



An
Bord
Pleanála

Inspector's Report ABP-301825-18

Development	Retention - Unauthorised Development of 3 Meditation Pods and associated site works
Location	Parochial House, Monksland, Carlingford County Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	17/826
Applicant(s)	Father Malachy Conlon
Type of Application	Retention
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Mark Travers
Observer(s)	None
Date of Site Inspection	21 st September 2018
Inspector	Niall Haverty

1.0 Site Location and Description

- 1.1. The appeal site, which has an area of c. 0.81 ha, is located in the townland of Monksland, within the small settlement known as Grange, c. 4km south of Carlingford in Co. Louth. It is located on the eastern side of a local road, a short distance north from the R175 Greenore Road.
- 1.2. The appeal site is roughly rectangular in shape, and is split into south western and north eastern parts by a hedge. A two storey house referred to as the Parochial House is located in the south western portion of the site, with three timber clad structures located in the north eastern portion of the site. The site is generally bound by hedgerows.
- 1.3. The appeal site is on the southern side of Grange, with a higher density of residential development to the north.

2.0 Proposed Development

- 2.1. The proposed development, as amended following the request for further information, consists of the retention of 3 No. meditation pods, the replacement of the septic tank and percolation area and associated site works. I note that the statutory notices refer to 'mediation pods', rather than 'meditation pods', which would appear to be a typographical error, with reference to the drawings and documentation associated with the application.
- 2.2. The pods for which retention permission is sought are timber clad structures with curved roofs covered in a felt shingle type finish. Each pod has a stated gross floor area of 12 sq m, and includes a living area, bedroom and shower/WC. The existing and proposed wastewater treatment system is located to the north west of the pods. The pods are set within a landscaped garden area with timber benches, gravel paths and low level bollard type lighting.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Louth County Council decided to grant retention permission and the following summarised conditions are noted:

- **C2:** Pods and surrounding garden area shall be used strictly in accordance with that specified to the Planning Authority and not for any overnight accommodation or other purposes.
- **C4:** Landscaping to be carried out.
- **C6:** Detailed requirements for wastewater treatment system.

3.2. Planning Authority Reports

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

- Site is located within Level 4 settlement of Grange.
- Site is not within the area of known fluvial/pluvial flooding.
- Planning Officer is satisfied with the information/clarification submitted by the applicant in relation to the intended use of the pods.
- Pods will be used for pray/meditation and not for commercial or overnight accommodation and thus will not have a negative impact on residential amenity.
- Scale of pods is limited on a concealed and secluded site bounded by hedgerows.
- Environment Section are satisfied with the proposed WWTS.

3.3. Other Technical Reports

3.3.1. **Environmental Compliance:** No objection, subject to conditions.

3.3.2. **Infrastructure:** No objection, subject to conditions.

3.4. Prescribed Bodies

3.4.1. None.

3.5. Third Party Observations

3.5.1. Third party observations were made by the appellant at planning application stage, and following the receipt of further information. The issues raised were as per the appeal.

4.0 Planning History

4.1. Appeal Site

4.1.1. I am not aware of any recent relevant planning history at the appeal site.

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. Louth County Development Plan 2015-2021

5.1.1. The appeal site is located within the designated development area of Grange, a Level 4 settlement.

5.1.2. Section 2.9.2 of the Development Plan states that Level 4 settlements contain some undeveloped lands which are not the subject of land use zoning objectives. However each settlement has a development envelope within which one-off type housing is provided for subject to local qualifying criteria, in order to assist in satisfying rural generated housing need. Within each Level 4 settlement densities of 5 houses per hectare are permissible.

5.1.3. Section 2.16.8 states that Level 4 settlements are small settlements which are principally residential with limited local facilities and a lack of public foul drainage. As these settlements are not capable of being economically serviced, permitted residential development in such areas will be on the basis of individual waste water

treatment systems. Given the lack of piped utilities, it is the view of the Council that they are not capable of absorbing significant amounts of additional residential development in a proper planning and sustainable manner.

- 5.1.4. It also states that whilst development is anticipated to be primarily residential, low impact local services which contribute to supporting diversification and growth of the local rural economy may also be considered.

5.2. Natural Heritage Designations

- 5.2.1. The appeal site is not located within or adjacent to any site with a natural heritage designation. The closest such sites are Carlingford Mountain SAC (Site Code 000453), located c. 1.5km to the west, and Carlingford Shore SAC (Site Code 002306) and Carlingford Lough SPA (Site Code 004078), both of which are located c. 3.5km to the east. Dundalk Bay SPA (Site Code 004026) and SAC (Site Code 000455) are located c. 3.8km to the south west. Carlingford Lough and Carlingford Mountain are also both proposed Natural Heritage Areas.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A third party appeal was lodged by Mark Travers. The issues raised can be summarised as follows:
- The introduction of a people intensive development in an area zoned 'to protect and provide for the development of agriculture and sustainable rural communities' is considered to materially contravene the policies of the Development Plan.
 - Maps submitted are inaccurate. Appellant's house is not shown or proper boundaries. Layout shows the pods facing different directions, but they actually all face north and look into the appellant's residence.
 - Photographs submitted showing loss of privacy issue resulting from proposed development.

- Development is far different in its construction compared to the rest of the community.
- There are beds shown in the pods. Will people be living in these? If not, why are beds shown.
- Traffic issues. The order of nuns has many callers on a regular basis and arrange conferences. Excerpts from newspaper articles submitted, regarding these gatherings and tours.
- Noise pollution.
- Further information says that pods are a community facility, but interview with Sisters of Clare indicates that they are hermitages for individual nuns only.
- Impact on value of appellant's residence.
- Zoned heritage area 2km away would be an appropriate location for the development.
- Development is car dependant and would be more appropriate within a settlement that has multiple modes of transport.
- Site is not of sufficient size to cater for the wastewater arising and could have a seriously negative impact upon groundwater.
- Development is incongruous within the rural landscape and out of character with the established pattern of development.

6.2. Applicant Response

6.2.1. None.

6.3. Planning Authority Response

6.3.1. No further comment.

6.4. Observations

6.4.1. None.

6.5. Further Responses

6.5.1. None.

7.0 Assessment

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

- Principle of Proposed Development.
- Design and layout.
- Residential amenity.
- Wastewater Treatment.
- Appropriate Assessment.
- Environmental Impact Assessment.

7.2. Principle of Proposed Development

- 7.2.1. The appeal site is located within the designated Level 4 settlement of Grange. The associated land use map for Grange includes the site within the 'development area' for the settlement, but does not provide a zoning objective. I note in this regard that Section 2.9.2 of the Development Plan states that, rather than land use zoning objectives, such settlements have a development envelope within which one-off type housing is provided for, subject to local qualifying criteria.
- 7.2.2. There is an existing parochial house on the appeal site, and in response to the request for further information, the agent for the applicant states that the pods are for prayer and meditation purposes by parishioners and members of the clergy, that they are to offer places of quiet and tranquillity to reflect/pray in a peaceful environment and that they are not intended to be used at night time or for accommodation purposes. I noted the presence of small notices on my site inspection referring to the pods as hermitages, which would be consistent with the information submitted by the applicant, and indeed by the appellant.
- 7.2.3. Having regard to the existing use of the parochial house by members of the religious community, I consider that the addition of three small hermitages for periods of

reflection and prayer is consistent with, and ancillary to, the existing use of the site, and that it is acceptable in principle.

- 7.2.4. Notwithstanding this, I note that a bed and a bathroom area with WC and shower is shown in each pod on the submitted drawings. If the Board is minded to grant permission, I therefore recommend that a condition be included to ensure that the use of the structures remains ancillary to the parochial house, and to clarify that the structures shall not be used for overnight accommodation or let, sold or otherwise occupied on a commercial basis.

7.3. **Design and Layout**

- 7.3.1. The three pod structures for which retention permission is sought are located on the north eastern part of the appeal site and they are not visible from the public road due to their low height and the presence of a hedge which bisects the appeal site. Having regard to the site context, and the undulating topography of the area, I do not consider the appeal site to be particularly sensitive from a landscape or visual context, and the development is well-screened from the surrounding area by mature hedgerows and planting.
- 7.3.2. The pods are well located within the site, being close to existing hedgerows and set within and surrounded by landscaped gardens and circular paths which serves to successfully embed them within the landscape in my opinion. The three pods are clustered within a discreet area of the site, which allied to the landscaping serves to mitigate their visual impact. I note that, as raised by the appellant, the site layout plan does not correctly show the orientation of all three pods. While two of the pods appear to be shown correctly with a north/south orientation, the easternmost pod is shown with an east/west orientation on the plan, whereas it actually has a north/south orientation. The three pods also have a glazed door on the front and rear elevations, whereas the drawings submitted show a door on the front elevation and a window on the rear elevation. Notwithstanding these discrepancies in the drawings submitted, I consider the design and layout of the pods to be generally acceptable. While their form and materials are not reflective of the existing built environment in Grange, I consider that they are compatible with, and sensitive to, the semi-rural environment in such they are set.

7.3.3. In conclusion, I consider that the structures for which retention permission is sought are appropriately sited in such a manner as to reduce visual impact, are visually subservient to the parochial house on the site and do not represent an intrusive or dominant feature in the landscape.

7.4. Residential Amenity

7.4.1. The appellant contends that the development for which retention permission is sought impacts on his residential amenity by reason of overlooking, loss of privacy, noise pollution and traffic impacts.

7.4.2. The appellant's house is directly north of the appeal site, and a relatively dense mature hedgerow and treeline separates the two sites. While the pods with their glazed doorways face north/south, they have a minimum separation distance of c. 65m from the northern boundary, and a separation distance of c. 95m from the appellant's house. Given the existing boundary planting and the separation distances, and noting that the appeal site is within a designated settlement, I do not consider that any significant level of overlooking or undue loss of privacy arises from the development.

7.4.3. Another third party dwellinghouse is also located c. 50m to the south of the three pods. As a result of the existing boundary planting this house is also well-screened from the development, and I do not consider that any overlooking or loss of privacy would occur at this property.

7.4.4. With regard to noise, having regard to the nature of the hermitage type use (and subject to a condition restricting the use of the pods as accommodation) and noting the separation distances involved, I do not consider that any significant noise impacts are likely to occur as a result of the development.

7.4.5. Finally, with regard to potential traffic impacts, having regard to the limited scale of the development, the nature of the use, the location of the appeal site within a designated settlement, and subject to a condition restricting the use of the pods for commercial or residential use, I do not consider that a significant traffic impact would arise.

7.5. Wastewater Treatment

- 7.5.1. On foot of the request for further information, it is proposed to replace the existing septic tank with a wastewater treatment system and percolation area located to the north of the meditation pods. A Site Characterisation Report was submitted, which indicates that the soil in the area consists till derived chiefly from Palaeozoic Rocks. The area is designated as a 'Locally Important' (Lm) aquifer and is of 'High' vulnerability. The groundwater protection response is 'R1', "acceptable subject to normal good practice".
- 7.5.2. I note that the probable direction of groundwater flow is indicated as being in a south westerly direction, which would be consistent with local topography, and I note the presence of a watercourse along the roadside boundary and the presence of a pond c. 130m to the south west of the proposed percolation area. I also note that no wells are indicated in the area, with properties instead served by the public main water supply.
- 7.5.3. On the date of my site inspection I noted that the ground was dry and firm underfoot with no obvious indications of poor drainage, such as the presence of rushes or other indicator species.
- 7.5.4. The trial hole encountered silt/clay topsoil and subsoil to a depth of 2.0m. Neither bedrock nor the water table were encountered and there was no evidence of mottling. With regard to percolation characteristics, a T value of 8.81 minutes/25mm was recorded, indicating good percolation for a silt/clay type soil. On foot of the test results, a Klargestor Bioefficient Treatment Plant and percolation area is proposed and I note that the test results meet the requirements of the EPA's Code of Practice.
- 7.5.5. In terms of cumulative impacts on groundwater quality, I note that the Site Characterisation Report identifies 16 houses, a public house, a church and a shop within 250m of the site, all of which are likely to be served by individual wastewater treatment systems. This concentration of development clearly gives rise to a potential cumulative impact on groundwater, in my opinion. However, since there is an existing parochial house on the appeal site, I consider that the replacement of an existing septic tank with a more effective packaged wastewater treatment system and percolation area, is likely to result in an improvement on the existing situation,

given that the additional loading arising from the meditation pods is relatively low due to the nature of their use.

7.5.6. On the basis of the information submitted by the applicant as part of the Site Characterisation Report, I am therefore satisfied that the appeal site is suitable for the installation of a packaged wastewater treatment system discharging to a percolation area.

7.5.7. Finally, since this appeal relates to the retention of the three *in situ* pods and the installation of a new wastewater treatment system, I consider it appropriate that a condition be included requiring that the treatment system be installed within 6 months of the Board's decision, and that the developer submit a report from a suitably qualified individual confirming that the system has been installed and commissioned in accordance with all necessary requirements.

7.6. **Appropriate Assessment**

7.6.1. Having regard to the nature and scale of the proposed development which is not within or immediately adjacent to any Natura 2000 sites, I am satisfied that 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.

7.7. **Environmental Impact Assessment**

7.7.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 **Recommendation**

8.1. I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Louth County Development Plan 2015-2021, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or property in the vicinity, would be acceptable in terms of traffic impact and would 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 2nd day of May 2018, 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 three meditation pod structures and associated garden area hereby permitted shall be used for purposes and functions connected with and ancillary to the neighbouring parochial house only, and shall not be used as a commercial premises to which the public would have access, unless otherwise authorised by a prior and separate grant of planning permission.

Reason: To protect the amenities of property in the vicinity and in order to limit the use of the subject development to that applied for.

3. The three meditation pod structures hereby permitted shall not be used for overnight accommodation for any persons, shall not be used for any form of tourist accommodation, and shall not be sold, let or otherwise transferred or conveyed, save as part of the overall dwelling plot.

Reason: In the interest of residential 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.

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

5. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority, 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 six months of the date of this Order, the developer shall submit a report to the planning authority 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.

Reason: In the interest of public health.

6. 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.

Niall Haverty
Planning Inspector

26th September 2018