



An
Bord
Pleanála

Inspector's Report PL91.249284

Development	House, entrance, waste water treatment system and all associated works.
Location	Clonshire Beg, Adare, Co.Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	17/531
Applicant	Jake Bell
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. Grant
Appellant	Martin White
Observer(s)	None
Date of Site Inspection	22/11/17
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

- 1.1. The site, which has a stated area of 0.2471 hectares, is within the townland of Clonshire Beg c. 3.5km to the south-west of Adare. It is located on the north-western side of the crossroads of local roads L8024 and L8025, situated directly opposite the main entrance to Clonshire Equestrian Centre. The site is level and roughly rectangular in shape.
- 1.2. The site is bounded by the local roads to the south and east with an existing agricultural access available onto L8024 in the south-eastern most corner. Hedgerows delineate the roadside and rear boundaries. A two storey dwelling bounds the site to the west. The existing well stated to be in the north-eastern most corner of the site was not evident on inspection.
- 1.3. The vicinity of the site is characterised by notable levels of one off housing of varying single, dormer and two storey designs with a large two storey dwelling opposite the site to the south.

2.0 Proposed Development

- 2.1. The application was lodged with the planning authority on the 09/06/17 with further plans and details received 15/08/17 following a further information request dated 01/08/17.
- 2.2. The proposal is for a two storey dwelling with a stated floor area of 260 sq.m. and ridge height of 8.3 metres with external finishes to be a mix of render with stone detailing.
- 2.3. A new entrance is proposed onto Local Road L8024 in the north-eastern most corner of the site with the existing access to be closed up. Consent from the adjoining landowner to make necessary alterations to his roadside boundary hedge is submitted in support.
- 2.4. The dwelling is to be served by a proprietary effluent treatment system and percolation area to be located in the south-eastern corner. As per the site characterisation form which dates back to 2010 no water was encountered in the trial hole with a percolation T value of 55 recorded at depths of between 1500 and 1900mm.

- 2.5. Water is to be from the existing well.
- 2.6. A letter from Prof. L Gill dated 17/07/17 in support states that the use of a Bison activated sludge plant as a secondary treatment system which then discharges its effluent into an Ecoflo Coco Filter for tertiary treatment, will provide a very robust additional level of safety and excellent quality of final effluent which can then be discharged to the soil with a minimal risk of impact on any local groundwater resource.
- 2.7. The applicant is the son of the landowner and resides in the family home adjoining.

3.0 Planning Authority Decision

3.1. Decision

Grant permission for the above described development subject to 13 conditions. Of note:

Condition 3: Dwelling to be occupied as permanent residence by the applicant and written confirmation of occupancy to be submitted.

Condition 7: Water supply source to be tested for potability prior to commencement of development.

Condition 8: Reduction in the roadside boundary around the site and for a distance of 25 metres north of the proposed entrance to a maximum of 900mm.

Condition 9: No lighting permitted within the curtilage of the site at the roadside, entrance or on the gate piers.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The 1st Planning report dated 01/08/17 states that the applicant has demonstrated a genuine housing need. The requirements of the Roads Section should be sought by way of further information. Alterations to the front elevation recommended. The 2nd report dated 07/09/17 recommends a grant of permission subject to conditions.

3.2.2. Other Technical Reports

Roads Section notes that the site is located at a dangerous junction. Details of how sight lines are to be improved should be provided. Sightlines to the north of the proposed entrance require a partial removal of a boundary on adjoining lands. Consent should be secured for same.

Environment Section sets out conditions pertaining to the waste water treatment system should permission be granted.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

The objection received states that a similar development was previously refused by the Board.

4.0 Planning History

PL13.237186 – permission refused on appeal in 2010 for a dwelling and proprietary effluent treatment on the site. The applicant was Terry Hickey. The two reasons for refusal can be summarised as follows:

1. Access from a local road which is substandard in width and alignment, coupled with inadequate sightlines to the south onto the adjoining road to the east, would endanger public safety by reason of traffic hazard and obstruction of road users.
2. Having regard to the density of dwellings served by bored wells and effluent treatment systems and the vulnerable nature of groundwater in the area the Board is not satisfied on the basis of the documentation submitted that the proposal can be drained satisfactorily by means of septic tank and that a safe and efficient water supply can be provided. The proposal would therefore present an unacceptable risk of water pollution and would be prejudicial to public health.

There have been a number of earlier applications for a dwelling and effluent treatment system on the site under refs. 09/274, 09/462, 08/935, 05/2896 which were either incomplete or withdrawn. Permission was refused 03/455 for a similarly described development.

5.0 Policy Context

5.1. Limerick County Development Plan 2010 (as extended)

In terms of settlement location policy the site is within an area under strong urban influence.

Objective RS O1- It is an objective to recognise the individual housing needs of people intrinsic to the rural areas located within the areas defined as 'rural areas under strong urban influence'. Such needs may be accommodated on lands within the rural area under strong urban influence, subject to the availability of a suitable site and normal proper planning and sustainable development criteria. It is an objective of the Council to permit single houses in the area under strong urban influence to facilitate those with a genuine rural housing need in the area. In order to demonstrate a genuine rural housing need, one of a number of criteria should be met including:

(a) the application is being made by a long term landowner or his/her son or daughter; or

(d) the application is being made by a local rural person(s) who for family and/or work reasons wish to live in the local rural area in which they spent a substantial period of their lives (minimum 10 years).

Table 10.2 sets out the design guidelines for residential developments in rural areas including:

- Each dwelling shall have a viable and secure access to a water supply provided to the satisfaction of the Planning Authority.
- In terms of effluent treatment systems in all cases a full site assessment shall be carried out in accordance with the EPA guidelines.

- It is an objective to resist the removal of substantial lengths of roadside boundaries. Only in exceptional circumstances should roadside boundaries be removed.

5.2. **Natural Heritage Designations**

None in the vicinity.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The 3rd party appeal against the planning authority's notification of decision to grant permission states that the issues arising are the same as those raised on the previous appeal under PL13.237186.

- The site overlies a regional aquifer and is proximate to a number of wells.
- Although a treatment system is proposed no substantial investigations were undertaken of the current ground conditions or wells in the vicinity and the potential impact on same.
- There is no evidence of testing of the well on the site.
- The roads layout has not changed. Whilst the applicant and council address sightlines and access and egress from the site, neither deal with the wider situation in terms of narrowness of the roads, junctions and level of traffic on same. It would fail a safety audit were it commissioned. The Inspector's assessment on the previous appeal is still relevant.

6.2. **Applicant Response**

The response, which can be summarised as follows, states that there have been significant changes since the previous application.

- The site has been acquired by the applicant's father. The overall land can be divided equally with each site (existing family home and proposed site) being more than 5 acres.

- The effluent treatment system and percolation area serving the family home adjoining has been upgraded.
- The closest well is that serving the family home which is in use 25 years and is 63 metres upslope from the proposed effluent treatment system.
- Prof. Laurence Gill in a letter in support states that with the installation of the proposed system there would be minimal risk of impact on any local groundwater resource.
- The proposed site access meets Council requirements in that it is at least 30 metres from the junction with more than 90 metre sightlines to the north of the entrance.
- The proposed entrance will be further from the junction than the existing entrances and would be safer and have better sight lines.
- The existing entrance will be removed.
- Significant road improvements have been made to the junction to benefit all road users. The site boundaries will be no more than 1 metre in height. Consent from the landowner to the north to reduce hedge heights, if required, has been secured.
- Other dwellings have been permitted in the vicinity.

6.3. **Planning Authority Response**

None received.

6.4. **Observations**

None

7.0 Assessment

I consider that the issues arising in the case can be assessed under the following headings:

1. Compliance with Settlement Location Policy
2. Site Access and Traffic
3. Site Services
4. Appropriate Assessment

7.1. Compliance with Settlement Location Policy

- 7.1.1. The site is within a rural area identified as being under strong urban influence in the current County Development Plan and as noted on day of inspection the general area is characterised by notable levels of one off housing. Thus, in view of the site's relative proximity to Limerick City and its obvious attractiveness for urban generated housing demand, the designation is considered to be entirely reasonable. Proposals for housing in such areas must comply with the criteria set out in development plan Objective RS O1 in terms of genuine rural generated housing need.
- 7.1.2. The applicant in this instance is stated to be the son of the owner of the house immediately to the west of the appeal site; has been raised in the area and continues to reside there with documentary evidence of same submitted in support. From the details on file the applicant's father acquired the site consequent to the refusal of permission for a dwelling on the site under ref. PL13.237186 although no documentary evidence to this effect accompanies the application. From the details provided in the applicant's response to the grounds of appeal the applicant on the earlier file would appear to be a relative and who was stated to be the site owner at that time.
- 7.1.3. On the basis of the information on file I accept that the applicant complies with the relevant settlement location policy as detailed above. However as stated in relevant objective the acceptability of the proposal in terms of settlement policy is predicated on other planning and environmental considerations being satisfied.

7.2. Site Access and Traffic

- 7.2.1. The issue of site access constituted one of the two reasons for refusal on the previous application under ref. PL013.237186. The local roads in the vicinity are narrow with unimpeded two way vehicular movements not possible from the local road L8024 from which access is proposed.
- 7.2.2. As extrapolated from the details on file PL13.237186 the proposed access in the north-eastern most corner is largely comparable to that as previously proposed. Sight lines of 38 metres can be attained in a southerly direction whilst sightlines of 90 metres are possible to the north, subject to hedge cutting on adjoining lands for which consent from the respective landowner has been secured. These only differ marginally from those detailed in the previous application (35 metres to crossroads and 90 metres northwards). Whilst the applicant makes reference to improvements made to the crossroads I am not entirely clear as to what these may have entailed but would suggest they refer to the roadside trees/hedgerows being cut back/removed along both local roads.
- 7.2.3. I consider that the concerns arising in the previous appeal and the assessment of the Inspector in that instance remain relevant in this case. The limited sight lines to the south and the proximity of the access to the crossroads from which access to the Clonshire Equestrian Centre, is gained raise concerns regarding adequacy of sightlines and potential for conflicting vehicular movements.
- 7.2.4. Whilst I note the proposals to ensure that the site boundaries do not exceed 900mm I do not consider that these measures are sufficient to mitigate against the potential of this entrance to result in additional hazard in close proximity to a cross roads where traffic levels are not insignificant and where the 80kph speed limit applies. I therefore recommend a refusal of permission for a reason comparable to that as cited on file ref. PL13.237186.

7.3. Site Services

- 7.3.1. The substantive difference between the current proposal and that refused by the Board under ref. PL13.237186 is the proposed location of the effluent treatment system. It was originally proposed in the western part of the site. It is now to be

located in the south-eastern corner. As noted previously the site lies over a regionally important aquifer and the ground water protection response is R2.1.

- 7.3.2. New trial hole and percolation tests were not carried out and the Site Characterisation Form prepared for the previous application is submitted in support of the current proposal in addition to a letter from Prof. Laurence Gill of Trinity College considering the design solution to be appropriate. I note that correspondence from Mr. Gill was submitted in support of the previous application.
- 7.3.3. As noted in the Site Characterisation Form the 1st percolation at depths between 600 and 1100mm failed with the 2nd recording a T value of 55 at depths of between 1500 and 1900mm. No attempt was made to update the details as provided on the characterisation form, notably the fact that the effluent treatment system serving the dwelling immediately adjoining has, according to the applicant, been upgraded. As before an EPS Bison 8 Pop Wastewater Treatment System with a sand polishing filter is proposed.
- 7.3.4. As previously proposed water supply is to be from an existing well in the north-eastern corner of the site of which no details or test results to confirm its viability have been submitted in support. Reference to the fact that the water supply serving his parent's dwelling is acceptable is not sufficient to address this matter. The absence of such detail was noted as a shortcoming on the previous proposal. I also note that the issue of groundwater quality and adequacy of the site to dispose of foul effluent dates back to 2003 with permission refused for a dwelling on the site under ref. no. 03/455. Details of the said file are attached to PL13.237186. In my opinion the issue remains unresolved.
- 7.3.5. I would suggest that the proposal could be considered to run counter to the recommendations of the Rural Housing Guidelines which states that new development should be guided towards sites where acceptable wastewater treatment and disposal facilities can be provided, avoiding sites where it is inherently difficult to provide and maintain such facilities. I consider that the proposal should only be accepted in exceptional circumstances where an essential rural generated housing need has been established, that absolutely no other alternative sites are available and where full details are provided as to the viability of the water supply

and protection of groundwater. I do not consider that this is the case in this instance.

- 7.3.6. In conclusion I do not consider that the issues arising in the Board's reason for refusal in this regard have been addressed in any manner and I therefore recommend that permission be refused for a comparable reason.

7.4. Appropriate Assessment

- 7.4.1. The nearest designated site is the Lower River Shannon SAC (site code 002165) which is c.3.5km to the north-east of the appeal site. Having regard to the nature and scale of the proposed development, the distance from the said 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.

8.0 Recommendation

I recommend that permission for the above described development be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. The site is accessed via a local road, substandard in width and alignment in close proximity to a crossroads and a number of existing access points that serve a number of residential, agricultural and agri-tourism related properties and landholdings. Because of this and the lack of adequate sightlines in a southerly direction onto the adjoining local road to the east, it is considered that the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the density of dwellings served by bored wells and individual wastewater systems in the vicinity of the site and the drainage characteristics and vulnerable nature of groundwater in the area, the Board is not satisfied,

on the basis of the documentation provided with the planning application and appeal, that the site can be drained satisfactorily by means of a septic tank and that a safe and efficient water supply can be provided on site. The proposed development would, therefore, present an unacceptable risk of water pollution, would be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

Pauline Fitzpatrick

Planning Inspector

December, 2017