



An
Bord
Pleanála

Inspector's Report ABP-309904-21

Development	Change of use of 4 no. short term let self-contained holiday units (as granted under planning reference number PD/04/1455) to long term/permanent residential units
Location	Nos. 1A 3A 4A & 5A Newpark Village, Carrowmurragh Townland
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	2120
Applicant	Karl O' Neill
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant	Karl O' Neill
Observer(s)	None
Date of Site Inspection	30 th July 2021
Inspector	Máire Daly

1.0 Site Location and Description

- 1.1. The subject site (c.0.086ha) is located in south rural County Roscommon, approximately 9km north west of Athlone Town and 0.8km west of Lough Ree. The site is accessed via a private internal access road which travels south off the L-7553 Local Secondary Road, which in turn connects to the N61 to the west.
- 1.2. The development the subject of this appeal forms part of the Newpark Village development which comprises 13 no. units in total. The subject site is comprised of 4 no. terraced/semidetached two storey, two-bedroom units which form part of a 5-unit terrace block and have an existing permitted use as self-contained holiday units. 8 no. car spaces associated with the subject units are located to the front (north) of the terrace. The site forms part of a larger existing residential housing development known as Newpark Village which is comprised of 8 no. single storey detached residential units (not included as part of the current proposal, which were permitted a change of use under Planning Authority Ref. PD/09/623), an associated access road, wastewater treatment unit and ancillary areas including open space. The total number of units within the terrace is five, however the subject of this appeal is only concerned with 4 of these units (total area 372.48sq.m), namely units no.s 1A, 3A, 4A and 5A. The site is bound by post and rail fencing to the rear, with each unit having a private rear garden.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Proposed change of use of 4 no. short term let self-contained two-storey holiday units (as granted under P.A. Ref. PD/04/1455) to long term/permanent residential units.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority issued notification of a decision to refuse permission by order dated 12th March 2021 for the following four stated reasons:

1. *The proposed development would be contrary to the proper planning and development of the area because it would contravene materially the terms of existing planning permission Register No. PD/00/1414 (and specifically conditions 1,2,3 and 4 of this reference) which regulates the development of the overall lands on which the site forms part.*
2. *The proposed change of use to permanent residential use which is the subject of this application constitutes inappropriate urban type residential development in an unserviced rural area with a limited extent of infrastructural provision which is contrary to the Rural Housing Strategy as defined in the Roscommon County Development Plan 2014 – 2020 for development within Tier 4 Rural Settlements and the Countryside which requires the direction of “new rural housing to the towns and villages in the county in order to ensure the vitality and viability of these settlements into the future, to safeguard from inappropriate development areas with particular environmental sensitivity or subject to urban influence; and to promote sustainable communities and better places for everyone to live”. The proposed development is therefore contrary to the proper planning and sustainable development of the area.*
3. *The proposed development by itself and by the precedent which the grant of permission for it would set for other such urban type development in this unserviced and unzoned rural area would be contrary to the proper planning and further sustainable development of the area.*
4. *The proposed change of use to permanent residential accommodation of multiple units in this rural area under urban influence is contrary to Section 5.4.11 and Policy 5.29 of the Roscommon County Development Plan 2014 – 2020 which requires applicants to meet the suitability criteria set out in Table 5.4 of the plan for Category B: Areas Under Urban Influence by clearly demonstrating Rural Generated Housing Need.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The recommendation to refuse permission in the Area Planner’s Report reflects the decision of the Planning Authority. The following is of note:

- The provision of the subject units under previous permission PD/00/1414 was part of a tourism enterprise to expand the existing equestrian and leisure facilities, the latter of which has ceased trading.
- The premise and justification of a grant of permission for a cluster of 13 no. housing units in total in this unserviced rural area was in connection with the tourism business.
- Policy 5.41 of the current CDP 2014-2020 states that small scale enterprise such as the construction of holiday homes for short term rent can be considered but they shall be conditioned for holiday use and not sold to form separate permanent residence.
- The current proposal is contrary to what was originally envisaged under the original permission PD/00/1414 and also the provisions of the current development plan.
- The site falls within Tier 4 Rural Settlements and the Countryside. The proposed change of use the subject of this application constitutes inappropriate urban type residential development in an unserviced area under urban influence and would set an undesirable precedent and would be contrary to the Rural Housing Strategy of the CDP 2014-2020.
- Section 5.11.4 of the CDP sets out that only rural generated housing will be acceptable in principle in these areas. The status of the applicants is therefore a material consideration and suitable candidates should demonstrate rural generated housing need.
- The blanket change of use from holiday homes to full time residential use does not afford the opportunity to establish whether owners have established rural generated housing need and are therefore eligible to live in the rural area.
- The siting of the proposed development is very exposed with no natural screening.
- The units which are comprised of 2 no. bedroom holiday homes have limited private amenity space and there is no useable public open space for the development.

- The provision of two-storey semi-detached dwellings on confined sites in a rural area represents an urban type high density development.
- A letter from the Newpark Village Management Company indicating that they are responsible for the operation and maintenance of the treatment plant for the development is noted.
- An advice note attached to previous permission PD/15/126 on site noted that given the limited extent of infrastructural provision on site, the development is not considered to constitute an estate which could be taken in charge.
- The subject development is served by a treatment plant which also serves the 8 no. other houses on the adjacent site which was granted retention permission under PD/15/126. However, the Management Company have not to date submitted details of the ongoing maintenance required under Condition no. 3 or details of the discharge licence required under Condition no. 4 of PD/15/126.
- The site is serviced by a public water supply and a soakpit which falls outside of the site's redline boundary.

3.2.2. Other Technical Reports

- None.

3.3. Prescribed Bodies

- None.

3.4. Third Party Observations

- None.

4.0 Planning History

Appeal site:

- PA Ref. PD/00/1414 – Permission granted in February 2002 for expansion of existing equestrian and leisure facilities and to provide 8 holiday cottages, a terrace of five self-contained holiday units, an indoor riding school, a waste

water treatment plant including all associated site development works. The permission was subject to 22 no. conditions, most notably the following:

- Condition no. 2 – This permission shall be construed as permission for expanded existing equestrian and leisure facilities, provision of 8 no. Holiday Cottages, a terrace of 5 no. self contained holiday units, indoor riding school, waste water treatment plant and all associated site development works and revised access road.
- Condition no. 3 – within 6 months of the development described above (condition no. 2) being first opened for business the applicant shall submit a certificate of compliance from a competent person to the effect that the development has been completed in accordance with the terms and conditions of this permission.
- Condition no.4 – The proposed housing element of the development shall be used for holiday letting only and the housing units shall not be occupied on a permanent basis.
- PA Ref. PD/04/425 – Permission granted in September 2004 for alterations to 8 no. dwelling houses under construction and to relocate the entrance point to the development (Planning Permission previously granted under planning register reference no. PD/00/1414) subject to 3 no. conditions.
- PA Ref. PD/04/1455 – Permission granted in March 2005 for change of house design for a terrace of five self-contained holiday units from that previously granted under Planning Register Reference No. PD/00/1414.

Site immediately adjacent to appeal site:

- PA Ref. PD/09/623 – Permission granted in August 2010 for change of use for 8 no. units, from holiday cottages (as granted under planning reference number PD00/1414) to domestic dwelling units.
 - Condition no. 2 – Effluent disposal in compliance with EPA Wastewater Treatment Manuals: Treatment Systems for Small Communities, Business, Leisure centres and Hotels. Certificate of installation, from manufacturers to be submitted to Roscommon County Council on completion of works.

- Condition no. 3 – Requirement to submit monitoring plan to PA to check the quality of discharge. Monitoring agreement to be renewed on biannual basis.
- Condition no. 5 – Management company to be established with a brief for the maintenance of the estate and in particular the Treatment System. Details of the forgoing to be agreed with the planning authority prior to commencement of development.
- PA Ref. PD/15/126 – Permission for retention granted in January 2016 to retain all houses, services, roads and treatment plant as constructed and all other associated site works. This permission did not include the area subject to the current appeal. Notable conditions include:
 - Condition no.3 - The applicant/Management Company associated with this development shall enter into an ongoing management and maintenance agreement with the supplier/installer of the existing effluent treatment system on site, or as required, other similar company/service provider, to ensure the onsite effluent treatment system continues to be fully maintained and serviced and properly treats the effluent generated at this site. Evidence of same shall be submitted for the written agreement of the Planning Authority within 3 months from the date of the planning permission hereby granted, unless otherwise agreed in writing with the Planning Authority.
 - Condition no.4 - The applicant/Management Company shall apply for and obtain a discharge licence within six months from the date of permission hereby granted.
 - Condition no. 5 – Development contribution.

5.0 Policy Context

5.1. National Policy and Guidance

5.1.1. Quality Housing for Sustainable Communities Guidelines 2007.

5.2. Development Plan

5.2.1. The operative development plan for the area is the Roscommon County Development Plan (CDP) 2014-2020 (as varied).

Of particular relevance to the current appeal are the following sections and policies:

Chapter 2: Core Strategy and Settlement Policy

- Section 2.3 – Settlement Hierarchy
- Section 2.3.7 – Rural Settlements and the countryside and Tier 4 settlements

Chapter 5 – Housing

- Policy 5.24 - Support the development of national initiatives to help the take up of vacant housing in the County
- Section 5.11 Housing in the Countryside

The appeal site forms part of ‘the countryside’ which is identified within Tier 4 of the county settlement hierarchy. According to Map No. 11 of the CDP the site is located in a Stronger Rural Area as defined by the Sustainable Rural Housing Guidelines for Planning Authorities (2005).

The appeal site is located in ‘Category Area B – Areas under Urban Influence’ which states that ‘*The reuse and replacement of existing structures and dwellings will be considered regardless of rural or urban generated housing*’

- Section 5.11.6 Re-use and Replacement of Existing Dwellings
- Policy 5.37 Promote the conversion, redevelopment and re-use of traditional farm buildings and existing housing stock in rural areas for residential use without applying the requirement of rural-generated local housing need.

Chapter 9 Development Management Guidelines and Standards

5.3. Natural Heritage Designations

- 5.3.1. The nearest Natura 2000 sites are the Lough Ree SAC (Site Code: 000440) and the Lough Ree SPA (Site Code:004064) which are located approximately 500 metres to the east of the appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The grounds of appeal, as raised by Cunnane Stratton Reynolds on behalf of the first party appellant can be summarised as follows:

- The proposed development cannot be considered to materially contravene the terms of the original permission (PA Ref. 00/1414) where these have already been changed and the permission has now lapsed.
- The terms of the original permission as it relates to the holiday home development has already been changed under PA Ref. 09/623 which permitted the change of use of 8 no. units to domestic dwellings.
- The proposal is consistent with the Roscommon CDP and national strategies and action plans – the PA's refusal no.2 states that Tier 4 requires the direction of new rural housing to the towns and villages in the County. The current proposal is not for a 'new' rural house. The CDP states that crossroad type nuclei developments have the potential to relieve the pressure for rural housing in the countryside.
- This is a change of use application and does not involve new build and therefore Section 9 of the CDP which relates to location, siting and design of rural housing is not directly applicable.
- Refusal Reason no. 4 - The proposed development was assessed against the incorrect policies and objectives i.e. Section 5.4.11 and Policy 5.29. Section 5.4.11 does not exist and Policy 5.29 refers to 'new' housing development. The current proposal is for a change of use to existing structures. The proposal should have been assessed against Policy 5.37 which would be favourable towards a grant of the current proposal.

- Having regard to the above it is submitted to the Board that the proposed change of use is consistent with the Rural Housing Strategy and relevant policies and objectives that seek the reuse of existing structures/dwellings regardless of rural or urban-generated housing need.
- National Policy support - including Rebuilding Ireland of which Pillar 5 seeks to ensure that existing housing stock is used to the maximum degree possible – focussing on measures to use vacant stock.
- The Sustainable Rural Housing Guidelines for Planning Authorities 2005 – Section 3.2.2 supports proposals to reinstate, conserve and or replace existing, ruinous or disused dwellings.
- The proposed development is appropriate for permanent residential use. Each unit has an overall area of 88.2sq.m and both the units and individual rooms are compliant with the Quality Housing for Sustainable Communities Guidelines 2007. Between 55sqm to 112sqm of private amenity open space is also provided to the rear of the subject dwellings.
- Updated drawings have been submitted with the appeal which show proposals for 1.8m plastered concrete block walls to the rear of each dwelling and also to separate each dwellings rear gardens, these alterations can be carried out under exempted development (Class 5, Schedule , part 1 of P&D Regs, 2001 as amended).
- Communal open space of 278sqm is provide to the front of the properties. Which equates to 32% of the site area and is in excess of the 15% required.
- The planning officer's comments relating to the development resembling urban type high density development in a rural area are outside the scope of the current proposal which relates to change of use only and no other works. The design of the proposal was considered acceptable by RCC under the original planning permission.
- Provision can be made for additional landscaping and boundary screening if considered necessary.
- The wastewater treatment system at Newpark Village which serves the units is operating within capacity - confirmed by letter from Gaffney Environmental

Ltd which is attached to appeal – PE of 72 available, PE of 68 currently being used.

- The proposal for permanent residential use is compatible with the surrounding land uses (residential dwellings) and is in fact more compatible than holiday home development. The appeal site has been vacant for a long time and is beginning to have a negative impact on the appearance of the surrounding area.
- Response to Refusal Reason no. 3 – Each case should be assessed on its own merits. Similar developments have been previously permitted by RCC (PA Ref. 13/00665) and An Bord Pleanála (PL88.243669). Also, the PA has permitted the change of use of the 8 no. units adjoining the appeal site, which were also developed originally as part of the Newpark Village scheme.
- The equestrian and leisure facilities are not going to be developed and therefore there is no requirement for tourist accommodation at this location.

6.2. Planning Authority Response

- None.

6.3. Observations

- None.

7.0 Assessment

7.1. Having inspected the site and examined the application and appeal details and all other documentation on file, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Residential Amenities
- Wastewater Treatment
- Appropriate Assessment

7.2. Principle of Development

- 7.2.1. In terms of the proper planning and sustainable development, the suitability of the development for short-term holiday letting on site is established by the grant of permission by the planning authority under the original permission PD/00/1414 for Newpark Village. The current permission sought seeks a change of use of 4 no. units within a terrace of 5 no. units from short term holiday letting to long term/permanent residential units. Notwithstanding the location of the development in a rural area c. 9km north of Athlone Town and also removed from any local village nuclei, I consider that there are a number of factors in this case which provide that the development is acceptable in principle. These are outlined in the sections that follow.
- 7.3. The planning authority's first reason for refusal states that the development would contravene materially the terms of an existing permission on site under PA Ref. PD/00/1414. I note that the justification given originally for the provision of holiday cottages in the initial application was that these would be linked to the expansion of the equestrian and leisure facility on site. This was clearly set down in condition no. 2 of the parent permission (PA Ref. PD/00/1414). The expansion of same riding school never occurred. As noted in the first party appeal the terms of this original permission have been altered previously under PA Ref. PD/09/623 in which Roscommon County Council (RCC) granted planning permission for a change of use for the 8 no. dwelling units on the site adjoining the appeal site (which also form part of the larger Newpark Village development) from holiday cottages (as granted under planning reference number PD00/1414) to domestic dwelling units. I recognise that an application can be legitimately made for a development which is contrary to a condition of a previous/parent permission and that same should be dealt with on its own merits. The planning authority's refusal reason no. 3 refers to the precedent which a grant of permission would set for other such urban type development in unserviced and unzoned rural areas. Again, I would highlight that each appeal case received by the Board is assessed on its own merits. These principles apply equally to the issues raised in the current application, which can only be judged on the basis of policy and the site context including for example its location and the pattern of development in the area. While I note originally that the entire development as permitted under PA Ref. PD/00/1414 was intended as a tourism development with ancillary holiday accommodation, the use of the majority of the overall site was

changed under PA Ref. PD/09/623 and having visited the site I note that the use of the 8 no. units as permanent residential dwellings appears to be working well. The proposal for the permanent residential use of the 4 no. units is therefore compatible with the surrounding land uses. I therefore see no reason why the change of use of the 4 no. terraced properties would also not work.

- 7.4. Section 5.10.3 of the CDP refers to unserviced Rural Villages and Village Nuclei and states that these type of settlements within Tier 4 include crossroad type villages, village nuclei and smaller settlements which have the potential to relieve development pressure for rural housing in the countryside whether rural or urban generated. This section goes on further to state that these centres, though not serviced by public sewage infrastructure, have the ability to accommodate limited and small scale (typically individual) rural housing needs while ensuring that rural social and community infrastructure and services such as schools, shops, public houses, post offices and local sports organisations are maintained. The applicant refers to this Section of the operative CDP in support of their appeal and while I note the development does form a cluster of housing, I note the second paragraph of Section 5.10.3 which states *'the Council will not accept housing proposals that have not developed around a nucleus or crossroad with enough lower level social and community services to serve the new development and the people who will be living there....'* I therefore would not consider the current proposal falls within this category. The subject appeal site is located within an area defined as Tier 4 Rural Settlements and the Countryside as defined under Section 5.9 of the operative CDP. The planning authority's refusal reason no. 2 states that the proposed change of use to permanent residential use constitutes inappropriate urban type residential development in an unserviced rural area. The refusal reason stresses that it is the aim of the rural housing strategy for the County to direct *"new rural housing to the towns and villages in the County in order to ensure the vitality and viability of these settlements into the future, to safeguard from inappropriate development areas with particular environmental sensitivity or subject to urban influence...."*. In my opinion as the subject appeal seeks a change of use to already existing units the reference to 'new' rural housing as outlined under refusal reason no.2 would not be relevant. While I acknowledge that the change of use would see the provision of permanent residential units where previous short term holiday letting units existed, I do not

believe this change of use can be assessed under the same criteria as would be required for newly proposed rural dwellings. I would reason that a similar reasoning should be adopted by the Board when examining refusal reason no.4. This refusal reason refers to the proposal being located in a Category B: rural area under urban influence, which requires applicants demonstrate suitability criteria as set out in Table 5.4 of the plan in order to demonstrate their rural generated housing need. The planning authority state that as this has not been demonstrated the current proposal is in fact contrary to Section 5.4.11 and Policy 5.29 of the operative CDP. I note that there is no such Section 5.4.11 in the operative development plan. The applicant has also noted same discrepancy and believes the planning authority should have referred instead to Section 5.11.4 Rural Policy Areas. As identified under Section 5.2 above, the proposal is located within a rural area designated as Category B under Map no.12 of the operative CDP. Policy 5.29 of the plan states that '*Prospective applicants seeking new housing development in the countryside shall be required to meet the suitability criteria set out in Table 5.4 of this Plan, for the rural housing policy category area (see map 7), within which the development site is situate*' (my underlined emphasis added). The current proposal relates to a change of use to existing structures and therefore in my opinion Policy 5.29 of the operative CDP is not directly applicable in this case. I do note however that Policy 5.37 does refer to the 'Re-use and Replacement of Existing Structures and Dwellings' and promotes the conversion, redevelopment and re-use of traditional farm buildings and existing housing stock in rural areas for residential use without applying the requirement of rural-generated local housing need. Having considered the flexibility afforded under Policy 5.37 I would consider that the proposed change of use would be acceptable in principle and that the need to demonstrate rural generated housing need is not required in this case.

7.5. Residential Amenities

- 7.5.1. I do note that one of the terrace properties no. 2A (mid terrace) does not form part of the current application for change of use, therefore this would imply that this unit is to remain as a holiday home. I do not consider that the change of use of the adjoining units to long term/permanent residential units would have any significant impact on the future use of unit 2A for short term holiday lettings, nor would I consider the use of unit 2A as a holiday letting would have any negative impacts on the residential

amenities of the proposed adjoining dwellings or the amenities of this rural area as a result of the proposed change of use. I consider that the estate is reasonably conventional and that it would provide satisfactorily for the needs of full-time residents as well as holiday makers.

7.5.2. Internal footpaths are provided within the Newpark Village development and sufficient parking is provided to the front of each of the 4 no. subject units to serve the occupants. With regard to the residential quality standards of the individual units, the units which have an overall area of 88.2sq.m split over two floors, meet the minimum criteria for space provision and room sizes for typical 2 no. bedroom dwellings as set out in the Quality Housing for Sustainable Communities Guidelines (2007) and while I note the planning authority's concerns in relation to the availability of private amenity space to the rear of each unit, I am satisfied that the rear gardens provided, in this case which range between 55sq.m and 112sq.m are satisfactory.

7.5.3. 278sq.m of communal open space is provided to the front (north) of the terraced units. This area of open space is not included within the red line boundary of the site and instead comprises part of the adjoining site which originally would have formed part of the Newpark Village development as originally approved. Again, I note the planning authority have raised concerns with regard the useability of this open space, I however do not consider this a significant concern given that private open space is provided to the rear of the units and also given the rural location of the development within close proximity to available local amenities such as St. Brigid's GAA Club, Lough Ree and several forest parks. I therefore would not consider the lack of communal open space within the site boundary a reason that would merit the refusal of the current proposal.

7.6. **Wastewater Treatment**

7.6.1. The planning officer in her report raised concerns regarding effluent treatment and disposal from the subject site. While they acknowledged the letter received from the Newpark Management Company, which outlined that they were responsible for the operation and maintenance of the treatment plant for the development, the planning officer highlighted that no specialist report was provided in support of this. As part of the appeal the applicant confirms that the wastewater treatment system at Newpark Village, which serves the subject units, is operating within capacity and they have

submitted a letter from 'Gaffney Environmental Ltd' outlining same. The letter states that out of the PE of 72 available through the plant, a PE of 68 is currently being used by the entire Newpark Village development (8 no. detached dwelling units and 5 no. terraced units). While I am satisfied that the applicant has provided sufficient detail regarding the capacity of the wastewater plant, I note that there is still a lack of detail regarding the ongoing management and maintenance agreement with the service provider of the existing effluent treatment system and also details in relation to the discharge licence required. Conditions no.3 and no.4 of previous planning permission PA Ref. PD/15/126 concerning the adjoining site of the 8 no. dwelling houses (within Newpark Village) required the details and agreements in relation to both of the above items be agreed with the planning authority within 3 months and 6 months respectively of the date of grant of permission. As outlined previously no evidence of same has been submitted with the current application or appeal documents, therefore, I would suggest to the Board if they are minded to grant permission that both of the above requirements should be sought by way of condition to ensure that the requirements for the current site regarding wastewater and discharge licences are met prior to the change of use being implemented.

7.7. Other Matters

Visual Impact, Design and Siting

- 7.7.1. I note the planning authorities concerns in relation to the siting of the proposed development and the lack of natural screening, however I do not consider this a relevant issue. The development has been in place for c. 16 years now and I would consider that the issue of visual impact should have been sufficiently addressed as part of the original planning application and also those subsequently granted for change of design as detailed above under the planning history contained in Section 4 of this report. The current application seeks a change of use and in no way seeks to alter the design or layout of the structure of the units and therefore in my opinion would not alter the visual impact of the existing development in anyway. The site layout plan does include reference to the 'potential for proposed 1.8m plastered concrete block wall' to be erected along the rear of the site and boundaries between the rear gardens. I would have no issue with these proposals.

Access

7.7.2. The subject site is accessed via a private access road which in turn provides safe access onto the local road (L-7553) and subsequently onto the N61. The site layout plan submitted with the application and appeal documents states that the existing access roadway is in ownership of New Park Village Management Company and refers to an authorisation letter from OMC. I note the letter attached to the application from the Newpark Village Management Company Ltd. which states that they have no issues with the change of use proposed. I am therefore satisfied that appropriate access to the proposed development can be achieved.

7.8. **Appropriate Assessment**

7.8.1. Having regard to the nature and scale of the development for which a change of use is sought, its location in the rural area, and the separation distance to any European site and the lack of any hydrological connection to same, 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 permission be granted for the proposed development based on the following reasons and considerations.

9.0 **Reasons and Considerations**

9.1. Having regard to the location of the development, and the precedent established on the adjoining site for the proposed change of use sought under this application, it is considered that, subject to compliance with the conditions set out below, the proposed change of use of the 4 no. short term let self-contained holiday units (as granted under planning reference number PD/04/1455) to long term/permanent residential units would not seriously injure the amenities of the area, would be acceptable in terms of traffic safety and convenience and would not be prejudicial to public health and the environment. The proposed change of use would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and by the further plans and particulars received by An Bord Pleanála on the 08th day of April 2021, 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 applicant/developer shall enter into an ongoing management and maintenance agreement with the service provider of the existing effluent treatment system serving the development, to ensure that the effluent treatment system continues to be fully maintained and serviced and properly treats effluent generated on this site. Prior to the commencement of this change of use permission, evidence of same shall be submitted to, and agreed in writing with the planning authority.

Reason: In the interest of public health.

3. The applicant/developer shall obtain/submit evidence of a discharge licence for the existing effluent treatment system serving the development to the planning authority prior to the commencement of this change of use permission.

Reason: In the interest of public health.

4. 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.

Máire Daly
Planning Inspector

15th September 2021