



An
Bord
Pleanála

e

Inspector's Report PL19.247818.

Development

Permission for retention of agricultural shed and permission to install a new septic tank and percolation area and all associated site works.

Location

Killananny, Killoughney, Tullamore.
Co Offaly.

Planning Authority

Offaly County Council.

Planning Authority Reg. Ref.

16/94

Applicant(s)

Tom Lalor.

Type of Application

Permission

Planning Authority Decision

Grant permission subject to conditions.

Type of Appeal

Third Party

Appellant(s)

Pat and Ann Guinan

Observer(s)

None

Date of Site Inspection

7th April 2017

Inspector

Bríd Maxwell

1.0 Site Location and Description

- 1.1. The appeal site which has a stated area of 0.91 hectares is located within the townlands of Killananny, Killoughney a rural area approximately 10km to the southwest of Tullamore, County Offaly. The site comprises a residential dwelling site which is roughly triangular in shape and the dwelling is located centrally thereon. To the rear and western extremity of the site is a substantial shed structure which has a floor area of 353 sq.m, eaves height of 5.6m and ridge height of 7.03m. The construction comprises of a reinforced concrete perimeter base wall with green corrugated sheeting over to walls and roof. The structure is constructed on a level platform achieved by way of extensive cut and fill. A hardstanding area is provided forward of the structure. Site boundaries are defined by a mix of hedging and fencing. There are residential dwelling sites adjoining to the north and south while surrounding lands are predominantly in agricultural use.

2.0 Proposed Development

- 2.1. The application seeks permission for retention of the existing agricultural shed of 353 sq.m and all associated site works and also seeks permission to install a new septic tank and percolation area (to serve the existing dwelling) and all associated site works. During the course of the application to the council and in response to the request for further information the applicant clarified that the shed is to be used as an agricultural machinery store in connection with the applicant's occupation as an agricultural contractor.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1 Following requests for further information and clarification of further information, Offaly County Council by order dated 7th December 2016 decided to grant permission subject to 8 conditions which included the following of particular note:

- Condition 5. The shed shall be used for the service and storage of plant and machinery associated solely with agriculture.
- Condition 6. The shed shall be used only for the purpose of agricultural machinery storage excluding the housing of animals or the storing of effluent.
- Condition 7. The existing hedge planted on the southern boundary of the site shall be reinforced with Ilex Aquilifolium (Holly) at a spacing of 1.5m intervals. This landscaping shall be implemented within the first planting season,
- Condition 8. The proposed septic tank, surface water system and percolation area shall be constructed within 4 months of the granting of this permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Initial Planner's report recommended seeking additional information regarding surface water disposal, clarification of proposed use of the shed and a revised landscaping scheme.
- Environment and Water Services Report indicates no objection subject to conditions.
- Area Engineer recommends relocation of proposed soakaway to the front of the site to mitigate potential runoff to adjoining site to the south.

3.3. Third Party Observations

3.3.1 Submission from Peter Crossan on behalf of Pat and Ann Guinan, owners and residents of the adjacent property to the south of the site. The submission also includes an arborist report by Independent Tree Surveys and a visual impact report by Geraldine Hays, Hayes Ryan Landscape Architects. Key issues raised are summarised as follows:

- Objection is to the retention of the shed which dominates the adjacent property to the detriment of residential amenity.

- Concerns are expressed regarding impact of site clearance works on drainage and potential flooding impact noting history of flooding on the site. Risk of flooding of adjacent septic tank.
- Planning system should uphold proper procedures.
- No justification for the development.
- Negative impact on landscaping and trees as addressed in Arborist report.
- Inadequate screening.
- Noise pollution and light spill.

4.0 **Planning History**

00/915 Permission Consequent for dwelling house and septic tank.

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1 The Offaly County Development Plan 2014-2020 refers.

- Rural Strategy is addressed at 2.8.
- Rural Development Objectives are set out at 2.10
- Development Management Standards in relation to Agricultural Development are set out in Chapter 8. At 8.12 it is set out that *“Agricultural buildings and associated works, while accepting the need to be functional, are required to be sympathetic to their surroundings in terms of scale materials, finishes and siting.”*

5.2.1 **Natural Heritage Designations**

- The site is located 3.4km from the Clonaslee Eskers and Derry Bog SAC.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 The appeal is submitted by Pat and Ann Guinan, owners and residents of the adjacent dwelling site to the south. Grounds of appeal are summarised as follows:

- No issue with proposal to install new septic tank and percolation area.
- Object to the retention of the shed on grounds of visual impact and invasion of privacy. The structure is out of proportion on a dwelling site.
- Landscaping scheme and condition 7 wholly inadequate in terms of barrier screening. Roadway impacts on adjacent trees.
- Flooding. Surface water arising from shed and surrounding impermeable surfaces will exacerbate existing flooding issue on the land.
- Legal entitlements regarding surface water drainage overflow.
- Health and safety issues arising from location close to dwelling house
- Washing of machinery and storage of liquid fuel. Requirement for petrol oil interceptor as required in similar application 14/279
- No evidence of waste permit for fill.
- Light spill and noise are not addressed.
- Potential for ground slippage due to “cut-in” on the hill.

6.2. Applicant Response

6.2.1 The response by Sean Lucy and Associates Ltd, Town Planning Consultants on behalf of the First Party is summarised as follows:

- Applicant is an agricultural contractor and shed intended to provide secure accommodation for machinery
- No intent to impact on neighbouring residential amenity.

- Give the distance of approximately 68m from the appellant's dwelling and use of intervening area primarily as a paddock impact is minimal.
- Shed has no windows other than rooflights and overlooking does not occur.
- Flooding on the appellants site occurred prior to any works on site
- Fence along the southern boundary will ensure no health and safety risk.
- Apart from washing of machinery first party rarely undertakes work for the on-site servicing of machinery outside normal working hours.
- No significant impact in terms of light spill.
- Excavation has resulted in a well-integrated development in the context of the site and surroundings. Further screening in terms of planting or fencing is acceptable to the first party.

6.3. Planning Authority Response

6.3.1 The Planning Authority did not comment on the appeal or responses thereto.

6.4. Further Responses

6.4.1 Response of third party appellant to first party response to the appeal reiterates the grounds of appeal regarding:

- Proper planning procedures.
- Scale of shed not typical on dwelling site.
- Object to servicing of machinery.
- Rear garden is used as an amenity area.
- Experts indicate that the row of leylandii will not last and in any event unsuitable
- Significant and ongoing history of flooding is outlined.
- Do not consent to placing of surface water pipe to the front of property.

- Slip risk adjacent to the shed due to large scale excavation. Steep slope poses a health and safety risk.
- RL2235 sets implications regarding agricultural shed on a site in the absence of an established agricultural use. Note no land is associated with the agricultural shed and use by an agricultural contractor renders the shed a commercial shed not an agricultural shed.

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 key focus for assessment relates to the use of the shed proposed for retention, its visual impact, impact of surface water run-off and impact of the development on the residential and other amenities of the area.
- 7.2 Having regard to the size of the structure proposed for retention (353 sq.m in area and height of 7.03m) it is clearly considerable in scale particularly given the nature of the site as a rural domestic site. I note the submissions of the third party appellant regarding the description of the development as an agricultural shed given the absence of an associated agricultural landholding. I note the details submitted regarding the intended use of the structure for the storage of the agricultural machinery in connection with the first party's occupation as an agricultural contractor. I consider that the intended use is clearly stated and therefore note no ambiguity in this regard. I further note the third party appellant's reference to proper planning procedures and clearly an application in advance of development having been carried out on the site is the most appropriate approach however the planning system provides for retrospective application in respect of unauthorised development and therefore in this regard I consider that the development proposed for retention and the proposed development can be considered on its merit.
- 7.3 On the issue of the proposed installation of a new septic tank, I note that this is required to serve the established dwelling as the existing septic tank system

is compromised by the access road to the rear of the site. The site suitability assessment sets out the nature and character of the site. In the trial hole excavated to 2.1m neither water table nor bedrock were encountered. Soil is described as clay to 0.1m with subsoil layer of clay and stone (possible fill) 0.1 to 0.7m leading to gravels from 0.7-1.1m and silt with stone from 1.1m to 2.1m. A t value of 37 was determined. Based on the details submitted it is evident that a waste water treatment system can be provided on the site in accordance with the EPA standards. I further note that the third party appellant has no objection to this element of the development.

7.4 As regards the visual impact of the structure from the wider area, I consider notwithstanding its substantial size the structure proposed for retention is reasonably well assimilated into the landscape and is not unduly prominent. I consider that the impact from the appellant's dwelling can be further mitigated by appropriate additional screen planting as proposed. Light spill is not significant and there are no overlooking windows from the structure. As regards health and safety issues and concerns regarding ground stability, I note that the additional landscaping proposals as set out in response to the Council's request for additional information set out to further address this issue.

7.5 In relation to the drainage of the site I note that the third party appellant raises concern that the surface water runoff from the shed and adjacent hardstanding area may exacerbate existing flooding problems on the appellant's site. In response to the request for further information and clarification of further information the first party outlined surface water proposals. Runoff rear from the shed structure and hardstanding area is collected and discharged to an onsite soakaway trench which is installed with an overflow drainage pipe and is to be piped from the front roadside boundary to the open roadside drain, subject to relevant road opening licence from the local authority. I consider that the proposal is satisfactory and proposed scheme appropriately mitigates potential for run off to the adjoining site.

- 7.6 The application outlines that the structure is intended for the purposes of storing agricultural machinery. I consider that subject to this use the proposal will not give rise to undue impact on amenity in terms of noise or other impacts. As regards refuelling of vehicles I consider that this should be prohibited by condition. I conclude that having regard to the size of the site, scale and proposed use of the structure and subject to further screen planting the development proposed for retention and proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.
- 7.7 As regards the issue of Appropriate Assessment having regard to the nature and scale of the proposed development and nature of the receiving environment and distance 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 or projects on a European site.

REASONS AND CONSIDERATIONS

Having regard to the pattern of development in the area, the design and nature of the works proposed for retention and proposed development, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention and proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development to be retained and proposed development shall be in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars submitted on the 14th day of October 2016 and by further plans and particulars submitted on the 10th day of November 2016 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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The shed shall be used for the storage of agricultural machinery. No refueling of machinery shall be carried out on site.

Reason: In the interest of residential amenity.

3. The landscaping scheme detailed in submission of Kelly's Nursery Ltd as submitted to the Planning Authority on 14th day of October 2016 shall be carried out within the first planting seasons following the grant of permission.

Reason: In the interest of residential and visual amenity.

4. 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. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

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

5. The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled “Wastewater Treatment Manual – Treatment Systems for Single Houses” Environmental Protection Agency 2000.

Reason: In the interest of public health.

Brid Maxwell
Planning Inspector
7th April 2017