



An
Bord
Pleanála

Inspector's Report

ABP-307532-20

Development

Permission to construct a two storey dwelling and domestic garage with a site specific treatment unit and percolation area and a new site entrance including modifications to existing site entrances.

Location

Coolatanavalley , Carrigrohane, Cork

Planning Authority

Cork City Council

Planning Authority Reg. Ref.

2039156

Applicant(s)

Julie Holland & Paul Herlihy.

Type of Application

Permission.

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Julie Holland & Paul Herlihy.

Observer(s)

None.

Date of Site Inspection

31st August 2020

Inspector

Bríd Maxwell

1.0 Site Location and Description

- 1.1. The appeal site has a stated area 0.2023 hectares is located adjacent to the Grange Con Nursing Home within the rural townland of Coolatanavalley, Carrigrohane. The site is circa 1km south of Tower Village, 3km north of Ballincollig and 4km southwest of Blarney. Muskerry Golf Club is located to the northeast. The appeal site lies to the rear of an established dwelling within a larger agricultural field pattern. The site is an open and exposed in views from the R579 to the north. The immediate area is characterised by extensive ribbon development with a continuum of 6 dwellings, predominantly bungalows, and the nursing home along a 280m stretch of road.

2.0 Proposed Development

- 2.1. The application as set out involves permission to construct a two-storey dwelling (250m²) and domestic garage (30m²) with a site-specific treatment unit and percolation area and associated site works, and a new site entrance including modifications to adjacent site entrances.
- 2.2. The proposed dwelling is formed of different elements, part two storey part single storey incorporating black slate roof, random rubble stone cladding and smooth render finish with extensive glazing. A single storey garage is proposed to the eastern side of the dwelling. The proposed wastewater treatment system and percolation area is to the rear / north of the dwelling.
- 2.3. The proposal involves alterations to the existing entrances to the family dwelling and nursing home to provide for a shared entrance to serve the three individual uses.

3.0 Planning Authority Decision

3.1. Decision

By order dated 15th July 2020 Cork City Council issued notification of the decision to refuse permission for two reasons as follows:

“Having regard to the location of the site of the proposed development within the Metropolitan Cork Greenbelt, an area under the strongest urban pressure for rural housing, and in the absence of sufficient evidence of an exceptional social and

economic need for housing in an area designated as being under strong urban pressure, in compliance with the relevant rural housing policy and criteria set out in the Cork County Development Plan 2014 and the National Policy Objective 19 of the National Planning Framework (2018), it is considered that the proposed development is contrary to the provisions of the Cork County Development Plan 2014 with regard to the provision of sustainable rural housing and would, therefore, be contrary to the proper planning and sustainable development of the area.

Having regard to the backland nature of the proposed development it is considered that the proposal would constitute a substandard, haphazard and disorderly form of development in the Metropolitan Greenbelt and would set an undesirable precedent for similar types of undesirable backland development in this rural area, The proposed development would be out of keeping with the character, form and pattern of development in the area and would be contrary to Policy Objective RCI 6-1 of the County Development Plan 2014, which seeks to encourage proposals, which respect the character and pattern of existing places and fit appropriately into the landscape. Therefore, it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner’s report considers that the documentation has not been submitted to demonstrate that the applicants meet the requirements set out in Objective RCI 4-1 for new homes within the Metropolitan Greenbelt and National Policy Objective 19, however notes that this was accepted previously in application 19/05407. The backland location and prominent siting are considered unacceptable. Refusal therefore recommended.

3.2.2. Other Technical Reports

Executive Engineer, Rural Water requests additional information regarding separation distances. Soakpits to be located downgradient of the percolation area. Executive Engineer drainage indicates no objection.

Area Engineer's report seeks revised site layout showing 90m sightlines, details of occupancy and parking provision in relation to the adjoining nursing home. Details of surface water disposal. Details of bore wells within 140m. Separation distances in accordance with EPA requirements. Boundary treatment to be detailed.

Road Design report no objection subject to development contribution €14,954.32.

3.3. **Prescribed Bodies**

No submissions.

3.4. **Third Party Observations**

Submission from Cllr Damian Boylan, notes that the applicant is the owner / manager of the adjacent nursing home and the dwelling is required in close proximity to place of work.

4.0 **Planning History**

19/5407 Previous application by the current applicants for a two-storey dwelling and domestic garage with site specific treatment unit and percolation area with associated site works and new site entrance. Refused on ground of backland haphazard development within the Cork metropolitan greenbelt.

5.0 **Policy Context**

5.1 **National Policy**

5.1. **National Planning Frameworks. National Policy Objective 19.**

“Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory

guidelines and plans, having regard to the viability of smaller towns and rural settlements;”

5.2. Development Plan

The Cork County Development Plan 2014 refers. The site is located within the Metropolitan Green Belt. Section 4.3.5 of the Plan outlines that this rural area under strong urban influence forms part of the Cork Gateway and is within close commuting distance of Cork City and Environs. There is evidence of considerable pressure from the development of (urban generated) housing in the open countryside and pressures on infrastructure such as the local road network and higher levels of environmental and landscape sensitivity.

Policy Objective RCI 4-1 Metropolitan Cork Greenbelt

Objective RCI 4-1 should be read in conjunction with Chapter 13, Section 13.8 relating to ‘Prominent and Strategic Metropolitan Cork Greenbelt Areas’ including Objective GI 81 and Figure 13.3. The Metropolitan Cork Greenbelt is the area under strongest urban pressure for rural housing. Therefore, applicants shall satisfy the Planning Authority that their proposal constitutes an exceptional rural generated housing need based on their social and / or economic links to a particular local rural area, and in this regard, must demonstrate that they comply with one of the following categories of housing need:

- a)** Farmers, including their sons and daughters who wish to build a first home for their permanent occupation on the family farm.
- b)** Persons taking over the ownership and running of a farm on a fulltime basis, who wish to build a first home on the farm for their permanent occupation, where no existing dwelling is available for their own use. The proposed dwelling must be associated with the working and active management of the farm.
- c)** Other persons working fulltime in farming, forestry, inland waterway, or marine related occupations, for a period of over seven years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.

d) Landowners including their sons and daughters who wish to build a first home for their permanent occupation on the landholding associated with their principal family residence for a minimum of seven years prior to the date of the planning application.

In circumstances, where a family land holding is unsuitable for the construction of a house, consideration may be given to a nearby landholding where this would not conflict with Objective GI 81 and other policies and objectives in the plan. The total number of houses within the Metropolitan Greenbelt, for which planning permission has been granted since this plan came into operation on a family farm or any single landholding within the rural area, will not normally exceed two.

RCI 2-1 Urban Generated Housing Discourage urban generated housing in rural areas, which should normally take place in the larger urban centres or the towns, villages and other settlements identified in the Settlement Network.

RCI 2-2 RCI 2-2: Rural Generated Housing

Sustain and renew established rural communities, by facilitating those with a rural generated housing need to live within their rural community.

RCI 6-1 Design and Landscaping of new dwellinghouses in rural areas

RCI 6-2 Servicing Individual Houses in Rural Areas.

RCI 6.- Ribbon development.

5.3. Natural Heritage Designations

The site is not within a designated area. The Cork Harbour SPA (Site Code 004030) and Great Island Channel cSAC (Site Code 001058) are in excess of 12km to the southeast of the appeal site.

5.4. EIA Screening

5.4.1 Having regard to the nature and scale of the development which consists of a single house in a rural location, 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

The appeal is submitted by Tom Downes, Bandubh Building Design on behalf of the first party appellants Julie Holland and Paul Herlihy. Grounds of appeal are summarised as follows:

- Previous application 19/5407 demonstrated compliance with the requirements of objective RCI4-1. Applicant Julie Holland works full time as director of nursing at the adjacent Grange Con Nursing Home and has lived directly adjacent in the family home. Neither of the appellants have ever owned or received planning permission in this rural area.
- The Grange Con nursing home is a local establishment with a majority of residents from the locality. Appellants have two children and need a house.
- Proposal complies with RCI 6-1 and design is based on the guidelines set out in the rural housing design guide. Building is set into the landscape and positioned at lower level to adjacent buildings. House is narrow in plan with traditional roof shape and set out in L shape. Design profits from solar gain.
- Landscaping plan can be developed the broad outline is demonstrated.
- Proposal is similar to adjacent 16/5682 in mass and concept.
- Numerous precedent cases set out in Doc 02 accompanying the appeal.
- Proposal reduces the number of accesses onto the public road and reduces linear impact.
- Wastewater treatment separation distances can be achieved as broadly outlined in Doc 03.

6.2. Planning Authority Response

The Planning Authority did not respond to the grounds of appeal.

7.0 Assessment

7.1 From my review of the file, all relevant documents, an inspection of the site and its environs, I consider that the main planning issues for consideration in the Board's de novo assessment of the appeal may be considered under the following broad heading:

- Settlement Strategy – Planning Policy
- Backland development visual Impact and impact on the amenities of the area
- Servicing, Wastewater Treatment & Traffic
- Appropriate Assessment

7.2 Settlement Strategy – Planning Policy

7.2.1 The rural housing policy is set out within the Cork County Development Plan 2014 wherein the site lies within the Metropolitan Cork Greenbelt, which is noted to be the area under strongest urban pressure for rural housing. Therefore in accordance with the settlement strategy, it is a requirement that an exceptional rural housing need be demonstrated to merit a deviation from the policy to preserve the undeveloped nature of the metropolitan greenbelt and to resist further one off housing development in this area. I note that the appellant works in the adjacent nursing home as director of nursing and currently resides with her parents in the adjacent dwelling. Within the grounds of appeal, it is outlined that the applicants desire to reside here to remain in close proximity to the family home and place of work. I consider that whilst clearly there is a strong local connection, there is no demonstration of an exceptional rural generated need. I note the non-conforming nature of the nursing home use in this rural unserviced area. I further note that in considering the proposal in the context of a family landholding no such landholding details have been submitted and the issue of the carrying capacity of the landholding is in my view a relevant planning consideration. I consider that on the basis of the documentation submitted the proposal does not

constitute an exceptional rural housing need in the context of the development plan policy.

7.3 Backland development, visual impact and impact on the amenities of the area.

7.3.1 The Council's second reason for refusal was on basis that the proposal would constitute substandard haphazard and disorderly backland development. The appellant refers to precedent for backland development in the nearby area and provides some examples to illustrate this case. Having reviewed the examples submitted I consider that these are not directly comparative to the current proposal in terms of context, setting and site topography. I do not propose to comment further on these cases as clearly the current application should be determined on its own merits.

7.3.2 The proposal is clearly a backland site to the rear of the family home and adjacent to the nursing home and other dwellings which front onto the local road to the south. Having regard to the open nature of the site and visual prominence particularly from the R579 to the north, I consider that the proposal would clearly be unduly prominent and unsatisfactory, would not sit well and would appear haphazard. I consider that the proposal would be visually obtrusive and detrimental to the rural amenities of the area. I consider that refusal is warranted on grounds of haphazard development and negative visual impact.

7.4 Servicing - Wastewater Treatment and Traffic

7.4.1 I note that the applicants propose to provide a proprietary wastewater treatment unit to serve the dwelling. No specific details are provided and the current application does not include site suitability assessment details. I note that the previous application 19/05407 included a site characterisation form which described the main site characteristics. In the trial hole excavated to 2.1m below ground level, neither water table nor bedrock were encountered. Soil profile is noted to comprise silt topsoil leading at .8m to sandy silt with small cobbles. A T value of 22.97 was recorded. I note that the initial site layout failed to demonstrate compliance with minimum separation distances as set out in Table 6.1 of Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses (p.e≤10) (EPA

2009). I further note that the proposed access road conflicts with the percolation area serving the existing family home. I note that no details are provided with regard to the nature, location and specific details of the treatment system serving the nursing home and clearly concerns arise with regard to the concentration of effluent treatment systems taken together with those in the surrounding area, potential for adverse impact on groundwater and prejudice to public health. I note that this is a new issue.

7.4.2 As regards traffic safety the site abuts a narrow minor local road and whilst the achievement of sufficient sightlines is feasible I note that the Area Engineer outlined the requirement for additional information with regard to traffic levels and parking arrangements in respect of the nursing home to enable the cumulative impact to be considered.

7.5 Appropriate Assessment

7.5.1 Having regard to the nature and scale of the proposed development and nature of the receiving environment 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.

Recommendation

Having considered the file and all submissions and having visited the site, I recommend that permission be refused for the following reasons and considerations.

Reasons and Considerations

1. Having regard to the location of the site within an the Cork Metropolitan Greenbelt as designated within the Cork County Development Plan 2014, an area under strong urban influence, and to National Policy Objective 19 as set out in the National Planning Framework 2018, adopted by the Government, in relation to rural areas

under urban influence which states that is the policy to “facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area....having regard to the viability of smaller towns and rural settlements.” Having regard to the documentation submitted with the application and appeal, the Board is not satisfied that the application constitutes an exceptional rural housing need as set out in policy RIC 4-1 of the Cork County Development Plan. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines and in national policy for a house at this location. The proposed development would, therefore, be contrary to the over-arching national policy, and to the provisions of the current Cork County Development Plan 2014, and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development by reason of its design and siting would result in discordant backland development within the metropolitan greenbelt, would set an undesirable precedent for similar types of undesirable backland development in this rural area under significant urban pressure. The proposed development would result in a visually prominent and obtrusive development, which would adversely affect the character of the area and would be contrary to the proper planning and sustainable development of the area.

Bríd Maxwell
Planning Inspector
29th September 2020