



An  
Bord  
Pleanála

## Inspector's Report

**ABP-303794-19**

---

<b>Development</b>	Change of use of a store to 3 No. Holiday let apartments and planning permission for alterations to the fenestration, for an extension to provide access to the apartments, treatment system, percolation area and all ancillary works
<b>Location</b>	Skehanard, Dungarvan County Waterford
<b>Planning Authority</b>	Waterford City and County Council
<b>Planning Authority Reg. Ref.</b>	18808
<b>Applicant(s)</b>	Maurice and Rachel Kiely.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party v. Decision
<b>Appellant(s)</b>	Maurice and Rachel Kiely.
<b>Observer(s)</b>	None.

**Date of Site Inspection**

21<sup>st</sup> June 2019.

**Inspector**

Susan McHugh

# Contents

1.0 Site Location and Description.....	4
2.0 Proposed Development.....	4
3.0 Planning Authority Decision .....	5
3.1. Decision.....	5
3.2. Planning Authority Reports.....	6
3.3. Prescribed Bodies.....	7
3.4. Third Party Observations.....	7
4.0 Planning History.....	7
5.0 Policy Context.....	8
5.1. Waterford County Development Plan 2011-2017 .....	8
5.2. Relevant Guidelines.....	10
5.3. Natural Heritage Designations.....	11
5.4. EIA Screening .....	11
6.0 The Appeal.....	11
6.1. Grounds of Appeal.....	11
6.2. Planning Authority Response .....	12
6.3. Observations .....	12
6.4. Further Responses .....	12
7.0 Assessment.....	12
8.0 Reasons and Considerations .....	19

## 1.0 Site Location and Description

- 1.1. The appeal site is located approximately 2.3km to the north east of Dungarvan Town, and approximately 38km west of Waterford City. It is situated along the main Cork to Waterford N25 national primary road, where a speed limit of 100km applies.
- 1.2. The area is characterised by open countryside with one off houses and forms part of the greenbelt surrounding Dungarvan Town. The appeal site is located approx. 200m to the north of the nearest lands zoned for development.
- 1.3. The site forms part of an overall landholding and group of buildings including the principal family home and driveway accessed from the N25. A second vehicular entrance from the N25 lies to the south west of the appeal site and currently serves two other holiday let properties and storage sheds.
- 1.4. This section of the N25 includes a hard shoulder along the boundary with the appeal site, a solid white line, and left turning lane to the north west in advance of the junction with the local road L3006. The L3006 then joins the N72 national primary road.
- 1.5. The existing storage shed subject to this appeal comprises a two-storey structure with single storey element on the eastern gable facing onto a concrete yard area. It has an overall stated area of 364sqm. The first floor is accessed via an internal staircase and comprises a large open space currently used for domestic storage.
- 1.6. Externally the structure reads as three separate units from the south facing elevation which includes three separate garage doors and entrance doors and first floor windows. There additional windows at first floor along the northern elevation and on the western first floor gable. The existing pitched roof includes rooflights on the northern and southern roof slope.
- 1.7. The appeal site has a stated area of 0.28 hectares.

## 2.0 Proposed Development

- 2.1. Permission is sought for the following;
  - Subdivision and change of use of the existing first floor of the existing store only to provide three no. to let apartments.
  - Each apartment contains a single bedroom, bathroom and kitchen living area, while the total floor area of the three apartments is stated as being 182sqm.

- Alterations to the fenestration, include the construction of an external stairway and first floor external balcony from the north eastern elevation providing individual own door access to each apartment .
- 2.2. Vehicular access to the proposed apartments is proposed via the existing vehicular entrance and driveway serving the existing family home.
  - 2.3. It is proposed to install a separate on-site waste water treatment system and percolation area in an area to the north of the front lawn and entrance to the existing family home.
  - 2.4. It is proposed to provide a new connection to the existing public watermains.
  - 2.5. The application was accompanied by a Site Characterisation Form.

### 3.0 Planning Authority Decision

#### 3.1. Decision

Permission was **refused** by the planning authority subject to two no. reasons as follows;

1. *'The proposal would give rise to an increase in trip generation and traffic movements on a section of the N25, National Primary Route, where the maximum permitted speed limit applies, resulting in a negative impact on the traffic safety and carrying capacity of this National Road. The proposed development, by itself and the precedent it would set, would be contrary to the policies and objectives of the Waterford County Development Plan 2011, as varied, and be contrary to the Spatial Planning and National Roads, Guidelines for Planning Authorities 2012 which seek to direct such development to appropriately zoned lands and service centres. The proposed development would therefore give rise to a traffic hazard and establish an undesirable precedent for similar type development contrary to the proper planning and development of the area.*
2. *Having regard to the location of the site outside a designated settlement on lands zoned Greenbelt, its location adjacent to a National Primary Route with access proposed from same and its unserviced nature, it is considered that the proposed development would conflict with current policies of the Waterford County Development Plan 2011, as varied, regarding holiday home*

*development, would constitute ad-hoc and substandard tourism development and as such would be contrary to the proper planning and sustainable development of the area.'*

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports (dated 22/01/2019)**

Basis for planning authority decision. It includes;

- While a bed and breakfast/guest house are open for consideration under the land use zoning matrix, hotel use, or tourist accommodation are not permitted.
- Section 4.11 of the County Development Plan which relates to Green Belt and Buffer Zone Restrictions, reference to relevant Development Plan policies.
- The current application has a revised access to the first-floor apartments such that they have individual access to an external open balcony and stairs rather than the enclosed stairs and lobby arrangement previously proposed.
- The proposed use materially contravenes the zoning objective.
- Access to the building will take place in the front garden of the dwelling to the east. Proposed development would have a poor amenity value and would impact negatively on the amenities of the adjoining properties.
- Non-compliance with Apartment Guidelines 2018 in terms of bin storage, private and communal amenities etc. but as the development is not acceptable in principal there is no reason to seek revisions to the proposal.
- The proposed treatment system is at the location where the septic tank and percolation area associated with the dwelling to the immediate east was permitted. The applicant has not indicated if this is where that system is located or if same was repositioned on site. As there are issues of principle which cannot be addressed further information on this issue should not be sought.
- The applicant has not provided details with regard to the site layout in terms of the proposed driveway or any set down area or car parking associated with the proposal.

### 3.2.2. Other Technical Reports

**Building Control Officer:** No report received.

**Executive Engineer Dungarvan/Lismore:** No report received.

### 3.3. Prescribed Bodies

**Transport Infrastructure Ireland (TII):** Report dated 04/01/2019 states that the proposed development is at variance with official policy in relation to control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), as the proposed development by itself, or by the precedent which a grant of permission for it would set, would adversely affect the operation and safety of the national road network.

Section 2.5 of the Guidelines states that the policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kph apply. The proposal, if approved, would result in an intensification of an existing direct access to a national road contrary to official policy in relation to control of frontage development on national roads.

### 3.4. Third Party Observations

None received.

## 4.0 Planning History

**P.A. Reg. Ref. 18/210:** Permission **refused** (March 2018) for a similar development for similar reasons as the current application. (file attached).

**P.A. Reg. Ref. 18/42:** Application for permission for similar development - incomplete application.

**P.A. Reg. Ref. 09/504 ABP Ref.PL.24.236949:** Permission **granted** (October 2010) for retention of replacement shed/store and retention of extension and alterations as granted under PD01-262 and all ancillary works.

**Condition No. 2** *'.... the development proposed to be retained shall be restricted to domestic storage ancillary to the main dwelling house, shall not be used for any commercial activities and shall not be rented, leased or disposed of separately from*

*the dwelling house on the site, unless otherwise authorised by a prior grant of planning permission.*

*Reason: To protect the amenities of properties in the vicinity.'*

**P.A. Reg. Ref. 04/64:** Permission **granted** (March 2004) for extension and associated site works to dwelling.

**P.A. Reg. Ref. 01/262:** Permission **granted** (June 2001) for demolition of existing outbuilding and erect new workshop and storage area.

**P.A. Reg. Ref. 99/84:** Permission **granted** (April 1999) to retain dwelling house as renovated.

**P.A. Reg. Ref. 96/12:** Permission **granted** (August 1996) for restoration of existing dwelling house.

**P.A. Reg. Ref. 93/542:** Permission **granted** (March 1994) for a house.

## 5.0 Policy Context

### 5.1. Waterford County Development Plan 2011-2017

- 5.1.1. The Waterford County Development Plan 2011-2017 is the overarching policy document in relation to planning in the County area and includes the Dungarvan Environs Plan.
- 5.1.2. The appeal site is located in an area zoned '**Green Belt**' with the stated objective '*To provide for a green belt area as a clear physical demarcation to the adjoining urban area, to provide for the development of agriculture and to protect and improve rural amenity and to restrict residential development to the provision of permanent dwellings for existing landowners and their immediate family members*'. (See map attached).
- 5.1.3. Within this zoning objective hotel/tourist accommodation uses are not permitted.
- 5.1.4. **Chapter 3** refers to *Core Strategy* and identifies Dungarvan as a Primary Service Centre within the County settlement hierarchy.

The county is divided into three broad categories;

1. Areas Under Urban Pressure
2. Stronger Rural Areas
3. Structurally Weak Rural Areas



The *Rural Area Types Map* which is also included in Appendix A3 identifies the subject site as being located within an 'Area Under Urban Pressure'. (See map attached).

5.1.5. **Chapter 4** refers to the *County Settlement Strategy*.

5.1.6. **Section 4.11** refers to Green Belt and Buffer Zone Restrictions.

*'Within the Green Belt zones and on the outskirts of the zoned settlements, there will be restrictions on development to maintain a clear demarcation between the rural and urban areas, to support the sustainable development of the settlements, to reduce urban sprawl and to safeguard the potential expansion of the settlements in the future.'*

**Policy SS10** *'To restrict development within a buffer zone of 400m (for Settlement Nodes and Local Service Centres) and 750m (for all higher order settlements), measured from the edge of the settlement boundary, to landowners and immediate family members only building a permanent dwelling for their own use. This policy shall not apply north of the Military Road and along the Gold Coast Road (area zoned agriculture) in the Dungarvan Environs zoning map.'*

5.1.7. **Chapter 6** of the plan refers to Economic Development

**Section 6.18** refers to Integrated Rural Tourism and Recreational Complexes

**Section 6.19** refers to Holiday Homes and Second Home Accommodation

**Policy ECD 28** *'To support at appropriate locations the sustainable development of appropriately scaled holiday home/second home developments within existing settlements or on tourism zoned lands or in association with IRTRC policy (Appendix A7) in accordance with the Settlement Strategy set out in Chapter 3, or the Rural Tourism policy.'*

5.1.8. **Chapter 7** refers to Infrastructure

**Policy INF 1** *'To protect and where necessary enhance the quality of service infrastructure that will promote socioeconomic development and environmental objectives in the County and improve the quality of life for its citizens.'*

**Objective INF 1** *'It is an objective of the Council to protect the carrying capacity of the National Roads and associated junctions in the interest of road safety.'*

**Policy INF 3** *'To protect the efficient and safe operation, and facilitate the ongoing development of National, Regional and County Roads throughout Waterford in accordance with the National Development Plan 2007-2013 and Transport 21. The*

*Planning Authority shall have regard to the Spatial Planning and National Roads (Draft) Guidelines for Planning Authorities and any subsequent guidelines on road planning that may be issued from the DoEHLG or the Department of Transport during the lifetime of this Plan. The Planning Authority shall consult with the NRA in the preparation of any Masterplan which may affect the carrying capacity of a National Road.'*

#### 5.1.9. **Development Management Standards Variation No. 1**

**Section 7.10** refers to Holiday Homes and states '*Clustered Holiday Home Developments shall only be considered in areas zoned for such purposes or where associated with an Integrated Rural Tourism and Recreational Complex (please refer to Volume 3, Appendix A7 of the Waterford County Development Plan 2011 – as varied).*

**Section 10.1** refers to National Roads and states;

*'National policy in relation to access to national roads is set out in the Spatial Planning and National Roads Guidelines for Planning Authorities (DoECLG, 2012). There has been considerable financial investment in National Primary and National Secondary Routes in recent years, to increase their carrying capacity and to improve safety for road users. A multiplicity of entrances onto these routes would create a traffic hazard and reduce the carrying capacity of the routes significantly. Therefore, it is a policy of the Council to avoid the creation of any additional access points from new development to which speed limits greater than the 60kmh apply in accordance with Government Policy as outlined within the Spatial Planning and National Roads Guidelines for Planning Authorities (2012) issued by the DoECLG. This provision applies to all categories of development including houses in rural areas, regardless of the housing circumstance of the applicant.'*

#### 5.2. **Relevant Guidelines**

Spatial Planning and National Roads Guidelines for Planning Authorities (2012) issued by the DoECLG.

NRA Design Manual for Roads and Bridges (DMRB).

EPA Code of Practice Wastewater Treatment and Disposal Systems serving Single Houses (EPA 2009).

### 5.3. Natural Heritage Designations

The following designated European sites are located within 15km of the appeal site.

Location	Designation	Site Code	Distance
Dungarvan Harbour	SPA	004032	300m E
Glendine Wood	SAC	002324	1.3m N
Mid Waterford Coast	SPA	004193	6.4 km E
Helvick Head to Ballyquin	SPA	004192	6.8km S
Blackwater River (Cork/Waterford)	SAC	002170	8.6km SW

### 5.4. EIA Screening

Having regard to the nature of the proposed development, the nature of the receiving environment, and proximity to the nearest sensitive location, 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.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The First Party appeal against the decision of the P.A. to refuse permission was lodged by George Taylor Consulting Engineer, agent on behalf of Maurice and Rachel Kiely. The grounds of appeal can be summarised as follows;

#### *Reason for Refusal No. 1 - Traffic Hazard*

- The proposed development of an existing building currently avails of access onto the N25. The entrance is set back from the metalled surface with a deep verge providing for unrestricted line of sight.

- The issue appears to be intensification of use. While it is accepted that the entrance will be subject to additional turning movement by vehicles associated with the proposed development, the entrance is safe.
- The observation as submitted by TII is a blanket comment on any increase in traffic movements onto the national network. An application such as this should be assessed on its merits those being; the site is just outside the speed restriction zone, sightlines are excellent, and the increase in traffic movement is minimal.

*Reason for Refusal No. 2 - Compliance with Development Plan Policy*

- Acknowledge that the proposal is located in Greenbelt lands, but proposal is not for construction of a new build. Proposal to convert existing building to cater for an increase in demand of tourist accommodation and will not alter the landscape.
- The town of Dungarvan has enjoyed a resurgence due to the development of a Greenway, (walking/cycle path along the old railway). Tourist accommodation in the town has not increased in-line with demand. The current policies of the County Development Plan 2011 are outdated and should be addressed to expand and encourage tourism and associated accommodation.

**6.2. Planning Authority Response**

None.

**6.3. Observations**

None.

**6.4. Further Responses**

None.

**7.0 Assessment**

- 7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings;

- Compliance with Development Plan Policy
- Access and Traffic Safety
- Effluent Disposal
- Residential Amenity
- Appropriate Assessment

7.1.1. I refer the Board to the recent planning history on the site, under P.A. Reg. Ref. 18/210 for a similar development with an alternative internal access arrangement to the first-floor units. This application was refused planning permission by the planning authority in March 2018 for the similar reasons as the proposed development in the current appeal. This decision was not appealed to the Board.

## 7.2. Compliance with Development Plan Policy

- 7.2.1. Reason for refusal no. 2 refers to noncompliance with Development Plan zoning objectives and policies.
- 7.2.2. The proposed development involves the subdivision and conversion of the first floor only of an existing storage building on site to provide three no. holiday let apartments.
- 7.2.3. The appeal site is located in an area identified as an 'area under urban pressure' in Appendix 3 of the Waterford County Development Plan. It is situated outside the development boundary of Dungarvan which is designated as a primary service centre. It is zoned Green Belt area where hotel/tourist accommodation is not permitted in principle.
- 7.2.4. The greenbelt provides an important buffer between the built-up area of Dungarvan and the rural area. The appeal site is located approx. 200m to the north of the nearest lands zoned for development, and therefore within the buffer zone of 750m where Policy SS10 of the County Development Plan seeks to restrict development.
- 7.2.5. The applicant contends that the policies of the County Development Plan 2011 are outdated and does not take account of the success of the Waterford Greenway and the increased demand for tourist accommodation.
- 7.2.6. The applicant submits that the proposal which is an extension to an existing building does not constitute a new build.

- 7.2.7. While I accept that there is an existing building/store on site it is considered that the location of the proposed development and change of use is inappropriate as it is located outside the designated and zoned built up area of Dungarvan. The proposed development is effectively extending a commercial use into the greenbelt area. I consider the commercial nature and scale of the proposed development to be contrary to the zoning objective for the site and Policy SS10.
- 7.2.8. The planning authority have also referred to development plan policy in relation to the provision of holiday home accommodation as set out in Section 6.19 of the Waterford County Development Plan, and to Policy ECD28 which seeks to support the development of appropriately scaled holiday home developments; within existing development, on tourism zoned lands, in association with the IRTRC policy or the rural tourism policy.
- 7.2.9. Variation No. 1 of the Waterford County Development Plan Development Management Standards also refers to Holiday Homes in Section 7.10. It states that clustered Holiday Home Developments shall only be considered in areas zoned for such purposes or where associated with an Integrated Rural Tourism and Recreational Complex. The subject site is not zoned for this purpose or is associated with an integrated rural tourism and recreational complex.
- 7.2.10. These policies in general support and promote the location of the facilities within existing communities. Notwithstanding the case put forward by the applicant, and the location of other holiday homes on the overall site, I consider that the subject site is not therefore a suitable location for the proposed holiday apartments.
- 7.2.11. The appeal site is located immediately adjoining and with access from a heavily trafficked national primary route. It is within an area without the benefit of a public transport service, and in the absence of footpaths is not easily accessible by walking or cycling. Access to the site would be primarily car dependent. I am satisfied that the proposed development is not a sustainable or acceptable location for the proposed commercial use on un serviced lands.
- 7.2.12. I further note that the previous reason for refusal for a similar development on the site has not been adequately addressed in the current proposal. The proposed change of use would be contrary to condition no. 2 of the previously permitted development granted under P.A. Reg. Ref. 09/504 ABP Ref.PL.24.236949, which restricts the use of the store to non-commercial use.

7.2.13. In conclusion, therefore, I am satisfied that the proposal is contrary to the greenbelt zoning objective and Policies SS10 and ECD28 of the Waterford County Development Plan 2011 as varied, and that the planning authority's second reason for refusal should be upheld.

### 7.3. Access and Traffic Safety

- 7.3.1. Reason for refusal no. 1 refers to the proposed development which would have a negative impact on traffic safety and carrying capacity of the N25 National Primary Route, would be contrary to the policies and objectives of the Waterford County Development Plan 2011 (as varied) and the Spatial Planning and National Roads Guidelines for Planning Authorities 2012, and thereby give rise to a traffic hazard.
- 7.3.2. Vehicular access to the appeal site is proposed from the N25, a national primary route, via the existing entrance and driveway serving the existing family home. The speed limit along this section of the N25 is 100km/hr.
- 7.3.3. The Roads section of the planning authority did not comment on the application, while Transport Infrastructure Ireland (TII) noted that the proposed development is at variance with official policy in relation to control of development on/affecting national roads.
- 7.3.4. I note the Roads section and Transport Infrastructure Ireland (TII) reports on the previous application P.A. Reg. Ref. 18/210. That application was for a similar proposal and access arrangement to the current appeal, which was refused for similar reasons to the current proposal.
- 7.3.5. The Roads section report on the previous application noted that existing entrance sightlines viewed westwards towards Dungarvan are restricted as a result of the existing vertical alignment and therefore any further intensification will impact on road safety.
- 7.3.6. I note the relevant guidance documents are the Waterford County Development Plan 2011 (as varied), the NRA Spatial Planning and National Roads Guidelines for Planning Authorities (2012) issued by the DoECLG, and the Design Manual for Roads and Bridges (DMRB).
- 7.3.7. Section 10.1 of the Development Management Standards Variation No. 1 of the County Development Plan seeks '*to avoid the creation of any additional access points from new development to which speed limits greater than the 60kmh apply in*

*accordance with Government Policy as outlined within the Spatial Planning and National Roads Guidelines for Planning Authorities (2012) issued by the DoECLG.*

- 7.3.8. Section 2.5 of the Spatial Planning and National Roads Guidelines also refer to the generation of increased traffic from existing accesses to national roads which should be avoided.
- 7.3.9. The applicant contends that the proposed development relies on an existing entrance and does not result in an intensification of use.
- 7.3.10. I however, am of the opinion given the nature of the holiday let use of three individual units, that the proposed development would certainly result in multiple trip generation and consequent intensification of use of the existing entrance. As noted this section of the N25 is already heavily trafficked and from my inspection observed a steady stream of cars, lorries, delivery trucks, holiday vehicles and agricultural machinery, travelling at considerable speed with additional traffic using the junction with the L3006 and N72.
- 7.3.11. I am satisfied that the intensification of the use of the entrance would be contrary to development plan policy and national policy.
- 7.3.12. The Design Manual for Roads and Bridges (DMRB) is primarily a guidance document dealing with the geometric design of new major/minor priority junctions rather than existing access arrangements.
- 7.3.13. The guidance sets out the minimum sightline distances ('y' distance) that will be required to be able to see clearly points to the left and right.
- 7.3.14. The required sight distance associated with the various design speeds are set out in Table 7/1 of the NRA Design Manual for Roads and Bridges (DMRB). A sight distance or sightline of 215m is required for a major road with a design speed of 100kph.
- 7.3.15. Sightlines are not indicated on the drawings submitted. While it is also noted that the overall landholding is served by a second entrance from the N25 further to the south west, sightlines from this entrance are slightly more restricted to the left.
- 7.3.16. In addition, there is a distinct lack of detail in relation to the proposed layout of the proposed car parking and driveway arrangement.
- 7.3.17. The planning authority note that while it is assumed that parking will be to the north of the proposal given the location of the external stairs to the north, it is unclear if this is to be the case. It is also noted that the southern boundary is undefined, which



would potentially facilitate use of the vehicular access to the south west, as well as the access to the north, which would lead to a haphazard arrangement in terms of access and parking arrangements.

- 7.3.18. I concur with the planning authority in that insufficient detail has been submitted in respect to the proposed car parking and driveway arrangement. This also brings into focus the consequent and more likely use of the second vehicular entrance and yard to the south west as an alternative access and parking area. This access however is outside the red line of the current application. I consider that a comprehensive assessment of the impact of the proposed development on the existing driveway and or the overall site is not therefore possible.
- 7.3.19. In any event, I consider that any proposal for holiday let accommodation which is accessed from a national primary route should be clearly legible in terms of access and parking arrangements in the interests of traffic safety.
- 7.3.20. I have considered the documentation on file, and from my inspection of the site, assessment of the nature of the existing road network, the nature of the uses proposed, I consider that there would be an increase in car generated traffic which would result endanger public safety by reason of a traffic hazard.
- 7.3.21. I further note that the previous reason for refusal for a similar development on the site has not been adequately addressed in the current proposal.
- 7.3.22. I am satisfied therefore, that the planning authority's first reason for refusal should be substantially upheld.

#### **7.4. Effluent Disposal**

- 7.4.1. A packaged waste water treatment system and polishing filter are proposed. The drawings submitted with the application identify the location of the proposed wastewater treatment system and percolation area in the adjoining field to the north of the front lawn of the existing house.
- 7.4.2. The Site Characterisation Form on file indicates a groundwater protection response of R1, i.e. acceptable subject to normal good practice. The T test result is 20, which is suitable for a septic tank. The soil type is silt/clay. with a water table not encountered at a depth of 1.7m below ground level. On inspection of the site the trial hole tests were open and did not contain any water.

- 7.4.3. The planning authority raised concerns however, in relation to the location of the existing septic tank and percolation area associated with the dwelling to the immediate east and or whether it was repositioned on site.
- 7.4.4. I would concur with the planning authority in this regard. The location of the existing waste water treatment system and percolation area serving the existing family home are not indicated on plans submitted. Details are however indicated on the site layout plan approved under P.A. Reg. Ref. 04/64 (see copy attached), and I can confirm from my site inspection that the septic tank is located in the front lawn. The existing well is located approx. 50m to the north east of the existing family home.
- 7.4.5. In the absence of details regarding the location of and separation distances between the existing and proposed waste water treatments systems, it is not possible to determine if the proposed effluent disposal system is in accordance with the recommendations provided in the EPA Code of Practice Wastewater Treatment and Disposal Systems serving Single Houses (EPA 2009). Table 6.1 of the EPA guidelines require a minimum separation distance for a septic tank, intermittent filters, packaged systems, and polishing filters of 7m to an adjoining house and 10m for the percolation area. A separation distance of 3m is required to the site boundary. In this case there are two separate systems and percolation areas in what appears to be in very close proximity to each other. This is a concern as the existing system serves a single house, however the proposed system is to serve a population equivalent of 6.
- 7.4.6. I would also have concerns regarding the operation and maintenance of the proposed effluent disposal system on the basis that it may not be in use all year round depending on the occupancy of the holiday apartments.
- 7.4.7. On the basis of the information submitted with the application, I am not satisfied that the subject site in combination with the existing septic tank and percolation area is suitable for the safe disposal of effluent arising from the proposed holiday let development.
- 7.4.8. Having regard to the above, I am not satisfied that the proposed waste water treatment system and percolation area are acceptable.

## 7.5. Residential Amenity

- 7.5.1. The issue of noncompliance with the standards as set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities was raised by the planning authority. In particular the lack of private or communal open space, absence of internal storage space and lack of detail in respect to bin storage etc is noted.
- 7.5.2. The units proposed are located at first floor, are served by an external stairs and balcony, and are located forward of the existing dwelling on site. The proposed units therefore which are dual aspect will directly overlook the driveway and front lawn of the existing house. As outlined in section 7.3 above there is a lack of clarity regarding the layout of the proposed car parking and access driveway and or the impact on the existing front lawn of the existing house. I consider the overall arrangement to be very poor in terms of residential amenity for both the proposed units and the occupants of the existing dwelling.
- 7.5.3. I accept, however, the position of the planning authority in not seeking further information to address these issues and concur that the substantive issue in this case is the principle of development.

## 7.6. Appropriate Assessment

Having regard to the nature and scale of the proposed development and change of use, to the nature of the receiving environment, no appropriate assessment issues arise, and it is not considered that the development proposed would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 7.7. Recommendation

I recommend that permission be **refused** for the following reasons and considerations.

## 8.0 Reasons and Considerations

1. Having regard to the location of the site outside a designated settlement on lands zoned Greenbelt, its location adjacent to a National Primary Route with access proposed from same and its unserviced nature, it is considered that

the proposed development would conflict with current policies of the Waterford County Development Plan 2011, as varied, regarding holiday home development, would constitute ad-hoc and substandard tourism development and as such would be contrary to the proper planning and sustainable development of the area.'

2. The proposal would give rise to an increase in trip generation and traffic movements on a section of the N25, National Primary Route, where the maximum permitted speed limit applies, resulting in a negative impact on the traffic safety and carrying capacity of this National Road. The proposed development, by itself and the precedent it would set, would be contrary to the policies and objectives of the Waterford County Development Plan 2011, as varied, and be contrary to the Spatial Planning and National Roads, Guidelines for Planning Authorities 2012 which seek to direct such development to appropriately zoned lands and service centres. The proposed development would therefore give rise to a traffic hazard and establish an undesirable precedent for similar type development contrary to the proper planning and sustainable development of the area.
3. On the basis of the information submitted with the application and appeal, the Board is not satisfied that the subject site in combination with the existing septic tank and percolation area serving the existing dwelling, is suitable for the safe disposal of foul effluent arising from the proposed three number holiday let apartments. Accordingly, it is considered that the proposed development would be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

---

Susan McHugh  
Planning Inspectorate

1<sup>st</sup> July 2019