



An
Bord
Pleanála

Inspector's Report PL03.248419

Development	Change of use of the Old Schoolhouse into a dormer dwelling, installation of a treatment system, polishing filter, surface water soak pit, an on-site well and associated services.
Location	Old Schoolhouse, Drumbanif, Crusheen, Co. Clare.
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	17/97
Applicant(s)	Donal and Geraldine Whelan.
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	John Whelan
Observer(s)	None
Date of Site Inspection	14 th July 2017

Inspector

Rónán O'Connor

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1.0 Site Location and Description

- 1.1. The site is located in a rural area to the east of the village of Barefield, and approximately 12 km north-east of Ennis, and is accessed via a local road. There is an old school house building on the site. A new roof is under construction and is substantially complete.
- 1.2. The appeal site is bounded by farmland to the north, west and south, and by a local road to the east.

2.0 Proposed Development

- 2.1. Change of use of the Old Schoolhouse into a dormer dwelling, installation of a treatment system, polishing filter, surface water soak pit, an on-site well and associated services.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Grant permission. There are no conditions of particular note.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planning officer reflects the decision of the planning authority.

Points of note are as follows

- Siting and design/impact on visual and residential amenities considered acceptable
- No traffic hazard created
- Water and waste water proposals acceptable

3.2.2. Other Technical Reports

Environmental Scientist – treatment system can be accommodated on site.

Condition as usual.

3.3. Prescribed Bodies

- 3.3.1. An Taisce – Design should be in keeping with the landscape and the County Guidelines/water management issues

3.4. Third Party Observations

- 3.4.1. 1 submission was received. The issues raised are covered in the grounds of appeal.

4.0 Planning History

- 4.1. 17-96 - Grant – New roof

5.0 Policy Context

5.1. Development Plan

Clare County Development Plan 2017-2023

- 5.1.1. The appeal site is designated as a working landscape and is outside any area of special control. The following objectives are relevant:

- CDP 15.4 Vernacular Heritage

5.2. Natural Heritage Designations

- 5.2.1. None

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The grounds of appeal, as submitted by the Third Party Appellant, are as follows

- Will limit the amount of slurry that can be spread near the site
- Area of site 0.078 Ha not 0.78 Ha
- Concerns in relation percolation area and filtration system
- Impact on lands, drains close to the boundary and on stream nearby

6.2. Applicant Response

6.2.1. The applicants' response to the Third Party Appeal, can be summarised as follows:

- No factual information in the appeal in terms of claimed reductions in areas for spreading slurry etc
- Area quoted was a type which was corrected in the planner's report
- Drainage comments relate to appellant's lands only
- There is no actual appeal against the decision of Clare County Council to grant permission and the appeal should be invalid
- The applicants have a housing need – elderly mother lives nearby/nearby house is not suitable for a family of four and mother
- Hole on site was placed there for future water harvesting and is currently not in operation
- Building needs to have a reliable source of water so impact of slurry on a well are not a valid ground for objecting to a change of use
- Unlikely to impact on stream which is 60-70m away
- Any lateral movement of treated effluent into the drains will not enter at a single point but rather diffuse into them over a distance
- Spreading raw slurry over ground surface is far more likely to compromise surface water quality than the proposed development
- Change of use is the only way this building is going to be preserved.

6.3. Planning Authority Response

6.3.1. Request that An Bord Pleanála uphold the decision of the planning authority.

6.4. Observations

6.4.1. None.

6.5. Further Responses

6.5.1. None.

7.0 Assessment

7.1. The following assessment covers the points made in the appeal submissions and also encapsulates my *de novo* consideration of the application. The main issues in the assessment of the proposed development are as follows:

- Principle of Development
- Design and Visual Amenity Impact
- Waste Water/Water Supply
- Access
- Appropriate Assessment

7.2. Principle of the proposed development

7.2.1. There is no objection in principle to the change of use of the building to a residential dwelling, subject to the considerations below.

7.3. Design and Visual Amenity Impact

7.3.1. The existing building is a former schoolhouse building of a relatively small scale and is in the traditional rural vernacular. The building has permission for a new roof, and at the time of my site visit, this was substantially complete.

7.3.2. The proposal is keeping the footprint of the building with the existing schoolhouse walls to be retained. The raising of the roof has been approved under a separate application. A number of new windows and doors are proposed for the external elevations. The scale and appearance of the proposed alterations are acceptable in my view and the visual impact of same is, therefore, also acceptable.

7.4. Waste Water/Water Supply

7.4.1. In relation to water supply the applicants are proposing to utilise a new well on site, located on the north-west boundary of the site.

- 7.4.2. In relation to waste water, a packaged waste water treatment system and polishing filter bed is proposed to serve the proposed development.
- 7.4.3. The GSI Groundwater maps show that the site is located within an area with an Aquifer Category of 'Locally Important' with a vulnerability classification of 'Extreme', representing a GWPR response of R2¹ under the EPA Code of Practice (COP). According to the response matrix, on-site treatment systems are acceptable in such areas subject to normal good practice, although where domestic water supplies are located nearby, particular attention should be given to the depth of subsoil over bedrock.
- 7.4.4. The trial hole assessment submitted by the applicant encountered the watertable at 1.4m. This exceeds the minimum depth of 0.9m for secondary treatment systems as set out in the COP.
- 7.4.5. The site characterisation records a T-test value of 18.42. A T value of greater than or equal to 3 and less than or equal to 50, means that the site is suitable for the development of a septic tank system or secondary treatment system discharging to groundwater.
- 7.4.6. I note the minimum separation distances in Table 6.1 of the COP. The percolation area should be located at least 10m from the dwelling and 4m from the road. In this instance, the separation distance from the dwelling is 8.2m and approximately 2m from the road. In this instance, given the small scale of the dwelling, with a limited occupancy, and the restricted site area, I consider the distances as set out above to be sufficient.
- 7.4.7. The dwelling will be served by a new well at a distance of approximately 26m west from the proposed percolation area. Table B3 of the COP provides guidance in relation to the separation distances to wells, which are upgradient, downgradient and at gradient with percolation areas.
- 7.4.8. The Site Characterisation Report states that the likely groundwater flow direction is south-west. This is away from the proposed well which is located to the west of the percolation area. I also note the rise in elevation as one moves from south to north, and therefore the proposed well is likely to be upgradient of the proposed percolation area, requiring a minimum required distance of 15m. It also meets the minimum required distance for situations where there is no gradient (25m).

- 7.4.9. I note the appellant has raised the issues of possible contamination of drainage ditches on the surrounding farmland, with subsequent contamination of the nearby stream, located to the south of the site. This river is located approximately 56m from the site, at the closest point, which is due south. Having regard to this distance, I am satisfied that it is unlikely that there will be contamination of this stream.
- 7.4.10. In conclusion therefore I consider that the site is suitable for the wastewater treatment proposed and that no significant risk of ground or surface water pollution exists.
- 7.4.11. In relation to the issue of spreading of slurry, and the restriction of same, I consider it reasonable that good farming practice should apply here, with regard to other relevant environmental legislation, and possible contamination of water supply due to slurry spreading is not a material reason to refuse a domestic dwelling on this site.

7.5. Access

- 7.5.1. The applicants are proposing a new site access and the old access is to be removed with a new wall put in place. No information in relation to sight lines has been submitted with the application, although I note the planning authority did not raise an objection in relation to road safety. I note the existing entrance has poor sightlines to the north. However, the location of the proposed new entrance improves the situation and adequate site lines can be achieved at this new access. I do not consider, therefore, that the proposal will result in a traffic safety hazard.

7.6. Appropriate Assessment

- 7.6.1. The closest designated European Site is the Slieve Aughty Mountains SPA, the boundary of which is located relatively close to the site, 55m to the south-east. The Conservation Objective of this SPA is to maintain or restore the favourable conservation condition of the Hen Harrier and Merlin.
- 7.6.2. There is a likely direct source-pathway linkage to this SPA, via groundwater and surface water drainage to the nearby stream which runs through the SPA. However, having regard to the scale and nature of the proposed development, a small scale domestic dwelling, with a waste water treatment system that presents no significant risk of ground or surface water pollution, I conclude that the proposal will not be detrimental to the Conservation Objectives identified above and would not be likely

to have a significant effect, individually or in combination with other plans or projects, on any designated European site.

8.0 Recommendation

8.1. I recommend that permission be granted for the reasons and considerations below.

9.0 Reasons and Considerations

9.1.1. Having regard to the pattern of development in the vicinity and the policies of the current Clare County Development Plan 2017-2023, it is considered that the proposed development would not seriously injure the visual or residential amenity of the area, nor result in any adverse impacts on groundwater or surface water and would be acceptable in terms of traffic safety. 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 13th Day of February 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 interests of clarity.

2. The water supply to serve the proposed dwelling shall have sufficient yield to serve the proposed development, and the water quality shall be suitable for human consumption. Details, demonstrating compliance with these requirements, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate water is provided to serve the proposed dwelling, in the interest of public health.

3. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 13th Day of February 2017 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. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.

(b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.

(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.

(d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.

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

Reason: In the interest of public health.

4. 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.

5. 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.

Reason: In order to prevent pollution.

6. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the dwelling.

7. 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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

Rónán O'Connor
Planning Inspector

3rd August 2017