



An
Bord
Pleanála

Inspector's Report ABP-308427-20

Development

Construction of a new dwelling house, separate stores, waste water treatment tank, percolation area, new site entrance, and all associated site works.

Location

Glebe, Churchtown, Cloyne, Co. Cork.

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

20/5641

Applicant(s)

Maniel Matarin & Angela Geray

Type of Application

Permission

Planning Authority Decision

Grant, subject to 15 conditions

Type of Appeal

Third Party -v- Decision

Appellant(s)

Tom Hennessey

Observer(s)

None

Date of Site Inspection

17th February 2021

Inspector

Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located in Churchtown, a village 4.7km to the south south-east of Cloyne in East Cork. This site lies on the western approach to the centre of the village and on the south-western side of the local primary road from Cloyne, the LP-3633. It forms part of a field that maintains a frontage of c. 110m to this local road, which is the subject of a 50 kmph speed limit. The field is accessed by means of a pair of agricultural gates to the east of the site.
- 1.2. The appellant's bungalow lies on the north-eastern side of the local road and in a position opposite the site. Beyond this bungalow to the north-east lies a nursing home. Further to the east of the site lie two roadside bungalows and further to the west lies a community hall, a national school, dwelling houses, and a farmstead. All of these buildings are set within open and extensive farmland.
- 1.3. The site itself comprises the majority of the northernmost portion of its host field, which is down to grass. This site is relatively flat, and it extends over an area of 0.37 hectares. The north-eastern roadside boundary is denoted by an embankment/hedgerow with several wind-swept trees and its western boundary is denoted by a hedgerow. The other boundaries are undefined "on the ground" at present.
- 1.4. An existing stormwater pipe passes to the south-east of the site between the local road and its discharge point into a stream that flows in a southerly direction.

2.0 Proposed Development

- 2.1. The proposal would entail the construction of a one-and-a-half-storey, three-bed, dwelling house with a floor area of 201.7 sqm. This dwelling house would be sited just to the north-west of centre within the site. It would be "T" shape in plan view with the head of the "T" facing north and the tail extending southwards. The dwelling house would be of traditional form and design. It would be finished in wet dash render under a natural slate roof
- 2.2. The proposed dwelling house would be served by separate vehicular and pedestrian accesses from the local road: The former would be sited towards the north-eastern corner of the site and the latter towards the north-western corner. The existing roadside embankment/hedgerow would be setback and a grass verge would be

introduced over a new roadside drain. An extensive gravel driveway/yard would be laid out around the dwelling house, which would be accompanied by two storage sheds to the rear.

- 2.3. The proposed dwelling house would be connected to the public water mains. A septic tank and polishing filter treatment system would be installed towards the south western corner of the site. Rainwater harvesting would be installed for sanitary use.

3.0 Planning Authority Decision

3.1. Decision

Permission granted, subject to 15 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

See decision.

3.2.2. Other Technical Reports

- Irish Water: No objection: Standard notes.
- Cork County Council: Area Engineer: No objection, subject to conditions.

4.0 Planning History

- 20/4220: Similar proposal to the current one: Withdrawn.

5.0 Policy and Context

5.1. Development Plan

Under the East Cork Municipal District Local Area Plan 2017 (LAP), the site is shown as lying within the settlement boundary around the village of Churchtown. Under Objective DB-01 within this area the development of up to 15 houses is to be encouraged during the Plan period. Under Objective U-01, the local road that passes the site is to be provided with a footpath.

5.2. Natural Heritage Designations

- Ballycotton Bay SPA (004022)
- Ballycotton, Ballynamona and Shanagarry pNHA (000076)
- Ballycotton Islands (001978)

6.0 The Appeal

6.1. Grounds of Appeal

Tom Hennessy of Glebe, Churchtown

- The appellant resides in the dwelling house to the north of the site on the opposite side of the LP-3633. This dwelling house presently enjoys views across the site to the sea. These would be obstructed by the proposal and its privacy and tranquillity would be disturbed.
- Existing water pressure in the public mains is low: The addition of another dwelling house would lead to a further deterioration in pressure to existing users.
- The proposed access would be almost directly opposite the appellant's existing access. The portion of the LP-3633 concerned has poor visibility and the sightlines to the proposed access would, even after extensive works, be only 50m in either direction.
- The portion of the LP-3633 concerned also experiences flooding and so any interference with its roadside drainage would not be advisable.

6.2. Applicant Response

None

6.3. Planning Authority Response

None

6.4. Observations

None

6.5. Further Responses

None

7.0 Assessment

7.1. I have reviewed the proposal in the light of the East Cork Municipal District Local Area Plan 2017 (LAP), the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use,
- (ii) Visual and residential amenity,
- (iii) Development standards,
- (iv) Traffic and access,
- (v) Water, and
- (vi) Appropriate Assessment.

(i) Land use

7.2. Under the LAP, Churchtown is identified as a village within which the development of up to 15 houses is to be encouraged during the period of this Plan. The site is shown as lying within the settlement boundary and so there is no in principle land use objection to its development to provide a dwelling house, as proposed.

7.3. The proposal would be appropriate from a land use perspective.

(ii) Visual and residential amenity

7.4. The principle elevation of the proposed dwelling house would present to the roadside as being of single storey form and traditional design. It would correspond with the appellant's bungalow to the north over a minimum distance of 57.5m. The ensuing relationship would be influenced by its 6.795m ridge height, the elevated position of this bungalow and the presence of existing and proposed roadside planting.

- 7.5. The appellant expresses concern that the proposed dwelling house would adversely affect the amenities of his bungalow in terms of a loss of views to the sea, a loss of privacy, and a loss of tranquillity.
- 7.6. I note that the sea lies c. 2.2km to the south of the site and it is visible from the appellant's elevated bungalow in the far distance. I note, too, that the local road which passes between this bungalow and the site is not shown as a scenic route in the CDP and no protected views are shown as affecting this site. In these circumstances, the appellant does not enjoy any automatic right to the maintenance of the views that he has identified.
- 7.7. As discussed under the first heading of my assessment, the site lies within the settlement boundary and so it can in principle be developed. The proposed dwelling house would be relatively low rise and its design would be such that only ground floor windows would face the appellant's bungalow. The intervening distance that would exist between the two dwelling houses and the presence of roadside planting would ensure that no appreciable loss of neighbour privacy or tranquillity would arise.
- 7.8. I conclude that the proposal would be compatible with the visual and residential amenities of the area.

(iii) Development standards

- 7.9. The proposed dwelling house would provide three-bed accommodation over a floor area of 201.7 sqm. This dwelling house would be orientated on a north/south axis and its footprint/layout would ensure that rooms are not overly deep and so they would be capable of being well lit. In this respect, windows would be inserted in each of the elevations and the lighting of the upper floor bedrooms would be supplemented by rooflights.
- 7.10. The proposed dwelling house would be served by a spacious garden area, the edges to which would be the subject of native tree planting.
- 7.11. The proposal would afford a satisfactory standard of amenity to future occupiers.

(iv) Traffic and access

- 7.12. The site adjoins the local primary road between Cloyne and Churchtown. As it passes this site, this road is of meandering alignment and so it is the subject of a continuous white centre line. The speed limit is 50 kmph.
- 7.13. The host field for the site is accessed from the local primary road by means of a pair of recessed agricultural gates. Under the proposal, these gates would continue to afford access to the retained field. The site itself would be accessed by means of a new dedicated vehicular and pedestrian accesses, which would be sited towards either end of its road frontage. The existing embankment/hedgerow would be removed and a replacement one formed/planted 2.5m back from the edge of the carriageway. The resulting strip would provide a route for roadside drainage pipe underneath a grassed surface, which would be available for the provision of a formal footpath in the future. This strip would assist in the achievement of sightlines with x and y dimensions of 2.4m and 50m at/from the proposed vehicular access.
- 7.14. During my site visit, I observed that the local primary road passes through a sweeping bend to the east of the site. The existing agricultural access is on the outside of this bend and the proposed vehicular access would be just before it. Consequently, the forward visibility that would be available to drivers seeking to turn right into this proposed vehicular access would be slightly sub-standard, i.e. I estimate c. 45m. In this respect, I note the speed limit and the fact that the road is relatively lightly trafficked. I note, too, that the effect of the set back of the roadside boundary would be to alert drivers approaching from the east of the proposed vehicular access. In these circumstances, I do not propose to object to the proposed vehicular access.
- 7.15. I conclude that the proposed access arrangements to the site would be satisfactory.

(v) Water

- 7.16. The proposed dwelling house would be served by a new connection from the public water mains under the local primary road. The appellant expresses concern that this dwelling house would result in a further reduction in water pressure to existing users. Irish water has, however, raised no objection.
- 7.17. The applicants have submitted a Site Suitability Assessment Report. Key points from this Report are summarised below:

- The aquifer is locally important and of extreme vulnerability. The Response Matrix is thus R2¹.
- Ground water flow is assumed to be in a northerly direction.
- The trial hole was dug to a depth of 2.2m. The top-soil is loam and the sub-soil is silty clay till with infrequent pebbles.
- Under the modified T-test, a result of 79.29 min per 25mm was calculated. An accompanying note states that this result “renders the sub-soil unsuitable for a conventional septic tank system”. The P-test yielded a result of 47.81 min per 25mm and so the installation of a septic tank with a filter system and on-site polishing filter would be admissible.
- The site polishing filter would extend over an area of 185 sqm. It would comprise the existing top-soil and gravel to a depth of 0.75m. The invert level of the pipes would be 0.3m.

7.18. The proposed septic tank, filter system, and polishing filter would be sited towards the south-western corner of the site. Minimum separation distances from the proposed dwelling house, site boundaries, and a nearby stream would be achieved/exceeded in accordance with Table 6.1 of the EPA’s relevant Code of Practice.

7.19. A stormwater pipe would pass the site to the south-east. Roadside surface water drainage would be maintained. While the majority of the site would be either gravel or grass surfaces, surface water from the roof of the proposed dwelling house would need to discharge to soakways. This could be conditioned.

7.20. The appellant expresses concern over an incidence of flooding along the local primary road. The OPW’s flood maps do not show the site or its vicinity as being the subject of any identified flood risk. Localised flooding of the road may however not be recorded. The applicants undertaking to ensure the maintenance of roadside drainage should ensure that such incidences are not exacerbated.

7.21. I conclude that the proposal would raise no water issues.

(vi) Appropriate Assessment

7.22. The proposed dwelling house would not be sited in or near to any Natura 2000 site. Furthermore, there are no source/pathway/receptor routes between the site and any

Natura 2000 site in the wider area. Accordingly, the proposal would not be likely to have any significant effects on the Conservation Objectives of such Natura 2000 sites during either its construction or operational phases.

- 7.23. Having regard to the nature, scale, and location of the proposed development, the nature of the receiving environment, and proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not 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. That permission be granted.

9.0 Reasons and Considerations

Having regard to the East Cork Municipal District Local Area Plan 2017, the site is shown as lying within the settlement boundary around the village of Churchtown and so there is no, in principle, land use objection to its development to provide a dwelling house. The proposed dwelling house would be compatible with the visual and residential amenities of the area and it would afford an acceptable standard of amenity to future occupiers. Proposed access arrangements would be satisfactory, and no water or Appropriate Assessment issues would arise. The proposal would thus accord 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, 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.
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	Reason: In the interest of clarity.
2.	<p>Prior to commencement of development, the developer shall enter into water connection agreement with Irish Water.</p> <p>Reason: In the interest of public health.</p>
3.	<p>All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p>Reason: In the interest of traffic safety and to prevent pollution.</p>
4.	<p>Roadside drainage arrangements for surface water shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
5.	<p>(a) The entrance to the proposed house shall be set back not less than 4m and not more than 6m from the edge of the public road. Wing walls forming the entrance shall be splayed at an angle of not less than 45 degrees and shall not exceed 1m in height.</p> <p>(b) The entrance shall be accompanied by visibility splays 50m in length from a set back position of 2.4m along the centre line of the proposed access point from the edge of the local road. Within these splays no vegetation or structure shall exceed 1m in height.</p> <p>Reason: In the interest of traffic safety.</p>
6.	<p>(a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 31st day of July, 2020, 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.</p>

	<p>(b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.</p> <p>(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwelling house 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.</p> <p>(d) Surface water soakaways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.</p> <p>(e) Within three months of the first occupation of the dwelling, 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.</p> <p>Reason: In the interest of public health.</p>
7.	<p>The landscaping scheme shown on drg no. P1002 Revision A, as submitted to the planning authority on the 31st day of July, 2020, shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>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.</p> <p>Reason: In the interest of residential and visual amenity.</p>

8.	<p>The developer shall pay to the planning authority a financial contribution of €3960 (three thousand nine hundred and sixty euro) 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. The application of any indexation required by this condition 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.</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>
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Hugh D. Morrison
Planning Inspector

2nd March 2021