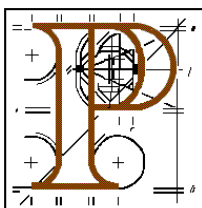


An Bord Pleanála



Inspector's Report

Appeal Reference No: PI.04.245807

Development: House

Planning Application

Planning Authority: Cork County Council

Planning Authority Reg. Ref.: 15/6032

Applicant: Joanne O'Gorman

Planning Authority Decision: Refuse permission

Planning Appeal

Appellant(s): Joanne O'Gorman

Type of Appeal: First party v refusal

Observers: None

Date of Site Inspection: 01/02/2016

Inspector: A. Considine

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The subject site is located in the townland of Ballyvrassil, Cobh, Co. Cork. The site is located on the south side of a small narrow local road which serves a number of existing dwellings in the area. The subject site is located between the road and the harbour to the south. This rural area has had extensive pressure for one off housing as evidenced on my site visit. The area is not serviced with public mains and as such, there is a significant concentration of private WWTPs serving the residential developments.
- 1.2 The subject site lies to the south of the public road, and slopes from the road towards the harbour. The site offers extensive views over the water and is currently overgrown. While the plans and applicant suggests that the area is used for an equine business, there was no evidence of same on the site or in the immediate vicinity of the site on the date of my inspection.
- 1.3 The access road is narrow and there is a 90° bend in the road within 10m to the east of the proposed access. The subject site is generally rectangular in shape with a longer roadside boundary and a short depth. The site has a stated area of 0.293ha. The context of the subject site is presented in the appendix to this report which includes, maps and a number of photographs taken on the day of my site inspection.

2.0 PROPOSED DEVELOPMENT

- 2.1 Permission is sought for the construction of a single storey dwelling house on the subject site with a bio-treatment unit, new vehicular entrance and associated site works. The house proposed comprises a single storey dwelling with a stated floor area of 96m². No floor plans are provided but the application form advises that 3 bedrooms will be provided. The design of the house proposes a low rise house of simple design with large windows proposed on the southern elevation, overlooking the water. It appears that the proposed house will be finished in a mixture of brick and render. The house is to be serviced by a private well and WWTP.

- 2.2 The detail of the plans / particulars provided is very sparse with no sections, floor plans, landscaping plans, boundary treatments, clear details of finishes provided.

3.0 PLANNING HISTORY

PA ref 05/1396: Permission was sought for the construction of a dwelling on the site. Permission was refused for reasons relating to non-compliance with settlement location policy, density and ribboning in the area.

PA ref 02/2414: Permission was sought for the construction of a house by previous landowner. Permission was refused.

PA ref 1050/90: Outline planning permission granted for a house on the site.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

- 4.1.1 The Planning Officers report considered the proposed development in terms of the principle of the development and policy requirements of the Cork County Development Plan 2014 where there is a presumption against residential development save for cases where there is an exceptional rural-based housing need for those categories set out within (a)-(d) of RCI 4-1. The Planning Officer considered that the applicant did not comply with the settlement policy objective and refusal is recommended on this basis.
- 4.1.2 In addition to the above, the Planning Officers Report considered the proposed development in terms of visual impact, density / ribbon development, planning history. The report concludes that there is insufficient information provided to fully assess the visual impact of the proposed development and that the issues of the previous refusal on the site remain valid.

4.1.3 The PAs report noted the submission of 2 objections to the proposed development from adjacent residents. The issues raised are summarised as follows:

- Planning history
- Contravenes rural housing policy of the County Development Plan.
- Information provided on the supplementary application form is inaccurate.
- There are no horses and never have been, on the lands and no equine business operates from the subject site.
- Traffic implications of a further development on narrow road.
- Clearing of the site will remove mature trees and expose other trees to storm damage.
- Loss of wildlife.

4.1.5 There are no representations from elected members on the PAs file.

4.1.6 In terms of technical reports, the following is relevant:

Area Engineer: advises further information required with regard to sight distances and boundary treatment.

Irish Water: advises no objection to the proposed development.

4.2 Planning Authority Decision

The Planning Authority decided to refuse planning permission for the proposed development, for the following reasons:

1. The site is located on lands zoned as Metropolitan Greenbelt in the 2014 County Development Plan where it is the objective of the Planning Authority to preserve such areas from development save for applicants who can demonstrate an exceptional rural generated housing need based on their social and / or economic links to a

particular rural area. The applicant has failed to demonstrate that she complies with categories a) to d) of RCI 4-1 of the 2014 County Development Plan in that she is not the daughter of the farmer or landowner, nor is she / has she been employed on a fulltime basis in farming or any other such rural based employment for a period in excess of seven years.

Accordingly, to permit the proposed development would materially contravene Objective RCI 4-1 and would be contrary to normal and proper planning and development.

2. The proposed development would be contrary to normal and proper planning considerations, as set out within the 2014 County Development Plan, in that the site is located within an area where the density of development is considered excessive for an unserviced rural area. Therefore, to permit the development at this location would lead to uneconomic demands for extension of public services and would be contrary to the proper planning and sustainable development of the area.

5.0 GROUNDS OF APPEAL

This is a first party appeal against the decision of Cork County Council to refuse planning permission for the proposed construction of a dwelling house on the subject site. The grounds of appeal are summarised as follows:

- The site is being purchased from the applicants cousin who allowed permission for the development of a house on the site in the 1990s lapse.
- Applicants family home is 1.5 miles from the proposed site on the edge of the Cobh Development boundary.
- Applicant has rented land in the area for horses for over twenty years and has run a riding school in the area for nearly fifteen years.
- Applicant has lived in a rented house adjoining the site for almost 10 years, and stables on the adjoining land for over ten years.
- The access to the site will not interfere with other property owners and the Area Engineer requirements can be achieved. Site suitability tests for the site are favourable.

- The site is below the road and the house will not be visible.
- A grant of permission will have little or no negative effect on the Green Belt and will allow the applicant make a positive contribution to rural life in the area.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response

The Planning Authority has responded to this first party appeal advising that no additional information has been put forward in the appeal process. All issues are considered to have been suitably addressed within the planner's report.

6.2 Observations on grounds of appeal

There are no observations noted on this appeal.

7.0 POLICY CONTEXT County Development Plan, 2014

7.1 The subject site is located within the County Metropolitan Cork Strategic Planning Area, in an area of Co. Cork which has been identified as having a High Value Landscape and Metropolitan Green Belt.

7.2 In terms of the Rural Area under Strong Urban Influence designation afforded to the subject site, the following policy objectives are considered relevant:

- 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 must satisfy the Planning Authority that their proposal constitutes a genuine 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 a number of identified categories.

- The Plan identifies the area as a High Value Landscape County Development Plan Objective GI 6-1: Landscape is considered relevant in this instance and it is the stated policy of the Council:
 - a) Protect the visual and scenic amenities of County Cork's built and natural environment.
 - b) Landscape issues will be an important factor in all landuse proposals, ensuring that a proactive view of development is undertaken while maintaining respect for the environment and heritage generally in line with the principle of sustainability.
 - c) Ensure that new development meets high standards of siting and design.
 - d) Protect skylines and ridgelines from development.
 - e) Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.

Middleton Electoral Area Local Area Plan, 2011

- 7.3 In terms of providing a clear picture, the Board will note that Ballybrassil is not identified in the Middleton EALAP in terms of development within a settlement. The site is within an identified green belt.

8.0 ASSESSMENT

8.1 Having considered all of the information submitted with the planning application, together with the appeal documentation and responses, and having undertaken a site visit, I consider it appropriate to assess the proposed development application under the following headings:

1. The principle of the development and compliance with current County Development and Local Area Plans.
2. Planning History
3. Visual & Residential Amenity Issues
4. Other Issues
5. Appropriate Assessment

Principle of development

Compliance with the Cork County Development Plan 2014-2020:

8.2 The subject site is located within the identified Metropolitan Cork Greenbelt and the County Development Plan, 2014, provides clear guidance that there is a presumption against the development of one off houses except where an exceptional housing need which is based in the rural area, has been clearly established. The applicant is also required to accord with one of four categories of housing need. The applicant is not a landowner, son or daughter of a landowner and is not working full time in agriculture. While she indicates that she operates an equine business on a part time basis in the area, I was unable to verify same. In addition, it appears that the applicant is employed full time in Cork City. Notwithstanding the submission of the applicant to date, I am not satisfied that, in principle the proposed development can be considered acceptable within the Metropolitan Cork Greenbelt.

Planning History

8.3 The Board will note that planning permission was sought for the construction of a house on the site by another applicant. Permission was refused by the County Council and there was no appeal in this instance. I have considered the merits of the proposed development

and consider that the issues raised in the previous application remain relevant in this instance.

Visual & Residential Amenity Issues

- 8.4 In terms of the proposed design of the house, I have no real objection in principle. However, given the high value landscape in which the site lies, I would suggest that a more appropriate design could have been considered. The level of detail provided on the submitted plans is very minimal but, for example, I would have concerns regarding the use of brick without clearer details in relation to same. I also note that the size of the house is limited and subject to appropriate landscaping, it is likely that it might be acceptable. I also note that the levels of the site are sloping down and away from the public road towards the water, so the visual impact of the house, if permitted, would be further reduced from the public road. The visual impact from the water is different. There is a significant concern in this regard as the level of information provided in the submitted plans is very limited.
- 8.5 The finished floor level of the proposed house is to be at +16.85 with a proposed ridge height of +21.45m. The public road to the north of the site is identified as having a level of +20.36m. The proposed access to the site is to have a 1:10 fall and the house is to be located centrally within the site. It is unfortunate that the application failed to consider a landscaping proposal as part of the overall proposed development, but it is also clear that in order to facilitate the proposed development within the subject site, significant clearing will be required. Should the Board consider that the applicant complies with the settlement location policy of the 2014 Cork County Development Plan, further information should be sought in relation to the detailed finishes of the proposed house and a clear landscaping plan should be provided to include details of trees to be removed to facilitate the proposed development. Sections should also be included, in order to fully consider the potential visual impact of the proposed development in this open and exposed landscape.

Other Issues:

- 8.6 In terms of site suitability, the Board will note that it is intended to install a private waste water treatment system to service the house. It is also noted that the house is to be serviced by a private well. Having considered the information provided on the planning authority file with regard to the proposed development together with the planning history, 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 the proposed site in terms of the treatment and disposal of wastewater generated on the site. The Site Characterisation Form submitted provides for inaccurate information in terms of water supply. However, in relation to the information provided, the Board will note that the Planning Authority has raised no objection to the proposed development on site suitability grounds in relation to waste water treatment and disposal.
- 8.7 The site characterisation assessment, submitted as part of the planning application, notes that no bedrock was identified in the trial pit, which was dug to 1.8m bgl. The assessment identifies that the site is located in an area where the Groundwater Protection Scheme categorises the site as being a locally important aquifer (LI) with extreme vulnerability. The protection repose indicated is R1 (I would consider this to be inadequate and that the protection response should be R2¹). *T tests carried out on the site yielded a value of 16.58, while no *P tests were carried out at the site. The report suggests that 'due to the restricted suitable land for a septic tank and percolation area I would recommend that a soil polishing filter be installed'. The development proposes to install a packaged waste water treatment system with a soil polishing filter, the details of same however, are not provided. I consider that this element of the development is probably not an issue warranting refusal of permission, but should the Board be minded to grant permission, further details in this regard should be sought before such a decision.

Appropriate Assessment:

- 8.8 The subject site is located at a distance of approximately 2.4km from the nearest European site, being the Great Island Channel SAC & pNHA, Site Code 001058, which is located to the north of the site. In addition, the Cork Harbour SPA, Site Code 004030, is located to the south east of the subject site and is identified as an important site for overwintering birds. The subject development site itself can be considered a greenfield site within a rural area. Given that a Natura 2000 site is located within 15km of the site, the Board will be required to consider the potential effects of the proposed development on the identified European Site. The site must be subject to AA regarding its implications for the Natura 2000 site in view of the site's conservation objectives *"if it cannot be excluded, on the basis of objective information, that it will have a significant effect on that site, either individually or in combination with other plans or projects"* (EC, 2006). In other words, where doubt exists about the risk of a significant effect, an Appropriate Assessment must be carried out.
- 8.9 Having considered the nature of the proposed development, together with the planning history and given the scale of same together with the level of information provided in support of the application, it is considered appropriate to conclude that this project should not proceed to Stage 2 of the AA process and that an Appropriate Assessment is not necessary as there is little or no potential for significant effects to Natura 2000 sites. I am satisfied that there is no potential for impact on any Natura 2000 site, warranting AA.

9.0 CONCLUSIONS AND RECOMMENDATION

It is considered that the proposed development should be refused for the reasons and considerations hereunder.

REASONS AND CONSIDERATIONS

1. Having regard to Policy Objective RCI 4-1 in the County Development Plan 2014, which seeks to preserve lands in the rural area which are identified as being within the Metropolitan Cork Greenbelt from development save where applicants can demonstrate an exceptional rural generated housing need, based on their social and / or economic links to the particular rural area. The policy objective provides four categories of compliance for such exceptions to the policy and An Bord Pleanála is not satisfied that the current applicant has demonstrated compliance with the settlement location policy in this instance.

Therefore, it is considered that a grant of outline planning permission in this instance, would materially contravene objective RCI 4-1 of the County Development Plan, 2014 and would be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development, if permitted, would contribute to ribbon development in this unserved rural area, would set an undesirable precedent for similar type developments in this rural landscape and would be contrary to the proper planning and sustainable development of the area.

A. Considine
Planning Inspector
03/03/2016