



An
Bord
Pleanála

Inspector's Report PL17.247567

Development	Construction of soccer pitches, single storey pavilion, waste water treatment system, car parking and replacement of field entrance with new entrance to public road.
Location	Durhamstown, Bohermeen, Navan, Co. Meath.
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	NA/160414
Applicant(s)	Trustees of Bohermeen Celtic F.C
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellants	Bronagh Mallon
Observers	None
Date of Site Inspection	10 th January 2017

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 3.06 hectares is located in Durhamstown, in Bohermeen village in County Meath, situated c.100m to the north of the church and primary school. The site is currently laid out over 3 fields with an additional small portion of ground to the front. There are dwelling houses located immediately north and south of the front portion of the site, with the house immediately south included in the ownership boundary as denoted by a blue line on the site location/landholding map on file. There is a small housing development consisting of 8 detached houses, c. 50m north of the site. There are agricultural fields and sheds on the opposite side of the road, west of the appeal site. Mature trees and hedgerows are located along the external perimeter and also mark the inner field boundaries. The site is relatively flat, rising gently towards the centre to a level c.900mm higher than both the roadside / western boundary and the rear/eastern boundary.
- 1.2. The site is located at a point just outside of the 50kph and within the 60 kph speed limits. Bohermeen village is positioned c. 2.5km west of the M3 and is c.7km west of Navan.

2.0 Proposed Development

- 2.1. The proposed development would comprise the construction of 2 senior and 2 underage soccer pitches, a training area, a single storey pavilion /clubhouse, an on-site waste water treatment system and car parking. It would also comprise the replacement of a field entrance with a new entrance onto the public road. The pavilion is presented as a block wall structure with rendered finish and a hipped roof design. It would measure 156 sq.m gross floor area and have a ridge height of 6m.
- 2.2. In addition to the planning drawings, the Planning Application was accompanied by a cover letter from O' Daly Architects together with a Site Characterisation Assessment and a Soakaway design sheet prepared by FJ Coyle and Associates.
- 2.3. A response to the further information included a specification for the sand polishing filter (Eurotank Sandbox), written details of landscaping and a revised site layout plan.

3.0 Planning Authority Decision

3.1. The Planning Authority issued a decision to grant **permission** with 13 conditions attached, the following of note:

- Condition 2: Provide specific landscape proposals;
- Condition 5: Certification regarding the design, installation and commissioning of the wastewater treatment unit to be submitted prior to occupation of the premises;
- Condition 6: Continuous and indefinite maintenance of the waste water treatment system;
- Condition 9: Construction operations to have regard to BS 5228:1997 'Noise Control on Construction and Open Sites'.

4.0 Planning Authority Reports

4.1. Planning Reports

Following initial assessment, the Planning Authority recommended seeking further information on the suitability of the site for on-site effluent treatment, residential amenity, landscape proposals and addressing third party concerns. The information received in the response was deemed to be significant and was re-advertised. The Planning Officer considered the proposal as amended was acceptable in the context of the current Meath County Development Plan and put forward a recommendation to **grant permission** with conditions.

4.2. Other Technical Reports

- **Road Design:** No objection subject to conditions;
- **Environment:** No response on file;
- **Water Services:** No response on file;
- **Navan Enterprise Centre:** No response on file.

4.3. **Prescribed Bodies**

- Irish Water: Report Outstanding.

4.4. **Third Party Observations**

Submissions were initially received from three third parties, including Bohermeen Parish Council, Bronagh Mallon and Betty Shaffrey. Two subsequent third party submissions were received from Bohermeen Parish Council and Bronagh Mallon on the further information. Concerns were raised on matters of residential amenity (noise, light spill), impact on Church activity, pedestrian access not agreed, overdevelopment, increase in traffic and insufficient car parking, inadequate sight visibility, boundary treatment, impact on views and devaluation of property. The Planning Officer has stated that the submissions were taking into consideration in the assessment of the application by the Planning Authority.

5.0 **Planning History**

5.1. **Appeal site**

- NA/40155: Permission was refused on 10th June 2004 for 47 detached dwelling houses, entrance, temporary sewerage treatment plant and ancillary works.

5.2. **Vicinity – South of Appeal site**

- NA/121084: On 18th February 2013, permission was granted for a parochial house and parish centre with parking for 30 cars, garage, new entrance, landscaping and a proprietary effluent treatment system and percolation area.

6.0 Policy Context

6.1. Meath County Development Plan 2013 - 2019

Chapter 5 - Social Strategy

- 5.10 - Sporting and Leisure Facilities/Recreation/Open Space;
- 5.10.1 - Existing Sport and Leisure Infrastructure in County Meath
.....The settlement strategy and core strategy pursued in this Development Plan is based upon a hierarchy of settlements ranging from large growth towns to villages. A hierarchy of community, sporting and leisure facilities commensurate with the needs of the resident population will be pursued accordingly. It is imperative that development provides for, and if necessary, leverages the necessary sports and recreation facilities which will be accessible to all sectors of the community. These facilities are critical to the achievement of balanced sustainable development.

5.10.1 - Policies

- SOC POL 33 - To encourage and support local sports, community groups and other groups in the provision and development of outdoor and indoor sporting and community facilities;
- SOC POL 34 - To support local sports groups, community groups and other groups in the development of facilities through the reservation of suitable land and the provision of funding where available and appropriate;
- SOC POL 37 - To ensure that new leisure facilities where possible, are located in proximity to public transportation routes and where they can best meet the needs of the community that the facility is intended to serve.

Chapter 2 - Core Strategy

- Section 2.7 Rural Areas - The site is in an area designated as Area 3 (Low Development Pressure Areas);

- CS OBJ 10 - To support rural communities through the identification of lower order centres including small towns, villages and Graigs to provide more sustainable development centres in the rural areas.

Chapter 10 - Rural Developments - Strategic Objectives (Rural)

- RUR DEV SO 1 - To support the continued vitality and viability of rural areas, environmentally, socially and commercially by promoting sustainable social and economic development;
- RUR DEV SO 4 - To support the vitality and future of Graigs for rural development and ensure a functional relationship between housing in Graigs and the rural area in which they are located.

Section 10.16.2 - Regional and County Roads

- RD POL 38 - To ensure that all development accessing off the county's road network is at a location and carried out in a manner which would not endanger public safety by way of a traffic hazard;
- RD POL 39 - To identify and protect those non-national roads of regional or local importance from unnecessary and excessive individual access/egress points, which would prejudice the carrying capacity and ultimately the function of the road.

Section 10.19.3 - Wastewater Disposal

- RD POL 48 - To ensure all septic tank/proprietary treatment plants and polishing filter/percolation areas satisfy the criteria set out in the EPA 'Code of Practice Waste Water Treatment and Disposal Systems Serving Single Houses (p.e. <10)', (2009) (or any other updated code of practice guidelines) in order to safeguard individual and group water schemes;
- RD POL 50 -To ensure a maintenance agreement or other satisfactory management arrangements are entered into by the applicant to inspect and

service the system as required. A copy of this must be submitted to the Planning Authority.

Appendix 16

- Bohermeen is listed as one of twelve Graigs in the Navan area.

6.2. Designated Areas

- Jamestown Bog NHA [Site Code 001324] is located c. 1.7km south west;
- River Boyne and River Blackwater SPA [Site Code 004232] /SAC [Site Code 002299] are both located c.4km north east and also 10km to the south west.

7.0 The Appeal

7.1. Grounds of Third Party Appeal

An appeal was received from **Bronagh Mallon**, who resides in the house immediately north of the site. The grounds of the appeal are summarised under as follows:

- Development Plan Policy RD POL 39 (protect non-national roads from unnecessary access) and RD POL 38 are not achievable and the development would result in road safety issues;
- RD POL 43 (comply with DMRB) could not be achieved having regard to the restricted sightlines available. Achieving sightlines would require removing the roadside boundary including part of the appellant's fence;
- Position of pavilion building, car parking and access proximate to house would affect current privacy enjoyed and result in noise pollution. Planting alone would not address these concerns. A 2m mound, planted with mature trees should be required;
- No details of final discharge from effluent treatment system or minimum separation distances set out in Table 6.1 of the EPA Code of Practice provided;

- Development would lead to future development of flood lighting which would further erode privacy.

7.2. Applicants Response

A response was received from **O'Daly Architects** on behalf of the **applicant**. It is stated that the development would be supported and used by the school. The principal planning points put forward in response to the grounds of the appeal are as follows:

- The club currently rents grounds sited on the N51 which is dislocated from the village and only accessible by car;
- The site provides an opportunity to relocate the club bringing it into the heart of the village and community from which its membership is drawn and it would reduce traffic movements;
- Site is ideal given its location proximate to the primary school and it is located within a speed controlled zone where the speed limit reduces from 60 kph to 50 kph and where required forward visibility is achievable;
- The separation distance between the appellants dwelling and the single storey pavilion building and play pitches are such that there would be no undue impact on privacy;
- Applicant is willing to erect a timber fence along the boundary between the site and the appellant's property;
- The wastewater treatment system as submitted with the application is in compliance with EPA requirements.

The appeal response is accompanied by a letter from the applicant outlining the merits of the proposal and also by a letter from the local primary school expressing full support for the development.

7.3. Planning Authority Response

The Planning Authority responded to the appeal stating that the development proposed in Bohermeen village centre is appropriate for the intended community and

recreational use and that the proposed conditions once complied with can mitigate against any residential amenity impacts. Effluent discharge and access arrangements are to the satisfaction of Meath County Council technical departments.

8.0 Assessment

8.1. Introduction

8.2. I have read and considered the contents of the planning application, grounds of the appeal, responses and relevant planning policy. I have also attended the site and environs. I consider the key issues in determining the application and appeal before the Board are as follows:

- Principle of the Development
- Residential Amenity
- Access and Traffic
- Wastewater Treatment and Disposal
- Appropriate Assessment

My considerations of each of the above issues are set out under the respective headings below.

8.3. Principle of the Development

At a strategic level, sporting and leisure facilities are recognised as being critical to the achievement of balanced sustainable development under Chapter 5 (Social Strategy) of the current Meath Development plan. Policies SOC POL 33 and SOC POL 34 support the development of such facilities. The proposed development would be centrally located in Bohermeen village in Area 3 which within the Meath County Development Plan 2013-2019 is an area of 'low development pressure'. Bohermeen is also included in Appendix 16 as one of 12 Graigs in the Navan Area. Objective CS OBJ 10 supports the development of rural communities in the context of the core strategy. Chapter 10 includes strategic policies to support the continued vitality and viability of rural areas (RUR DEV SO 1) and of Graigs (RUR DEC SO 4). The development would be located adjacent to complementary uses including the

church and school. I consider the location in the centre of a village is the preferred location in the role of the village supporting the rural community and is strongly supported by planning policy referenced above. Its location would also encourage sustainable walking and cycling patterns.

Having regard to the foregoing, it is very clear that the principle of the development is wholly acceptable and would be compatible with the proper planning and sustainable development for the area. The suitability of the proposal needs also to be assessed in terms of all other relevant planning considerations being satisfactorily addressed and which I have considered in the following sections of my assessment below.

8.4. Residential Amenity

The appellant, who resides immediately north of the appeal site, considers the new pavilion building, the access and car parking would diminish the level of privacy and private amenity currently enjoyed and would result in noise pollution and requests that a 2m landscaped mound be placed alongside the shared boundary.

I note the pavilion building is a modest single storey building which is akin in scale to a bungalow. Given the separation distance of 13m from the pavilion and the shared northern boundary, the nature and extent of its intended use and noting that there are no windows on the north elevation, I consider that no overlooking, overshadowing or overbearing issues arise. It is also stated that there are no proposals for flood lighting in the application. I consider the development would not give rise to any significant reduction in the residential amenity of this adjoining property to the north given the location of the proposed amenity facilities and services away from the northern shared site boundary. Neither do I consider there would be undue loss of residential amenity to other houses in the vicinity.

Accordingly, I do not consider any mitigation measures beyond landscaping are required. The community facility would not conceivably generate unacceptable noise as a result of training and matches.

Overall, subject to delivery of landscape proposals, I consider that the development is acceptable in terms of residential amenity.

8.5. Access and Traffic

A new access would serve the development which would be located within the 60kph speed limit and close to the adjoining 50kph speed limit. The Transportation section raised no objections subject to conditions. Table 4.2 (Stopping Sight Distance / SSD standards) of the Design Manual for Urban Roads and Streets requires a minimum SSD standard of 59m forward visibility for a 60kph zone (within cities, towns and villages) and the site layout plan submitted shows a 70m sightline available in both directions at a point set back 2.4m from the road edge. Based on my site visit, these sightlines would be broadly achievable once the front boundary along the site itself is removed. The road is marked with 'Slow' and 'Caution' alerting drivers who are travelling towards the school and the village. There are no centre line markings or footpath but this is typical of a rural village setting. In the context of the village setting and having regard to the speed limit in place, I consider that the access is acceptable.

In terms of car parking, 25 car spaces are proposed. There is no specific car parking standard for playing pitches and the number proposed is reasonable, having regard to the village centre location where some patrons would walk or cycle to the facility. I consider that some bicycle parking should also be provided.

Overall, I consider the development would be acceptable having regard to parking provision, access provision and sightlines and would not endanger public safety by reason of a traffic hazard or prejudice the carrying capacity and function of the local road fronting the development.

8.6. Wastewater Treatment and Disposal

The effluent is proposed to be treated on-site using a BAF Technology primary and secondary treatment system suitable for a population equivalent of 16, followed by discharge to a pressurised tertiary treatment sand polishing filter (Eurotank Sandbox) of 40 sq.m and a distribution attenuation layer of 70 sq.m. Water table was found to lie 1.1m below ground and percolation test results revealed a T Value of 23 min/25 mm and a P value of 20 min/ 25 mm. I am satisfied that the applicant has demonstrated, through the site characterisation assessment that the on-site wastewater secondary treatment unit followed by tertiary treatment would meet the

criteria set out in the EPA 'Code of Practice Waste Water Treatment and Disposal Systems Serving Single Houses (p.e. <10)', (2009) including the 2014 clarification. I am also satisfied that the recommended minimum separation distances are achievable.

The correct installation of the sand filter is critical for the proposed system to function properly and I note the recommendation set out on the site characterisation assessment conclusion that the installation should be supervised and certified by an environmental engineer which I consider should follow through by way of a planning condition. Having considered the available information, including the Site Characterisation Form and the site layout plan, I am satisfied, based on the information on file and my site visit, that the subject site is suitable for the discharge of treated effluent to ground and that the overall design of the proposed wastewater treatment system complies with the minimum requirements of the relevant EPA Code of Practice.

Subject to the attachment of a condition regarding the correct installation of the on-site effluent treatment system and the on-going maintenance, I am satisfied that it has been demonstrated that effluent can be satisfactorily treated and disposed on-site and that system meets the policies on wastewater disposal, including, in particular, RD POL 48 and RD POL 50.

8.7. **Appropriate Assessment**

The River Boyne and River Blackwater SPA [Site Code 004232] /SAC [Site Code 002299] are both located c.4km north east of the appeal site. Having regard to the nature and scale of the development proposed, and to the nature of the receiving environment in a village setting, and the proximity of the lands in question to the nearest European site, 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.

9.0 Recommendation

- 9.1. I recommend that **permission** should be **granted** for the reasons and considerations set out below.

10.0 Reasons and Considerations

Having regard to the location of the site within the built up environs of Bohermeen which is defined as a Graig in the Meath County Development Plan 2013-2019, to the nature and scale of the development proposed and the sporting benefits it would bring to the community, to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenity of the area, would not endanger public safety by reason of traffic hazard, would not be prejudicial to public health and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and the additional information received on the 13th September 2016 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. Details of the materials, colours and textures of all the external finishes to the proposed pavilion building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

4. The landscaping scheme shown on Dwg no. A-FI-001 and supported by the written schedule, as received by the Planning Authority on the 13th day of September 2016 shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

5. a) The wastewater treatment plant and sand polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority with the application on 29th April 2016 and on 13th day of September 2016, 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. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.

b) Within three months of the first operation of the facility, the developer shall submit a report 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 and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

c) A maintenance contract for the treatment system shall be entered into for a minimum period of five years from the first operation of the pavilion building / clubhouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.

Reason: In the interest of public health and to ensure a proper standard of development.

6. Eight bicycle parking spaces shall be provided within the site. Details of the layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, traffic plan and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

Patricia Calleary

Senior Planning Inspector

30th January 2017