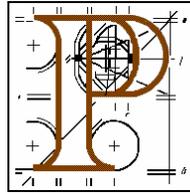


An Bord Pleanála



Inspector's Report

Proposed Development: Permission for site development works for 4 no. serviced sites for dwelling houses and all ancillary site works, new entrance, access road, individual waste water treatment units with percolation area to serve each site, and road improvement works to the public roads adjacent to the site at Templemichael, Whites Cross, Co. Cork.

Planning Application

Planning Authority:	Cork County Council
Planning Authority Reg. Ref.:	11/5300
Applicant:	John Fitzgerald
Type of application:	Permission
Planning Authority Decision:	Grant permission subject to conditions

Planning Appeal

Appellants:	Residents of Templemichael
Type of appeal:	Third Party against permission
Observers:	None
Date of Site Inspection:	6 th October 2011
Inspector:	A. Considine

1.0 THE SITE

- 1.1 The site is located in the townland of Templemichael, approximately 7km to the north of Cork City, and approximately 3km west of the M8 motorway. Access to the site is over the regional road, the R616, with the site itself located off a local road (L-6973). The proposed entrance to the site is located in closed proximity to the junction of the local road with the regional road and the local road is quite narrow with room for just one car. The site currently has an agricultural access onto the local road, and the site extends from the local road to the rear of existing houses which front onto the local road. Two of the proposed sites will front onto the rear gardens of these houses, while the other two sites will back onto an existing house located off the regional road, and in the ownership of the applicant.
- 1.2 The surrounding area is generally open and predominantly rural in character with a number of one off houses, and a variety of designs and styles. There is an existing large factory building located to the west of the site, with access from the regional road just before the Templemichael Bridge. The T shaped site has a slope which runs in a north to south direction and there are some existing boundaries, including mature hedgerow road side boundaries. The information submitted suggests that this site constitutes the remaining landholding of the applicant in this area amounting. The subject site is currently under grass and has a stated area of 4.06ha.

2.0 PROPOSED DEVELOPMENT

- 2.1 The application to Cork County Council was for site development works for 4 no. serviced sites for dwelling houses and all ancillary site works, new entrance, access road, individual waste water treatment units with percolation area to serve each site, and road improvement works to the public roads adjacent to the site at Templemichael, Whites Cross, Co. Cork.
- 2.2 As this is an application for just site development works, no details of the proposed house designs have been provided. The Board will note however, that the existing houses in the vicinity are larger two storey homes. Also, the subject sites are all substantial in size and over 1 acre each.

3.0 REPORTS ON PLANNING FILE

- 3.1 There is 1 third party objection noted on the planning file, from a group of local residents of Templemichael. This objection was submitted to Cork County Council on the 18th July, 2011 and the objections are summarised as follows:
- A similar application previously made was refused by An Bord Pleanala on the basis of road safety.
 - The site was previously designated as a 'green belt area', but was rezoned for housing when the land is fundamentally best suited for agricultural use.
 - A report published in July 2010 by an expert panel for the National Institute for Regional and Spatial Analysis confirms the prevalent erroneous zoning concept.

- There are over 27,000 residential units vacant in Cork, excluding the city area.
- The development, if permitted is likely to adversely affect road safety due to the vertical and horizontal alignment of the road, the narrow nature of the local road and the proximity of the proposed entrance to the junction with the regional road. An Bord Pleanála's previous refusal is prudent, justified and still relevant.
- The provision of waste water treatment plants is likely to create an excessive demand on the land.
- The run-off from the development is likely to lead to flooding of the southern farmyard. Details of proposed drainage trenches have not provided pipe diameters or calculations.
- There are inconsistencies in the application drawings.
- Given the current trend of house building in the country, it is extremely likely that if the access road is constructed, then it will service empty sites, rendering it redundant, unsightly and will possibly encourage anti-social behaviour.

3.2 There are no external reports noted on the planning file.

3.3 There are 2 no. internal report noted from other department within Cork County Council on file from the following:

Area Engineer: indicates no objection to the proposed development subject to compliance with conditions. This report also recommends that the application be referred to the SEE Glashaboy water works for comments on the water supply.

SEE Water Services: Advised no objection to the proposed development, subject to compliance with conditions.

- 3.4 The Board will note that there are 3 Planning Reports associated with this file.
- The first was prepared, and signed by Mr. Paul Collins on the 8th July, 2011, being 12 days before the compulsory 5 week period for submissions expired. The Board will note that there is no reference to any third party submissions.
 - The second report, comprises the first report being supported by the SEP, Mr. John Ronayne, and was signed by the SEP on 5th August, 2011. Again, there is no reference made to third party submissions.
 - The final planning report comprises the original two reports, with an additional supplementary commentary by the SEP with regard to the inclusion of a Bond condition, and is signed by the SEP on the 9th August, 2011.

The Planning report considered the proposed development having regard to the requirements of the County Development Plan, the planning history associated with the subject site, the content of the engineering sections internal report and the plans and particulars submitted with the planning application. In conclusion, it was considered that the proposed development was acceptable and a recommendation to grant permission was provided.

3.5 The first party submitted an unsolicited response to the third party objection as follows:

- The land was originally zoned in the 2005 Blarney Electoral Area Local Area Plan, and was reaffirmed on the 25th July, 2011 when the 2011 Local Area Plan was adopted, to come into effect on the 22nd August, 2011.
- In terms of the road safety issues, it is to be noted that the Boards inspector raised issue with regard to traffic safety in relation to 3 issues, sight visibility from the access to the north, the road width and lack of footpaths between the site and the regional road and sight visibility at this junction facing east. In response to these issues, this application provides for amendments to the proposed development in order to address same. It is submitted that a grant of permission will improve the traffic safety of the area.
- Site suitability tests have been undertaken for each proposed site, ranging in size from 1 – 1.3 acres, have shown that the site is sufficient to accommodate the development. An Bord Pleanala s inspector also considered that there were no issues relating to foul and surface water drainage.
- The proposed development will include the provision of rainwater harvesting systems for each site, which should reduce the impact of surface water run-off. The increased planted buffer area will also help in controlling surface water run-off, again improving the situation.
- The drawings submitted provided sufficient detail to enable a decision on this application.

4.0 DECISION OF THE PLANNING AUTHORITY

4.1 The Planning Authority decided to grant planning permission for the proposed development subject to 41 conditions, which are standard in the main. Condition 2 of the grant of permission requires that applicants for permission shall comply with the eligibility criteria for the Rural Housing Control Zone policy as set out in the County Development Plan 2009.

5.0 RELEVANT PLANNING HISTORY

The is the relevant planning history associated with the subject site:.

ABP Ref. PL04.238019 (PA ref 10/6224): Following a grant of planning permission by Cork County Council for site development works for 4 serviced sites for houses on the subject site, the development was refused on appeal. The reason for refusal by the Board was as follows:

The proposed development provides access for four houses onto a local road (L-6973) at a point where there are no footpaths, cycle paths or public lighting and where the road has poor horizontal and vertical alignment which restricts visibility in both directions. To the south of the proposed site access this local road creates a junction with the R614 where there is inadequate sight distance particularly towards the east. Accordingly the houses which the proposed development would facilitate would give rise to additional traffic

movements on an inadequate road network and additional traffic turning movements at junctions where there are inadequate sight distances, and therefore the proposed development would endanger public safety by reason of traffic hazard.

PA ref. 10/5016: Planning permission sought for the construction of 4 no. two storey houses with ancillary sheds and car ports on 4 individual sites, individual waste water treatment units and percolation area to serve each dwelling, new entrance and access road and associated site works. This application was withdrawn prior to a decision issuing.

PA ref. 02/1064: Outline permission sought for development works for 12 no houses. This application was withdrawn prior to a decision and the Planning officer dealing with the file had recommended refusal on the grounds of settlement location policy and public health.

The applicant indicates that a **Pre Planning Meeting** was held in June, 2011 with the SEP for the area. No minutes of meeting are provided.

6.0 POLICY CONTEXT

6.1 Cork County Development Plan, 2009 – 2015:

6.1.1 The Cork County Development Plan 2009 - 2015 is the statutory Development Plan for County Cork. The subject site is located within an area of the County which has identified as being under strong urban influence, and within a Rural Housing Control Zone. Although referenced in the submitted objection to the proposed development, the Board will note that the subject site is not located within the identified green belt in the 2009 Development Plan.

6.1.2 Section 3.5.6 of the CDP describes ‘Other Locations’, of which Templemichael is designated. Other Locations are provided for within the Local Area Plans for the rural area of County Cork and the CDP provides that *whilst these may not form a significant part of the settlement network, they often function as important areas for tourism, heritage, recreation and other uses. A study has been completed to identify the planning uses relevant to these settlements and further guidance may be obtained from this study.* In terms of development plan objectives, and the role of Other Locations, SET 4-10 is relevant, and states as follows:

It is an objective for Local Area Plans to recognize other locations, as areas which may not form a significant part of the settlement network, but do perform important functions with regard to tourism, heritage, recreation and other uses, including residential.

6.1.2 Section 4.9 of the CDP deals with Rural Housing Control Zone, pertaining to rural areas under strong urban pressure. As such, RCI 9-1, RCI 9-2 and RCI 9-3 are relevant. Full details of same are provided in the appendix to this report.

6.2 Blarney Local Area Plan, 2011:

Templemichael is identified as ‘another location’ within the Blarney Local Area Plan. The LAP recognises that this area is an important employment base, but while it does have a public house, it does not have any community facilities, and offers limited scope for development. The aims of the LAP with regard to this area is *to maintain the unique character of the settlement, consolidate existing development and allow for limited, small scale expansion that would be sympathetic to the settlement and the topography of the area.* In order to achieve this strategic aim, *an isolated area of zoning has been identified to accommodate the housing needs of people living and working in the locality.* The subject proposed development site comprises the identified zoned land, and includes the buffer area referred to in objective DB-01 of the LAP.

6.3 Sustainable Rural Housing Guidelines:

6.3.1 The National Spatial Strategy identified categories of rural area types requiring differing settlement policies for rural housing. The Sustainable Rural Housing guidelines issued by the Department of the Environment Heritage and Local Government, April 2005 are based on the presumption that people who are part of the rural community should be facilitated by the planning system in all rural areas. All new house in rural areas should be sited and integrated well with their physical surroundings and should be generally compatible with inter alia, the protection of water quality in the arrangements made for on-site wastewater disposal facilities. In rural areas under strong urban influences, the NSS stresses that development driven by cities and larger towns should generally take place within their built up areas or in areas identified for new development through the planning process.

6.3.2 Appendix 3 of the Guidelines deals with Development Plan Objectives and Issues for Rural Areas and describes, in box 1, Areas under strong urban influence as follows:

The key development plan objectives in these areas should be to on the one hand to facilitate the housing requirements of the rural community as identified by the planning authority in the light of local conditions while on the other hand directing urban generated development to areas zoned for new housing development in cities, towns and villages in the area of the development plan. In addition policies will also normally include references to:

- *The types of situations considered as constituting rural generated housing. (See also Section 3.2.2.),*
- *Measures that will be put in place to facilitate the availability of an appropriate level of housing options in smaller settlements for other housing requirements,*
- *The criteria that will be applied by the planning authority generally in assessing rural generated housing proposals e.g. in relation to evidence of an applicant’s links to the area in question, and*
- *The measures to be adopted to ensure that development permitted to meet the requirements of those with links to the rural community continues to meet the requirements for which it was permitted.*

7.0 GROUNDS OF APPEAL

7.1 This is a third party appeal against the decision of the Planning Authority to grant permission, subject to conditions, for the proposed development. The issues raised are similar to those raised during the assessment of the proposed development by the Planning Authority, and are summarised above in section 3.1 of this report. The grounds of appeal are summarised as follows:

- Further development along the adjacent public road is likely to adversely affect road safety.
- The increased number of waste water treatment units.
- The runoff from the development is likely to lead to flooding of the southern farmyard.
- Inconsistencies of application drawings.
- Redundancy of access road.

8.0 RESPONSES

8.1 Planning Authority:

The Planning Authority has responded to this appeal as follows:

- The development as permitted complies with the zoning and objectives of the Local Area Plan, August 2011.
- The development will not constitute a road safety hazard, will not contribute to flooding and will not be prejudicial to public health.

8.2 First Party:

The first party's agent has submitted a response to the third party appeal as follows:

- In response to general comments made, it is submitted that given the zoning, location and design, the proposed development is in fact a sustainable development, which both respects the current pattern of development in the area and consolidates the existing settlement.
- With respect to the commentary provided from the NIRSA 2010 report, it is to be noted that the Templemichael area has an unusually large employment base provided for 4 local employers. The local requirement for housing is demand driven and not supply driven as referred to in the 2010 report. The proposed development will seek to address local demand while removing the demand for ribbon development.
- The Development Plan and Local Area Plan identify the site as appropriate for residential development to consolidate the settlement. The newest LAP has not altered the zoning afforded to the subject site.
- With regard to the planning history associated with the subject site, it is to be noted that the current proposal seeks to address the traffic issues raised which resulted in An Bord Pleanala refusing permission.
- It is submitted that issues regarding settlement location, landscape, water supply, foul water and surface water issues were addressed by the reporting An Bord Pleanala inspector previously and that assessment of same remains valid.

- The proposed development replicates that originally sought, and refused by An Bord Pleanála, save for the proposals to address the reason for refusal.
- It is now proposed to relocate the proposed access to the site 10m south from the last proposal, road improvement works are proposed from the entrance to the junction with the regional road. the existing ditch to the east of the junction is to be set back to provide improved sightlines in an easterly direction, in order to address the concerns of the Board.
- Cork County Council have attached a number of conditions to control the development.

In response to the specific issues raised in the appeal document, the following is submitted:

- The improvements to the access to the site will provide adequate sight distances at the entrance, a footpath is proposed between the entrance and the junction with the Regional Road and the removal of the ditch on the eastern side of the junction will improve visibility.
- Site assessments have been undertaken for each site with regard to waste water treatment and disposal, found to be acceptable.
- Given the large area per site, together with the proposal to install rainwater harvesting systems on each site and planting of the buffer area, it is submitted that the development will actually improve the current situation regarding surface water run-off and will not be made worse as suggested.
- In relation to the issue of the application drawings, it is submitted that due to a typographical error, the incorrect scale was shown on the title blocks for two drawings, nos 11006-4000-0-PA, which is 1:500 and 2834-101-Rev. B which is 1:250. This matter was addressed by way of unsolicited information submitted to the Planning Authority on the 28th July. The drawings provide adequate information for a decision to be made.
- The site is zone for residential purposes and the issue of the access road being redundant has been addressed.

9.0 OBSERVERS:

There are no observers noted in relation to this appeal.

10.0 ASSESSMENT

Having regard to the nature of this appeal, and having undertaken a site visit, as well as considering the information submitted and together with the planning history associated with this site, and proposed development, I suggest that it is appropriate to assess the proposed development under the following headings:

1. The principle of the development and compliance with policy.
2. The site suitability for the proposed development.
3. Planning History

10.1 Principle of the development and compliance with policy:

10.1.1 I consider it reasonable to consider the principle of the proposed development as it relates to Policy & the Cork County Development Plan. While the site is located within a Rural Housing Control Zone, Section 3.5.6 of the County Development Plan locates the site within an 'Other Location'. These other locations are identified in Policy SET 4-10, as small areas which may not form a significant part of the settlement network, *but do perform important functions with regard to tourism, heritage, recreation and other uses, including residential*. As such, the subject site is zoned for residential use, and in principle, the development as proposed, accords with the requirements of the County Development Plan.

10.1.2 Notwithstanding the fact that the subject site is 'zoned'. Section 4.9 of the CDP is also relevant and deals with Rural Housing Control Zone, pertaining to rural areas under strong urban pressure. As such, RCI 9-1, RCI 9-2 and RCI 9-3 are relevant. These policy objectives seek to protect the rural area from urban generated one off housing and to ensure that the needs of the local rural population are provided for. Should planning permission be granted in this instance a condition should be included to ensure compliance with the requirements of these stated policies.

10.2 Blarney Local Area Plan, 2011:

The LAP recognises that Templemichael is an important employment base, and *an isolated area of zoning has been identified to accommodate the housing needs of people living and working in the locality*. The subject proposed development site comprises the identified zoned land, and includes the buffer area referred to in objective DB-01 of the LAP. In this regard, the proposed development accords with the policy and zoning requirements of the Local Area Plan for the area. However, zoning of land in itself does not automatically imply a grant of planning permission. Site suitability issues are also required to be addressed and dealt with appropriately.

10.2 Site suitability issues:

10.2.1 Waste water treatment and disposal:

Having considered the information provided on the planning authority file with regard to the proposed development, together with the planning history associated with the subject site, it is clear that consideration of the sites suitability with regard to the treatment and disposal of waste water has been extensively and comprehensively considered. In this regard, the applicant submitted a completed site suitability assessment regarding the suitability of each proposed site in terms of the treatment and disposal of wastewater generated on the site. In relation to the information provided, I have no objection to the proposed development on site suitability grounds in relation to waste water treatment and disposal.

10.2.2 Design and siting:

The proposed house designs have not been provided for consideration as part of this appeal. However, the subject proposed sites are extensive and in my opinion, could accommodate, should the Board be so minded to grant permission in this instance, substantial dwellings. The existing houses in the

vicinity of the site are also substantial two storey houses, on large individual sites. As such, I do not consider it necessary to restrict or limit the range of possible house designs for these sites.

10.2.3 Access to the site:

10.2.3.1 Although the site is zoned, the location is substantially rural in its character. The access to the subject site is onto a narrow local road and then a Regional Road, R614, where, beyond the junction in both directions, there is a solid white line existing. A speed limit of 80km/p/h applies in the vicinity of the junction and this regional road is approximately 6m in width. The issue of sight distances at the entrance to the subject site has been highlighted as a reason for refusal on the Boards previous decision associated with the subject site, as well as the sight distances at the junction of the local road with the regional road. The applicant, in the appeal, submits that the sight lines have been improved through the relocation of the access to the site and the removal and setting back of the existing roadside boundary towards the junction with the regional road in order to widen same and to provide a footpath. This proposed footpath will run from the proposed entrance to the site in a southerly direction and will, at the junction with the regional road, turn towards the east and up to the entrance of the applicants home. These proposal have been considered by the Area Engineer for Cork County Council who has determined that they are acceptable.

10.2.3.2 Given the location of the proposed access to the site within 80m of the junction of the local road with the regional road, together with the vertical and horizontal alignment of the road, the maximum sight distances available at the entrance to the site is indicated at 80m. The plans and particulars submitted with this application identify that said distances are available, subject to the removal and setting back of the existing roadside boundaries. The lands affected are in the ownership of the applicant. There is a difficulty in achieving the required sight distances given the vertical and horizontal alignment of the public roadway. Notwithstanding the submission of drawing no. A12834-108 Rev B, whereby 80m of sight distances are shown to be available subject to the setting back of the boundary of the adjoining property in the applicants ownership, and having undertaken a site inspection, I have concerns in this regard on two fronts.

10.2.3.3 The subject site is located on a local road where the vertical and horizontal alignment of the road makes it extremely difficult to achieve the required 90m sight lines, notably in the northern direction. Less than 80m to the south of the proposed site access, lies a junction with a heavily trafficked regional road. The applicant proposes to set back the existing roadside boundary to the east of the junction by 4 meters in order to achieve 80m sight distance. Notwithstanding the fact that this is an existing junction, and due to the alignment of the road, I am not convinced that said sight lines would be achievable and consideration must be paid to the potential impact the additional traffic movements that would be generated on this junction, if planning permission for 4 houses was granted. Even if the sight distances were achievable, I consider that the maintenance of same would not be sustainable in the long term. In this regard, and notwithstanding the circumstances of the

applicant, I consider that the development, if permitted, would constitute a traffic hazard.

10.2.4 Ribbon Development:

The issue of ribbon development does not arise in this instance in my opinion on the basis that the proposal is essentially for an in-depth residential development where the houses proposed will be set well back from the public roads. If an issue is to arise regarding the proposed site layout, it is more to do with the fact that the houses will be located in a backland location to the rear of the existing properties which front onto the public roads. Having regard to the size of the proposed sites however, I am satisfied that the development, if permitted, would not so significantly impact upon the existing residential amenities of the existing houses. Additional landscaping along the site boundaries will further protect the existing amenities.

11.0 CONCLUSIONS & RECOMMENDATION

11.1 Conclusion:

11.1.1 Having regard to the provisions of the current Cork County Development Plan and the Sustainable Rural Housing Guidelines, the planning history associated with the subject site, the pattern of existing and permitted development in the vicinity and having regard to the information submitted as part of the planning application, I consider that the proposed development accords with the principles of the settlement location policies of the Cork County Development Plan, the Blarney Local Area Plan, together with the provisions of the Rural Housing Guidelines, as they relate to the provision of permanent housing in rural areas.

11.1.2 I have considered all aspects of site suitability and conclude that the proposed development is acceptable in terms of design and scale, wastewater treatment and disposal and site layout, subject to appropriate landscaping conditions being applied. However, the proposed development, if permitted, would constitute a significant traffic hazard by reason of inadequate sight distances being available at the access to the site due to the vertical and horizontal alignment of the adjacent local road. Further, it is considered that the capacity of the existing junction of the Local Road with the Regional road, and notwithstanding proposals to upgrade this junction, the development, if permitted, would constitute a traffic hazard.

11.2 Recommendation:

It is recommended that planning permission be **REFUSED** Permission for site development works for 4 no. serviced sites for dwelling houses and all ancillary site works, new entrance, access road, individual waste water treatment units with percolation area to serve each site, and road improvement works to the public roads adjacent to the site at Templemichael, Whites Cross, Co. Cork, for the following reason and consideration:

REASONS & CONSIDERATIONS

The proposed development provides access for four houses onto a local road (L-6973) at a point where the road has poor horizontal and vertical alignment, which restricts visibility in both directions. To the south of the proposed site access this local road creates a junction with the R614 where there is inadequate sight distance particularly towards the east. Notwithstanding proposals to alter this junction, the Board is not satisfied that the proposed development would not give rise to additional traffic movements on an inadequate road network and additional traffic turning movements at junctions where there are inadequate sight distances, and therefore the proposed development would endanger public safety by reason of traffic hazard.

A. Considine
Planning Inspector
9th October 2011