



An
Bord
Pleanála

Inspector's Report ABP-301521-18

Development

Demolition of existing public house formally known as Bohan's Bar & storage sheds/outhouses to the rear together with the proposed construction of a residential housing development consisting of 25 no. dwelling houses, entrance, access road, green open space, connection to the existing foul sewer network via an onsite foul sewer pumping station, surface water network, connection to existing public watermain and all ancillary works

Location

Main Street, Newtownforbes, Co. Longford

Planning Authority

Longford County Council

Planning Authority Reg. Ref.

17/122

Applicant(s)

John Mahon

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

John Mahon

Observer(s)

1. Anne Marie Williams and Stephen Casserly.
2. Kieran and Enda O'Brien
3. Sean McGlynn

Date of Site Inspection

18th July 2018

Inspector

Niall Haverty

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 1.449 ha, is located on the eastern side of the N4 National Primary Road in the village of Newtownforbes, Co. Longford. The site comprises an existing two storey structure along the street frontage, which was formerly a public house but which now appears to be vacant, and a large undeveloped area to the east of the structure. The appeal site falls gradually from west to east, and the area immediately to the east of the public house building is heavily overgrown at present. The northern, southern and eastern boundaries comprise a mix of stone walls, mature hedgerows and trees. On the date of my site inspection I noted the presence of rushes towards the eastern end of the appeal site.
- 1.2. The adjoining backlands areas immediately to the north, east and south are generally undeveloped. Residential development is located further to the south of the appeal site, and a residential cul de sac adjoins the site to the south east, terminating close to the appeal site boundary.

2.0 Proposed Development

- 2.1. The proposed development, as amended on foot of a request for further information and a request for clarification of further information consists of:
- Demolition of existing public house and sheds/outhouses.
 - Construction of a residential housing development consisting of 20 No. detached houses, comprising:
 - 4 No. four bedroom two storey houses (Type A).
 - 4 No. three bedroom two storey houses (Type B).
 - 4 No. four bedroom storey and a half houses (Type C).
 - 4 No. three bedroom single storey houses (Type D).
 - 4 No. two bedroom single storey houses (Type E).
- 2.1.1. The proposed development also includes an entrance, access road, open space, pumping station, attenuation area, and all ancillary works.

- 2.2. It should be noted that planning permission was initially sought for 25 No. houses. This was reduced to 16 No. houses at RFI stage, and subsequently increased to 20 No. on foot of the request for clarification of further information. The proposed layout and levels were altered at each stage, as well as the number of units. In his appeal, the appellant has submitted a revised proposal for the site layout which includes 18 No. houses.
- 2.3. The application documentation, as supplemented by the further information submitted, included a Planning Report, Traffic Impact Assessment, Road Safety Audit, details of the proposed attenuation tank and copies of Irish Water's standard details drawings.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Longford County Council decided to refuse planning permission for the following reasons:
1. The Planning Authority is not satisfied that the proposed development, with its substandard wastewater treatment proposals would not give rise to the risk of pollution and pose a significant threat to public health, including the health of the occupants of the proposed development and to the quality of ground and surface waters and as such would be contrary to the proper planning and sustainable development of the area.
 2. It is considered that the revised overall design and layout of the proposed development, as submitted by way of clarification of further information is again substandard in nature as the open space is primarily located to the rear of the site, with some areas inappropriate for use as open space, sites 1, 2, 5, 6, 7 and 8 do not have the benefit of off-street parking and the footpaths being reduced below minimum standards at some points. It is therefore considered that the overall layout and design is not in keeping with Chapter 3.2.1.2 "Designated settlements and design standards" of the Longford County Development Plan and as such would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. The Planning Officer's reports can be summarised as follows:

- The site layout plan does not indicate any connection with the existing residential development to the east.
- It is unclear if sightlines can be achieved at the site entrance. Previous application indicated that sightlines could not be achieved.
- New nesting area is required for Swifts using the Bohan's premises.
- The applicant has not submitted adequate or satisfactory information in relation to wastewater and surface water.
- Proposed wastewater and surface water treatment systems may be inadequate and injurious to public health.
- The revised design and layout is again substandard in nature with the open space primarily provided to the rear of the site and sites 1, 2, 5, 6, 7 and 8 not having the benefit of off-street car parking.
- The two proposed car parking spaces for many dwellings are not practical/usable.
- The design and layout is not in keeping with Chapter 3.2.1.2 of the Development Plan.
- Applicant has not adequately addressed the issues raised in the request for clarification of further information. The omissions are significant and are not something that can be dealt with by way of condition.
- Permission should be refused.

3.3. Other Technical Reports

3.3.1. Road Design:

- Refusal recommended.
- Surface water drainage system is unacceptable. Premature pending development of a satisfactory surface water outfall.

- Foul pumping station is shown located on same area as proposed filtration system. The area required to accommodate a pumping station to IW specifications is substantial and this is not shown.
- Off-street car parking should be provided to all houses.
- Footpath widths are inadequate at sites 5, 6, 7 and 8.

3.4. Prescribed Bodies

3.4.1. Irish Water:

- Refusal recommended.
- Pumping station is not the preferred system. No design details to IW standards, no layout given and therefore not assessable. It could be eliminated.
- Foul sewer design to comply with IW standards required.
- Storm attenuation and pump station need to be in separate areas. Proper layout of both is required.

3.5. Third Party Observations

- 3.5.1. A number of third party observations were made at application stage and following the responses to the request for further information and the request for clarification of further information. The issues raised were generally as per the observations on the appeal.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. **Reg. Ref. 12/92:** Permission refused in 2013 for the demolition of the existing Public House and sheds and construction of: multi-functional centre to include a Pharmacy, doctors surgery, coffee shop with community care centre over two floors; retirement village consisting of 26 No. two bedroom single storey dwellings; upgrade of existing vehicular entrance from Main Street; new vehicular entrance to existing adjacent

housing estate; ancillary car parking; surface water attenuation tanks; sewage pumping station and all associated site development works.

- 4.1.2. **Reg. Ref. 08/231:** Withdrawn application to demolish the existing public house and to construct a new public house with 2 No. apartments above and a residential development of 38 houses, comprising 7 No. 4 bedroom 2 storey houses, 26 No. 3 bedroom 2 storey houses and 5 No. 2 bedroom 2 storey houses. Permission was also sought for associated parking, a pumping station, widening the existing vehicular access from the Main Street/N4 road.

4.2. **Surrounding Area**

- 4.2.1. I am not aware of any recent relevant planning history in the surrounding area.

5.0 **Policy Context**

5.1. **Longford County Development Plan 2015-2021**

- 5.1.1. Newtownforbes is designated as a Tier 5 'Serviced Settlement' in the Settlement Hierarchy for County Longford. The Development Plan notes that "each town has the necessary infrastructure capacity available to act as local growth settlements and serve the needs of their hinterlands while playing an important role in servicing and driving the rural economy of the county. The towns provide services to rural communities, including housing, neighbourhood level retail and social facilities and are of particular importance in the delivery of these services and as such, are critical for the on-going viability of these rural communities."

- 5.1.2. The following Objective, which relates to Tier 5 Serviced Settlements, is noted:

- **CS 6:** Serviced Settlements have been defined in accordance with the fact that infrastructure provision exists within these settlements and represents a tier of the settlement hierarchy that has most diversity amongst the settlements contained within it.

Having regard to the above, proposals for residential development in service settlements, as shown on maps contained at Appendix 1, will be determined in accordance with the population allocations of the Core Strategy, the

character and nature of the existing settlement and the ability of the proposal to enhance this, the ability of the settlement to absorb further development, the demand/need for the proposed level and type of residential development in the settlement and compliance with technical, legislative, environmental, design policy and/or criteria contained within the Development Plan or any other relevant plan, the functional area of which the settlement forms part.

Residential development will also be considered on lands identified as Site Resolution Objective in accordance with the relevant zoning provision standards. Any residential development in these settlements will also be determined in accordance with the population allocations of the Core Strategy, the character and nature of the existing settlement and compliance with technical, legislative, environmental, design policy and/or criteria contained within the Development Plan or any other relevant plan, the functional area of which the settlement forms part.

- 5.1.3. The existing former public house on the appeal site is zoned as 'Commercial/Residential', with the remainder of the appeal site zoned as 'Residential'. Lands to the east of the appeal site are zoned as a 'Strategic Residential Reserve'.
- 5.1.4. The appeal site is not located in or in the vicinity of the Flood Zones A and B that are indicated on the Newtownforbes Zoning & Flood Map.
- 5.1.5. Section 3.2.1.2 of the Development Plan sets out the requirements for residential developments within designated settlements.

5.2. Natural Heritage Designations

- 5.2.1. The closest Natura 2000 sites to the appeal site are the Lough Forbes Complex SAC (Site Code 001818) and the Ballykenny-Fisherstown Bog SPA (Site Code 004101), both of which are located c. 1km to the west of the appeal site. A number of other bog-related SACs are located in the wider area, including Clooneen Bog SAC (Site Code 002348) which is c. 4.7km to the north west, Brown Bog SAC (Site Code 002346) which is c. 3.5km to the south, and Mount Jessop Bog SAC (Site Code 002202), which is c. 9.3km to the south.

5.2.2. The Lough Forbes Complex, Brown Bog and Clooneen Bog are also proposed Natural Heritage Areas.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. An appeal was lodged on behalf of the applicant, John Mahon, by Cunningham Design and Planning. The issues raised can be summarised as follows:

- Appellant explored all available options to discharge surface water and foul sewer via gravity to the existing network. However, the appellant was not able to obtain the necessary consent from the landowner to the east.
- For this reason it is proposed to have a gravity feed foul sewerage connection to the proposed pumping station which is to be located to the rear of the site, and which will pump to the existing foul sewer to the front of the site.
- It is also proposed to capture surface water from roofed areas in rainwater harvesting tanks. Surface water from paved area and road areas would be captured in an attenuation area to the rear of the site, where it would percolate to groundwater.
- In the event that a gravity feed connection through the lands to the east could be obtained in the future, then the pumping station and attenuation area could be by-passed and decommissioned. The appellant is willing to accept a condition to this effect and that the temporary pumping station shall be designed in accordance with Irish Water recommendations.
- Proposed development was designed to create a variety of different house types and sizes.
- The appellant is willing to remove houses 16 and 17 so as to relocate the proposed internal access road in a more southern direction and provide on-street car parking for the proposed dwellings 5, 6, 7 and 8 while also providing footpaths of adequate width.
- 4 No. green spaces are proposed, equating to 25.4% of the site. The two green open spaces located within the development (i.e. not including the

green space along roadways) equates to 18%, which is in excess of the Development Plan requirements.

- The appellant is willing to accept a condition that the development shall be redesigned to that shown on the revised drawing submitted with the appeal.
- Provision of housing is supported by Development Plan and National Planning Framework policies and objectives.
- Proposed housing mix caters for specialist needs such as the elderly, those with disabilities and lone-parent families, as well as having a number of larger units.
- The site constitutes infill land and the NPF emphasises the importance of developing such land.
- There is demand for housing within the Newtownforbes area.

6.1.2. The appeal was accompanied by revised drawings.

6.2. **Planning Authority Response**

6.2.1. None.

6.3. **Observations**

6.3.1. Three third party observations were received. The issues raised can be summarised as follows:

- Inadequate proposals for wastewater management. Pumping station option rejected by Irish Water.
- Poor design and inconsistent information regarding unit types and bedspaces.
- No thought given to future proofing of units for growing families.
- Uncertainty regarding finishes and materials. Materials should be signed off as a condition of consent.
- Ground will be raised by 500mm as opposed to 3500mm set out previously. Are designs based on topographical and geotechnical survey? Flood risk implications. Impact on adjacent properties.

- Who will manage pumping station and rainwater harvesting systems?
- Has an ecological study been carried out?
- This planning application has resulted in four separate designs being submitted. All of the designs submitted to LCC were deemed substandard.
- Applicant has not addressed the issues raised in the requests for further information. Each time he changed the design and ignored the questions asked.
- It is proposed to discharge surface water to subsoil in an area that is prone to flooding.
- Future residents could replace paving/grass with concrete.
- Poorly located public open space is inaccessible and could lead to anti-social behaviour.
- Uncertainty with regard to the design of the scheme. The design should be concrete before planning is sought.
- Newtownforbes is 50km from Athlone, there is no public transport and the road is poor. The village's proximity to Athlone is irrelevant.
- New road layout onto N4 is lacking in detail. Sightlines are queried.
- Demolition of old coach houses to rear of pub has already occurred. Proposed wire fences are not durable.
- Observer regularly parks a car and trailer or tractor and trailer outside their house adjacent to the appeal site. Will they still be able to do this?
- Traffic impacts.
- Impact of construction and traffic on adjacent properties.
- Newtownforbes is scheduled for inclusion in the next revision of the Record of Monuments and Places as a 'historic town'. It is within a National Monuments Service Zone of Notification.
- Pub building is of historic and social significance. Demolition of pub would destroy the integrity of the streetscape.

- Removal of pub building and replacement with junction would materially violate the commercial/residential zoning.
- Number of dwellings and density is excessive in a Tier 5 Serviced Settlement and contravenes the Development Plan and Core Strategy.
- Inadequate capacity in local schools to facilitate development.
- The proposed development fails to meet the criteria set out in the Development Plan for development in Tier 5 Serviced Settlements.
- Lack of information in relation to junction design, and inadequate sightlines. Proposal is not compliant with DMURS.
- Due to nature of approach roads to the village, overtaking occurs on Main Street, with accelerating vehicles in the vicinity of the appeal site. Design of Main Street also facilitates speeds in excess of the 50km/hr speed limit.
- Parking of vehicles, including HGVs, on Main Street and outside appeal site limits sightlines and would result in traffic hazard.
- Traffic counts submitted by applicant underestimate the peak hour traffic. Observer's own traffic count indicates significantly more traffic.
- Applicant has not submitted any evidence that the site can cater for surface water infiltration. UK standard SuDS Manual provides guidance, regarding the evidence/information that should be submitted. No alternative outfall, as recommended by the SuDS Manual, is shown. The applicant's original proposal was to discharge to a non-existent surface water drain, as indicated on the plans.
- Lack of information on rainwater harvesting systems and where they will overflow to. Any soakaway would flood the garden. They will end up switched off, directing all surface water to the infiltration unit.
- Photographs submitted illustrating poor drainage characteristics of appeal site. It is not capable of accepting surface water via infiltration.
- Lack of passive surveillance on access road.
- Impact on adjacent residential amenity.

- Design and layout does not provide a good level of amenity. Not a single dwelling has a south facing garden.
- House types A and B are shown on the site layout as virtually the same size, but house type A is 2m deeper in plan, which would reduce garden length.
- Parking arrangement is inadequate.
- Various issues with house design including substandard bedroom sizes and lack of storage space.
- No consideration given to future access to residentially zoned lands to the north.
- Lack of information on pumping station. It would overlap surface water attenuation tanks and result in a public health risk. It would also have to be enclosed, reducing the usable open space.

6.3.2. One of the observations included videos of traffic movements in the vicinity of the appeal site.

6.4. **Other Responses**

6.4.1. None.

7.0 **Assessment**

7.1. I consider that the key issues in determining this case are as follows:

- Principle of Proposed Development.
- Wastewater Management.
- Surface Water Management.
- Design and Layout.
- Residential Amenity.
- Traffic and Access.
- Other Issues.
- Appropriate Assessment.

7.2. Principle of Proposed Development

- 7.2.1. The appeal site comprises mostly undeveloped lands within the development boundary of Newtownforbes, which are zoned 'Commercial/Residential' and 'Residential', and which are in close proximity to existing community facilities, schools, shops etc. As such, I consider that the principle of a residential development on the appeal site is generally acceptable, subject to consideration of the planning issues identified in Section 7.1 above.

7.3. Wastewater Management

- 7.3.1. The Planning Authority's first reason for refusal related to the proposed wastewater treatment proposals, as the Planning Authority was not satisfied that the proposal would not pose a significant threat to public health and ground and surface water quality. I note in this regard that both Irish Water and the relevant technical staff of the Planning Authority also recommended refusal.
- 7.3.2. Due to the location of the public foul sewer network and site topography, the appellant considers that it is not possible to discharge to the public network via gravity, without routing a connection through third party lands. The appellant is therefore proposing that wastewater generated within the development will flow from west to east, and subsequently be collected and pumped via a proposed pumping station located at the public open space back westwards to connect to the public foul sewer at the western edge of the appeal site, close to Main Street. The appellant contends that the pumping station will be built to Irish Water specifications and that it could be decommissioned in the future, should consent be obtained to provide a gravity-fed connection through the third party lands to the east.
- 7.3.3. No details of the proposed pumping station have been provided by the appellant and it is not clear, therefore, what impact this would have on the public open space or the visual amenities of the residential development. I also note that the proposed pumping station is located directly above the proposed surface water infiltration system. Irish Water has indicated that this arrangement is not acceptable to it, and I would concur, since a malfunction in the pumping station could result in wastewater contaminating the infiltration system, which would provide a fast route to ground with

resultant potential for ground and surface water pollution and related public health impacts.

- 7.3.4. In addition to the issues with regard to the location and lack of information relating to the pumping station, I consider that such an approach to wastewater management is unacceptable and unsustainable for a relatively small residential development. While the appellant has indicated a potential future gravity-fed connection to the public system, this would be through third party lands and there is no indication that the necessary consents have been or would be provided. In the absence of any certainty with regard to such a connection, I consider that the potential pumping of wastewater in perpetuity would be an unsustainable approach to servicing the proposed development and I recommend that planning permission be refused on this basis.

7.4. Surface Water Management

- 7.4.1. With regard to surface water management, the applicant has stated that it is not currently possible to connect to the public surface water system by gravity. On foot of the request for clarification of further information the appellant is proposing to provide rainwater harvesting units for each house, with permeable paving and porous asphalt to hard surfacing and internal roads, respectively. The appellant is also proposing to collect the surface water that infiltrates through these surfaces and discharge it to a filtration bed to be located under the public open space to the east of the appeal site, for discharge to subsoil.
- 7.4.2. On my site inspection I noted the presence of rushes in the vicinity of the proposed filtration bed, indicating that the soil in this area may have poor drainage characteristics. An observer on the appeal has also submitted photographs of standing water in this area. At no stage in the course of the application has the appellant submitted any detailed calculations of the surface water quantity that would require discharge to ground, or any site-specific geotechnical investigation or percolation test results to demonstrate that the subsoil is capable of satisfactorily accepting what is likely to be a significant volume of surface water, without resulting in flooding within the appeal site or on adjacent lands.
- 7.4.3. As with the proposed wastewater system, the appellant contends that a future gravity-fed connection to the public network through third party lands could be

obtained in the future, at which point the attenuation area would be bypassed and decommissioned. However, no evidence has been submitted to demonstrate that such a connection is likely to occur. In conclusion, I am not satisfied that the applicant has provided sufficient information to demonstrate that the proposed surface water management system is adequate or that it would not result in an increased risk of flooding within the appeal site, or on surrounding lands. I therefore recommend that planning permission be refused on this basis.

7.5. Design and Layout

7.5.1. The Planning Authority, in their first reason for refusal, considered that the design and layout of the proposed development was substandard and not in keeping with Section 3.2.1.2 of the Development Plan, which sets out requirements and standards for development in 'designated settlements'. This was based on the location of the public open space to the rear of the site, the fact that houses 1, 2, 5, 6, 7 and 8 did not have off-street parking and the inadequate footpath width in some areas.

7.5.2. As noted in Section 2.0 above, the design and layout of the proposed development has changed very significantly over the course of the Planning Authority's assessment of the planning application. The application originally proposed 25 No. single storey two-bedroom dwellings, 24 No. of which were semi-detached. Following the request for further information the proposed number of houses was reduced to 16 No. semi-detached single storey two-bedroom houses. This was subsequently changed to 20 No. detached houses of varying types, following the request for clarification of further information. The appellant, in his appeal, has proposed the omission of two units based on the CFI scheme, which would result in a total provision of 18 No. detached houses. These would comprise:

- 2 No. four bedroom two storey houses (Type A).
- 4 No. three bedroom two storey houses (Type B).
- 4 No. four bedroom storey and a half houses (Type C).
- 4 No. three bedroom single storey houses (Type D).
- 4 No. two bedroom single storey houses (Type E).

- 7.5.3. Given the stated site area of 1.449 ha, the appellant's revised proposal would equate to a density of 12.4 units/ha. I note in this regard that the Core Strategy Table 2.1.4 of the Development Plan indicates an average density of 12 units per hectare for the County, excluding Longford Town. Notwithstanding this, however, the appeal site is located within the centre of Newtownforbes Village, and as such the proposed density is significantly less than the 30 – 40+ dwellings per ha indicated for centrally located sites in small towns and villages, as set out in Section 6.9 of the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area (Cities, Towns & Villages), 2009'.
- 7.5.4. Policy HOU DS 6 of the Development Plan states that "generally, density should reflect the existing and traditional character of the settlement. In line with the "Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities" (DoEHLG, 2008) or any subsequent update, higher densities shall be permitted in urban and town centres, particularly in areas with close proximity to rail lines and other modes of public transport. In all other cases, the density of developments will be assessed on a site by site basis". Having regard to the provisions of the Planning Guidelines, I consider that the proposed development makes inefficient use of zoned village centre lands due to its excessively low density of development.
- 7.5.5. As noted above, the revised Site Layout Plan submitted by the appellant with his appeal has proposed the omission of two houses. This has facilitated the repositioning of the spine road through the proposed development, and allowed for off-street car parking to be provided to houses 5, 6, 7 and 8 and for a wider footpath at this area. I note, however, that houses 1 and 2 would still not have the benefit of off-street car parking.
- 7.5.6. With regard to the proposed housing mix, there is generally a good mix of house types and sizes. The applicant has not, however, proposed modified house types at corner locations (such as sites 2, 15 and 16). One of the observers has noted that no storage areas are proposed within the houses, and that the relative depth of house types A and B is not accurately represented on the Site Layout Plan, with the effect that the rear garden depth would be less than 11m. I consider that these issues could be addressed by way of Condition, were permission to be granted.

- 7.5.7. The stated total area of public open space proposed, as per the revised Site Layout Plan submitted with the appeal, is 0.838 acres (3,391 sq m). Some of this area comprises marginal strips along the entrance road and to the north of house Nos. 15 and 16, and is not usable public open space in my opinion. I estimate that these incidental areas equate to c. 30% of the total open space, and the remainder would therefore still exceed the minimum 15% requirement set out in the Development Plan. With regard to the two main areas of public open space, while they are overlooked by proposed houses on at least two sides, their usability and functionality as public open space is questionable given their fragmented nature as a result of the intrusion of turning bays and the proposed provision of a wastewater pumping station of unknown size and layout on the larger open space area. Rather than this somewhat fragmented arrangement, I consider that a more appropriate design response would have been to provide a single larger, more coherent and centrally located area of public open space.
- 7.5.8. Finally, having regard to the proposal to demolish the existing public house building on Main Street and replace it with a c. 30m wide access road junction with wide grass verges, I consider this to be an inappropriate design response in this village centre setting. While the existing former public house is not protected and does not appear to have any significant architectural or historic merit, I consider that it contributes to the streetscape and character of the village and assists in providing definition and a degree of enclosure to the village's wide Main Street due to its position addressing the street, its wide frontage and its traditional detailing. Notwithstanding the vacant nature and relatively poor state of repair of the building, I do not consider that the appellant has provided sufficient justification for its total demolition, or for failing to propose a new structure at the entrance to the proposed development which would reinforce the streetscape, rather than providing a suburban-style junction with large corner radii and wide grass verges.
- 7.5.9. In conclusion, I consider that the layout and design of the proposed development is substandard for the reasons outlined above, and I recommend that planning permission be refused on this basis.

7.6. Residential Amenity

- 7.6.1. Having regard to the site context and the layout and alignment of the proposed houses relative to the existing residential development in the vicinity, and noting that the depth of the proposed rear gardens will generally ensure a separation distance greater than 22m between all directly opposing houses, I am satisfied that there will be no undue overlooking of existing or proposed houses.
- 7.6.2. Having regard to the height of the proposed single and two storey houses and the separation distances, I am also satisfied that no significant level of overshadowing of existing or proposed dwellings is likely to occur.
- 7.6.3. The issue of construction-related impacts on residential amenity has been raised in the observations. Noting the scale and location of the appeal site and the separation distance from existing houses, and subject to construction being undertaken in accordance with an agreed Construction Management Plan, which should include measures to control working hours, noise, dust and construction traffic mitigation measures, I am satisfied that the proposed development will not seriously injure the residential amenities of the area.

7.7. Traffic and Access

- 7.7.1. The observers have raised concerns in relation to the impact of the proposed development on traffic safety and traffic congestion. A Traffic and Transport Assessment was submitted with the planning application, which concluded that the proposal would not have any significant bearing on future traffic on the network.
- 7.7.2. Having reviewed the TTA and the information submitted by the observers, and having regard to both the scale of the proposed development, which comprises 18 No. houses (based on the revised proposal submitted with the appeal), and its location within the centre of Newtownforbes village, I do not consider that it would have a significant impact on traffic congestion. While it would generate some additional traffic, I do not consider that it would be of such a level as to result in any significant impact on traffic congestion within this small village or on the wider road network. The accessible village centre location would also facilitate the undertaking of shorter trips by more sustainable means of travel, such as by foot or bicycle.

- 7.7.3. The observers also contend that the sightlines at the proposed access point to the development would be inadequate, resulting in the creation of a traffic hazard. A junction drawing was submitted by the applicant in response to the request for further information (drawing No. 01a). The visibility splay is not shown on this drawing, although it does show the introduction of double yellow lines in the vicinity of the proposed junction.
- 7.7.4. The applicant submitted photographs of the proposed site access to demonstrate that the sightlines are achievable. However, the existing on-street car parking spaces were not occupied at the time the photographs were taken. Notwithstanding the proposed introduction of double yellow lines in the vicinity of the access junction, I am not satisfied that adequate sight lines can be achieved when these existing on-street car parking spaces are occupied.
- 7.7.5. While the Road Design Section of the Planning Authority recommended refusal they noted that the layout of the access may require build-outs which remove all parking on the N4 in front of the site to protect the sightlines, and recommended a condition requiring that the layout be agreed with the Planning Authority and constructed prior to works commencing on the site.
- 7.7.6. While I consider that the applicant has not demonstrated that adequate sightlines can be achieved at the proposed site access, I consider that sufficient visibility could be provided through the provision of build-outs or other localised restrictions on on-street car parking on the public road as recommended by the Road Design Section, and I am not recommending that permission be refused on this basis.

7.8. **Other Issues**

7.8.1. **Archaeological/Cultural Heritage**

- 7.8.2. One of the observers has noted that the appeal site is located within the Zone of Notification for Newtownforbes village. Having reviewed the file, it does not appear that the Planning Authority referred the planning application to the Department of Culture, Heritage and the Gaeltacht. As I am recommending that permission should be refused on other substantive grounds I have not pursued this matter further. However, the Board may wish to seek the Department's view or, if minded to grant permission, to include a Condition regarding archaeological testing and monitoring.

7.8.3. **Ecology**

7.8.4. A number of observations contend that there are swifts and bats present in the vacant public house building on the appeal site. The appellant has stated that he is willing to make a portion of the public open space available for the construction of a new nesting area for bats and swifts, however no detailed proposals of such a nesting facility and no bird or bat survey was submitted. As I am recommending refusal on other substantive grounds, I have not pursued this matter further. However, should the Board decide not to refuse permission as per my recommendation, they may wish to seek further information regarding the bat/swift population present in the appeal site, and details of appropriate mitigation measures.

7.9. **Appropriate Assessment**

7.9.1. The closest Natura 2000 sites to the appeal site are the Lough Forbes Complex SAC (Site Code 001818) and the Ballykenny-Fisherstown Bog SPA (Site Code 004101), both of which are located c. 1km to the west of the appeal site. A number of other bog-related SACs are located in the wider area, including Clooneen Bog SAC (Site Code 002348) which is c. 4.7km to the north west, Brown Bog SAC (Site Code 002346) which is c. 3.5km to the south, and Mount Jessop Bog SAC (Site Code 002202), which is c. 9.3km to the south.

7.9.2. Notwithstanding the issues raised above in relation to the unsustainable and unacceptable wastewater management proposal, I consider that having regard to the scale of the development, its location within the village centre, the separation distance and the lack of a direct hydraulic connection to the above Natura 2000 sites, 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**

8.1. I recommend that planning permission should be refused, for the reasons set out below.

9.0 Reasons and Considerations

1. Having regard to the proposal to drain effluent arising from the proposed development to a proposed pumping station located above a surface water infiltration area and to pump that effluent to the public main potentially in perpetuity, the Board is not satisfied that the drainage proposal represents a sustainable approach to servicing the proposed development or that it would not give rise to a risk of groundwater or surface water pollution or a resultant risk to public health. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the proposed surface water infiltration area within a part of the site which appears to have poor drainage, and on the basis of the submissions made in connection with the planning application and appeal, it is considered that the applicant has not demonstrated that the proposed surface water management system is adequate or that it would not result in an increased risk of flooding within the appeal site, or on surrounding lands or otherwise result in a risk to public health.
3. Having regard to the location of the site within the centre of Newtownforbes, it is considered that the proposed development would be out of character with the pattern of development in the area, is of insufficient density, would undermine the urban fabric of the village through the replacement of the existing public house building with an excessively wide junction and verges, would result in the poor disposition of public open space, and that it would have a lack of off-street car parking for house Nos. 1 and 2. The proposed development would thereby constitute a substandard form of development which would seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

Niall Haverty

Planning Inspector

31st August 2018