



An
Bord
Pleanála

Inspector's Report

ABP-312708-22

Development	House & garage, waste water treatment system. Associated site works.
Location	Mullinroe, Dring, Co Longford
Planning Authority	Longford County Council
Planning Authority Reg. Ref.	21280
Applicant	Patrick Rogers
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Declan Fagan
Date of Site Inspection	5 th July 2023
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1.1. The site is located in the townland of Mullinroe, Dring, Co Longford, in the parish of Mullinalaghta, as signposted in the vicinity.
- 1.1.2. The site, given as 0.27ha, is part of a landholding outlined in blue on the site layout (scale 1:500) owned by the applicant's father, which includes the family dwelling on the opposite side of the road.

2.0 Proposed Development

- 2.1.1. The application, dated 27th September 2021, for permission for the construction of a storey and a half type dwelling house, detached garage, alteration to existing agricultural entrance to also serve the proposed dwelling house, boundary fence/wall, suitable sewerage system with polishing filter and all ancillary site works; was modified by the submission of revised house plans 20th Jan 2022.
- 2.1.2. The application documents include a letter from an adjoining landowner; consenting to the cutting of the existing hedgerow, indicated on a map, and the removal & replacement of existing chain link fence, to enable the applicant to ensure adequate sightlines.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority decided, 17th February 2022, to grant permission subject to 13 no. conditions including a seven-year occupancy, external finishes, wastewater treatment, surface water disposal, re the ESB line, frontage treatment, undergrounding of cables, maintenance of drainage arrangements, water connection, energy efficiency, landscaping and development contribution.

3.2. Planning Authority Reports

3.3. Planning Reports

3.3.1. There are two planning reports on the file. The first, dated 8th November 2021, recommending further information, which issued, includes:

- Located in an area outside the Broadzone of Lough Gowna.
- Applicant has submitted a letter indicating connection to area and need for a house.
- Proposal is for an A frame storey and a half type that has 2 no. A frame projections on the front elevation, stated height of 8.4m and floor area of 232m².
- The site has a T value of 31.44 and a P value of 37.42. It is proposed to install a septic tank.

3.4. Other Technical Reports

3.5. Area Engineer, 15th October 2021 –

3.5.1. The applicant's father did discuss the proposed development with the Area Engineer in advance of the application and has incorporated the necessary proposals to provide for safe access/egress.

Conditions:

a) The existing fenceline/boundary adjacent to the public roadway shall be removed as detailed below to achieve the required sightlines and, where removed, the new boundary shall be set back a minimum of 3 metres from the edge of the adjacent public roadway. The existing boundaries that are not removed/ set back shall be maintained to no more than 1 metre in height.

b) Specifically, the existing hedge/boundary fence between points A and B (on the site layout drawing) is to be removed and a new fence/boundary installed from a setback of 3m at Point A to the existing fenceline at Point B.

c) On the northern side of the proposed entrance the first 15m of fence from Point A should be removed and set back 3m and the remaining fence/hedge line shall be set back from there fading out to nothing as required to achieve the necessary sightline. On the opposite side of the road the existing hedges have been removed and this shall not be reinstated in a manner that would compromise the sightlines.

d) Vehicular access shall be restricted to one point only and splayed wing walls shall be provided at 45° angles.

e) The area of ground between the edge of the existing public road and the line of the new boundary wall/fence shall be filled with a minimum depth of 450mm suitable granular material and capped with clause 804 granular material type B, to a minimum depth of 200mm, properly compacted. This filling should slope away from the existing road edge at a minimum slope of 2.5% and particular care should be taken to ensure that the storm water runoff from the area and the adjoining public road is disposed of properly to an adjoining watercourse. This entire area shall be surfaced with a final layer of material similar to the proposed driveway (and to the relevant TII standards).

The proposed development site is above the road and other than the entrance road, the development is located well back from the road. It is appropriate to include drainage requirements at the road to prevent water escaping onto the public road.

a) A drainage system shall be installed along the entire site frontage where the fenceline/boundary has been set back, including a new outfall to an existing surface water drainage network or appropriate alternative. The new drainage system shall be constructed with concrete pipes of adequate internal diameter (min 300mm), properly bedded, backfilled and laid to the correct grade. Two gullies with lockable gully grates, evenly spaced, shall be installed along this pipeline.

b) Drainage channels (or similar suitable alternatives to be agreed with the roads section Longford County Council) shall be installed across the new vehicular entrance to prevent water accessing the public road. Runoff from this area shall be piped to the new system referred to (at a) above.

c) all surface water arising on site shall be disposed of within the site to the existing drainage system.

Conditions re. protection of the public road.

3.6. Further Information

3.6.1. A Further Information request issued 12th November 2021 on two items:

1 elevated site with the finished floor level almost 3m above road level; requested to reduce the overall height and scale to limit the visual impact.

2 the front elevation is unnecessarily complicated; requested to omit the A frame profile over the front door and omit the circular window.

3.6.2. A further information response was received 20th January 2022, providing revised house plans.

3.6.3. The response includes proposed reduced finished floor level, given with reference to the road level at the site entrance (temporary benchmark 100) as 102.00, in comparison to the original submission's finished floor level 102.50.

3.6.4. The second planning report, dated 31st January 2022, recommending permission, which issued, includes:

- Satisfied with further information response.

3.7. Prescribed Bodies

3.7.1. Uisce Éireann, 28th September 2021 - conditions

3.8. Third Party Observations

3.8.1. A third party observation on the file has been read and noted.

4.0 Planning History

None given.

5.0 Policy Context

5.1. Development Plan

5.1.1. Longford County Development Plan 2021-2027 is the operative plan. Relevant provisions include:

In respect of 'Rural Areas Elsewhere', the Council aims to accommodate rural housing demand from individuals for permanent residential development, subject to good planning practice by applying a more flexible approach in the assessment of planning applications which are primarily based on sustainable planning principles (appropriate siting and design and negligible impacts to existing amenities or

sensitive environments). The requirement to demonstrate local housing need will not apply to applications within this designated area.

Figure 4.5 Rural Typology Map, shows Areas Under Urban Influence and Rural Areas Elsewhere; the subject site is within the latter area.

5.2. Natural Heritage Designations

5.3. The closest Natura site is Lough Kinale and Derragh Lough SPA (site code 004064) located c7.8km straight line distance from the subject site.

5.4. EIA Screening

5.4.1. Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity 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

6.1.1. Declan Fagan has submitted this appeal. the grounds include:

- His concern is highway safety. The entrance is directly opposite a major T junction. There is no site view entering or leaving.
- There are two blind bends, one on each side of the entrance.
- Road view cannot be altered because the applicant does not own the land on either side of the entrance.

6.2. Applicant Response

6.2.1. Cunningham Design & Planning have submitted a response on behalf of the applicant, which includes:

- The issue of sightlines is the only issue raised in the grounds of appeal.

- This was addressed in the Area Engineer's report which is quoted. This followed a consultation with the Area Engineer prior to submitting the application.
- The applicant is not appealing any of the conditions.
- The applicant did avail of preplanning; as stated on the application form.

7.0 Assessment

- 7.1.1. I consider that the main issues which arise in relation to this appeal are appropriate assessment and traffic safety, and the following assessment is dealt with under those headings.

7.2. Appropriate Assessment

- 7.2.1. Having regard to the nature and scale of the proposed development, 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.

7.3. Traffic Safety

- 7.3.1. The grounds of appeal refers to concerns regarding traffic safety.
- 7.3.2. The site is located close to a junction on a primary local road, the L-1057. The Area Engineer's report is detailed with regard to measures to be taken to provide sight lines at the proposed entrance, the location of an existing field gate. The requirements were discussed with the applicant prior to the making of the planning application and a letter of consent was supplied from the adjoining landowner to the south. The lands to the north are family lands.
- 7.3.3. The applicant, in response to the grounds of appeal, states these matters were agreed in consultation with the Area Engineer prior to submitting the application and that he is not appealing any of the conditions.
- 7.3.4. In my opinion the matter is adequately addressed in the conditions set out in the planning authority's decision.

8.0 Recommendation

- 8.1.1. In accordance with the foregoing I recommend that the planning application be granted for the following reason and consideration and in accordance with the following conditions.

9.0 Reasons and Considerations

- 9.1.1. The proposed development accords with the rural housing policies of the Longford County Development Plan 2021-2027, would not endanger traffic or impact on the amenities of the area, and would accordingly be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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 20th day of January 2022, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>(a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter [unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant]. Prior to commencement</p>

	<p>of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.</p> <p>(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.</p> <p>This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.</p> <p>Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted in the interest of the proper planning and sustainable development of the area.</p>
3.	<p>A schedule of materials to be used in the external treatment of the development shall be submitted to and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure an appropriate standard of development/conservation.</p>
4.	<p>The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021.</p> <p>Prior to the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the system has been installed in accordance with the standards set out in the EPA document.</p>

	<p>Reason: In the interest of public health.</p>
5.	<p>All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water shall discharge onto the public road or adjoining properties.</p> <p>Reason: In the interest of traffic safety and to prevent pollution.</p>
6.	<p>a) The existing fenceline / boundary adjacent to the public roadway shall be removed as detailed below to achieve the required sightlines.</p> <p>b) The existing hedge/boundary fence between points A and B (on the site layout drawing) shall be removed and a new fence/boundary installed from a setback of 3m at Point A to the existing fenceline at Point B.</p> <p>c) On the northern side of the proposed entrance the first 15m of fence from Point A shall be removed and set back 3m and the remaining fence/hedge line shall be set back as required to achieve the necessary sightline. On the opposite side of the road the existing hedges that have been removed shall not be reinstated in a manner that would compromise the sightlines.</p> <p>d) Vehicular access shall be restricted to one point only and splayed wing walls shall be provided at 45° angles.</p> <p>e) The area of ground between the edge of the existing public road and the line of the new boundary wall/fence shall be filled with a minimum depth of 450mm suitable granular material and capped with clause 804 granular material type B, to a minimum depth of 200mm, properly compacted. This filling shall slope away from the existing road edge at a minimum slope of 2.5% and particular care shall be taken to ensure that the storm water runoff from the area and the adjoining public road is disposed of within the site. This entire area shall be surfaced with a final layer of material, similar to the proposed driveway (and to the relevant TII standards).</p>

	<p>Reason: In the interest of traffic safety.</p>
7.	<p>a) A drainage system shall be installed along the entire site frontage where the fenceline/boundary has been set back including a new outfall to an existing surface water drainage network or appropriate alternative. The new drainage system shall be constructed with concrete pipes of adequate internal diameter (min 300mm), properly bedded, backfilled and laid to the correct grade. Two gullies with lockable gully grates, evenly spaced, shall be installed along this pipeline. Drainage channels (or similar suitable alternatives to be agreed with the planning authority), shall be installed across the new vehicular entrance.</p> <p>Reason: In the interest of traffic safety.</p>
8.	<p>Prior to the commencement of development, the developer shall consult with the utility providers in relation to the two overhead lines which traverse the site.</p> <p>Reason: In the interest of orderly development and safety.</p>
9.	<p>All service cables associated with the proposed development shall be located underground.</p> <p>Reason: In the interests of visual and residential amenity.</p>
10.	<p>Prior to commencement of development, the developer shall enter into a water connection agreement with Uisce Éireann, formerly Irish Water.</p>

	Reason: In the interest of public health.
11.	<p>All necessary measures shall be taken by the developer to prevent any spillage or deposition of material on the adjoining or adjacent public road during the course of construction work.</p> <p>Reason: In the interest of traffic safety.</p>
12.	<p>Any boundary landscaping shall utilise native Irish tree species.</p> <p>Reason: To promote biodiversity.</p>
13.	<p>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.</p> <p>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.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Planning Inspector

6th July 2023

Appendices

Appendix 1 Photographs

Appendix 2 Longford County Development Plan 2021-2027, extracts