aspects of the local geology, are material.
- 7.27. The applicant argues that the AA Screening Report does not address issues of flora and fauna in the area or the effect of the development on them. However, the purpose of the AA Screening Report is to assess the effect of the development on

Natura 2000 sites, it is not required to consider the impact of the development on flora and fauna in the area or on the site.

- 7.28. Notwithstanding this, I note that the proposed development comes forward within an existing residential site where soil has been disturbed and habits comprise re-colonised bare ground, stone walls and other stonework and hedgerows (page 9 of AA Screening Report). No species of conservation interest were identified within these habitats and no fauna were observed. Consequently, I do not consider that the proposed development would adversely impact on flora or fauna on or near the site (given the absences of discharges from it).
- 7.29. The appellant refers to the inadequacy of site notices (only one site notice erected on one public road, wording of site notice does not match newspaper notice). The application for the proposed development, and the associated site notices, has been validated by the planning authority under their statutory powers. However, I do note that Article 19 of the Planning and Development Regulations 2000 (as amended), do not require a site notice on all public roads which adjoin a development. Further, the newspaper notice is consistent with the requirements of Article 18 of the Regulations (Notice in Newspaper) and the site notice with the requirements of Article 19 (Site Notice) and Form No. 1, Schedule 3 of the Regulations.

8.0 Recommendation

- 8.1. Having regard to the matters considered above, I recommend that permission and retention permission be granted for the proposed development subject to conditions.

9.0 Reasons and Considerations

- 9.1. Having regard to the established residential use of the appeal site, the nature of the proposed development which is ancillary to the residential use, the policies of the County Development Plan in respect of domestic outbuildings, the applicant's Site Suitability Assessment, the observed site characteristics and details in respect of the means to treat wastewater, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the visual amenity of the area, would be acceptable in terms of traffic safety and public health and, either individually or in combination with other plans or projects, would

not be likely to have a significant effect on any European site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 9th day of August 2016, and by the further plans and particulars received by An Bord Pleanála on the 24th day of January 2017, 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. The proposed development shall be amended as follows:
 - (a) The ridge height of the proposed monopitch roof shall be redesigned to a maximum height of 4 metres.

Revised drawing showing compliance with these requirements, and a timescale for implementation, shall be submitted to the planning authority, for written agreement within 3 months of the date of this order.

Reason: In the interests of visual amenity.

3. The building shall at no time be used by visiting members of the public or for any commercial use.

Reason: In the interests of traffic safety, residential amenity and protection

of the amenity of the rural area.

4. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority, within 3 months of the date of this order. This scheme shall include the following:
 - (a) A plan to scale of not less than 1:500 showing planting along north and eastern site boundaries, which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder, and
 - (b) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased 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 the interest of residential and visual amenity.

5. Within 3 months of the date of this order, details of the means to dispose of surface water on the site, to include appropriate SuDS measures, shall be submitted to and agreed in writing with the planning authority.

Reason: To prevent pollution.

6. Water supply arrangements shall comply with the requirements of the planning authority for such works.

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

7. (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 10th May 2016 and the 9th August 2016, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. 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 commissioning of the system, 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.
- (c) The artist's studio shall not be occupied until the applicant has demonstrated compliance with (b) above.

Reason: In the interest of public health.

Deirdre MacGabhann
Senior Planning Inspector

1st February 2017