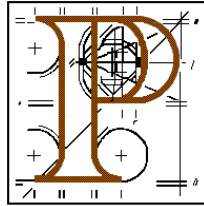

An Bord Pleanála



Inspector's Report

Ref.: PL04.247109

Development: To construct a dormer dwelling with wastewater treatment unit and associated site works.

Tay Road, Carrignafey Td. and Ballynacrusa Td.,
Co. Cork.

PLANNING APPLICATION

Planning Authority: Cork County Council

Planning Authority Ref.: 16/5306

Applicant: Cara Powell

Type of Application: Permission

Planning Authority Decision: Refusal

APPEAL

Type of Appeal: First Party v. Decision

Observers: None.

INSPECTOR: Robert Speer

Date of Site Inspection: 5th December, 2016

1.0 SITE LOCATION AND DESCRIPTION

1.1 The proposed development site is located along Tay Road, beyond the northern fringe of the environs of Cobh town, in the rural townland of Carrignafof / Ballynacrusa, Co. Cork, approximately 1.5km north of the town centre and 100m east of Cow Crossroads (with Cobh cemetery located further west), where it forms an infill site situated between 2 No. existing residential properties which in turn form part of a series of roadside housing. Whilst the surrounding area is generally rural in character, there is a notable concentration of one-off residential development located along those roadways in the immediate vicinity of the site, with particular reference to those lands to the east and west, given the proximity of Cobh town. The site itself has a stated site area of 0.31 hectares, is irregularly shaped and presently comprises an undeveloped plot of grassland / scrubland (which is situated between a conventionally designed single storey bungalow to the west and a semi-detached vernacular cottage to the east) with access to same obtained through the adjacent property to the immediate east. It is bounded by a small watercourse and a mature hedgerow / tree line to the east whilst the remaining site boundaries, including the roadside site boundary to the south, are generally defined by a combination of trees, hedgerows and other planting.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

2.1 The proposed development consists of the construction of a dormer style dwelling house with a stated floor area of 129m² and a ridge height of 6.5m. The overall design of the proposed dwelling house is conventional with a generally symmetrical front elevation which includes a centrally positioned enclosed front porch area in addition to vertically emphasised fenestration. External finishes include blue / black roof slates, a smooth plaster finish and the feature use of natural stone facing.

2.2 Access to the site will be obtained directly from the adjacent public road to the immediate south via a new entrance arrangement and in this respect it is proposed to set back the entirety of the roadside site boundary in addition to part of that of the adjacent property to the immediate east. It is also proposed to install a wastewater treatment system which will discharge to a percolation area and to connect to the public watermain.

3.0 RELEVANT PLANNING HISTORY

3.1 On Site:

PA Ref. No. 921867. Was refused on 11th September, 1992 refusing Fionnghuala Greene outline permission for a dormer bungalow.

PA Ref. No. 96845. Was refused on 9th May, 1996 refusing Catherine & Kenneth Sheridan outline permission for a dwelling, septic tank and biocycle system.

PA Ref. No. 086191. Application by David Keaney for permission for a dwelling, aeration treatment unit, and associated site works. No decision issued.

PA Ref. No. 086721. Application by David Keaney for permission for the construction of a single storey dwelling, installation of an aeration treatment unit and the construction of an entrance to serve the proposed and existing dwellings. This application was withdrawn.

3.2 On Adjacent Sites:

None.

3.3 On Sites in the Immediate Vicinity:

PA Ref. No. 053874. Was refused on 25th July, 2005 refusing Raymond & Dorothy Johnston outline permission for a single storey dwelling at Cow Cross, Tay Road, Ballyvoloon, Cobh, Co. Cork.

PA Ref. No. 033169. Was granted on 2nd March, 2004 permitting Keith & Jacinta Williamson permission for a bungalow and wastewater treatment system at Tay Road, Carrignafoy Rural, Co. Cork.

PA Ref. No. 097925. Was refused on 11th February, 2010 refusing Alpha Healthcare Ltd. & Castlelands Construction Company permission for a development consisting of a 3 storey Primary Care Centre to include (a) GP Medical facility with ancillary offices, toilets, staff areas & stores, (b) HSE Medical facility including Adult Mental Health Sector Headquarters, Primary Care Community services, Mental Health Day Centre & Out Of Hours treatment Centre with ancillary offices, toilets, staff areas & stores etc., (c) 4 no. lettable medical support units on ground floor, (d) 4 no. bookable rooms , (e) UCC Continued Medical Education Centre , (f) shared facilities including public waiting room & toilets, plant & electrical rooms, refuse/dry/clinical waste room, stores, common room/kitchen, conference/multi-purpose room, clean & dirty utilities etc., (g) site

access road with junctions at Ticknock Hill & Tay Roads complete with public street lighting, (h) temporary signage at the Tiknock Hill entrance, (i) new on site foul treatment plant with connection to the public sewer, surface water drainage to include on site surface water attenuation system & connection to public water mains at Tiknock Hill & (J) all site development/enabling works & services. All at Tiknock, Cobh, Co. Cork.

4.0 PLANNING AUTHORITY CONSIDERATIONS AND DECISION

4.1 Decision:

On 25th July, 2016 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following 2 No. reasons:

- 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 has resided in this local rural area for less than two and a half years thereby specifically contravening policy objective RCI 4-1(d). Accordingly, to permit the proposed development would materially contravene Objective RCI 4-1 as well as the principles of the Sustainable Rural Housing Guidelines and would be contrary to normal and proper planning and development.
- The site is located within an area designated as Prominent and Strategic Metropolitan Greenbelt Areas requiring Special Protection, as per the 2014 County Development Plan, where it is an objective to preserve such areas from development as per Objective GI 8-1. The extent of works required to the roadside boundaries of this and the adjoining site to accommodate the proposed dwelling would materially alter the rural context of the site and to permit the proposed development would significantly alter the character of this rural area to that of a more urban appearance and would therefore, be contrary to the proper planning and development of the area.

4.2 Objections / Observations:

None.

4.3 Internal Reports:

Area Engineer: Recommends that the applicant be requested to submit a revised drawing detailing the full extent of those works required to create the proposed entrance in addition to the area of cut back necessary to achieve the required sightlines and the proposed finished surface for the cut back area.

Liaison Officer: States that the applicant does not comply with the settlement policy set out in the County Development Plan and that the proposed works would have a detrimental effect on the visual amenities of the surrounding rural area. It subsequently recommends that permission be refused for the reasons set out in the Planner's Report.

4.4 Prescribed Bodies / Other Consultees:

Irish Water: No objection subject to conditions.

5.0 GROUNDS OF APPEAL

The grounds of appeal are summarised as follows:

- The applicant returned to Cobh in 2009 and has lived in the townland of Carrignafof for the past 7 No. years. Accordingly, she satisfies the eligibility criteria set out in Objective RC1 4-1(d) of the Cork County Development Plan, 2014.
- The Board is referred to the 'Supplementary Planning Application Form' provided with the initial application and the accompanying site location map which details the applicant's residency within the townland of Carrignafof for the last 7 No. years:
 - Tay Road, Cobh: 2013-present
 - Belmont, Cobh: 2011-2013
 - O'Neills Place, Cobh: 2009-2011
- The proposed development site is located along a section of roadway which is presently hazardous to both pedestrians and vehicular traffic. In this respect it is submitted that the proposed works to the roadside boundary will improve safety for all road users, with particular reference to the existing entrance serving the applicant's family home.

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- The existing trees along the roadside site boundary have become unstable and also overhang the public road thereby giving rise to health and safety concerns.
 - The 4 No. trees proposed for removal will be replaced with 10 No. native specimens.
 - The existing vegetation on site only consists of a mixture of recently grown brambles and weeds.
 - The proposed development site is located in a valley and provides little screening in the area.

6.0 RESPONSE TO GROUNDS OF APPEAL

6.1 Response of the Planning Authority:

- States that the points raised in the grounds of appeal have already been addressed given that the applicant does not have a connection to the rural area in question for in excess of 7 No. years and as the proposed development will have a detrimental visual impact.

7.0 NATIONAL AND REGIONAL POLICY

7.1 The ‘Sustainable Rural Housing, Guidelines for Planning Authorities’, 2005 promote the development of appropriate rural housing for various categories of individual as a means of ensuring the sustainable development of rural areas and communities. Notably, the proposed development site is located in an ‘Area under Strong Urban Influence’ as indicatively identified by the Guidelines. Furthermore, in accordance with the provisions of the Guidelines, the Cork County Development Plan, 2014 includes a detailed identification of the various rural area types specific to the county at a local scale and ‘Figure 4.1: Rural Housing Policy Area Types’ of the Plan confirms that the site is located within the ‘Metropolitan Cork Greenbelt’.

8.0 DEVELOPMENT PLAN

Cork County Development Plan, 2014:-

Chapter 2: Core Strategy:

Section 2.3: *The Network of Settlements*

Chapter 4: Rural, Coastal and Islands:

RCI 1-1: *Rural Communities:*

Strengthen rural communities and counteract declining trends within the settlement policy framework provided for by the Regional Planning Guidelines and Core Strategy, while ensuring that key assets in rural areas are protected to support quality of life and rural economic vitality.

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: Rural Generated Housing:

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

Section 4.3: Identifying Rural Area Types:

Section 4.3.5: Metropolitan Cork Greenbelt:

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.

Section 4.4: Categories of Rural Generated Housing Need:

Section 4.4.2: This plan recognises the positive benefits for rural areas to sustain and strengthen the vibrancy of rural communities by allowing qualifying applicants to build a first home for their permanent occupation in a 'local rural area' to which they have strong economic or social links as defined in the following objectives RCI 4-1 to RCI 4-5. The meaning of 'local rural area' is generally defined by reference to the townland, parish or catchment of the local rural school to which the applicant has a strong social and / or economic link.

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 8-1 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.

Section 4.5: *Greenbelts:*

RCI 5-1: Metropolitan Cork Greenbelt:

Maintain the Metropolitan Cork Greenbelt (as shown on Figure 4.1 in this Plan) which encompasses the City and its suburbs together

with the satellite towns, villages and countryside of Metropolitan Cork.

RCI 5-2: Purpose of Greenbelt:

- a) Maintain a Green Belt for Metropolitan Cork with the purposes of retaining the open and rural character of lands between and adjacent to urban areas, maintaining the clear distinction between urban areas and the countryside, to prevent urban sprawl and the coalescence of built up areas, to focus attention on lands within settlements which are zoned for development and provide for appropriate land uses that protect the physical and visual amenity of the area.
- b) Recognise that in order to strengthen existing rural communities provision can be made within the objectives of this plan to meet exceptional individual housing needs within areas where controls on rural housing apply.

RCI 5-3: Land Uses within Metropolitan Greenbelt:

Preserve the character of the Metropolitan Greenbelt as established in this Plan and to reserve generally for use as agriculture, open space, recreation uses and protection / enhancement of biodiversity of those lands that lie within it.

RCI 5-4: Sustainability of Exceptions to Greenbelt Policies:

Recognise that by reason of the number of people currently living within Greenbelt areas, the granting of regular exceptions to overall policy is likely to give rise over the years to incremental erosion of much of the Greenbelt.

RCI 5-8: Greenbelts around Settlements:

- a) Retain the identity of towns, to prevent sprawl, and to ensure a distinction in character between built up areas and the open countryside by maintaining a Greenbelt around all individual towns.
- b) Reserve generally for use as agriculture, open space or recreation uses those lands that lie in the immediate surroundings of towns. Where Natura 2000 sites occur within Greenbelts, these shall be reserved for uses compatible with their nature conservation designation.

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- c) Prevent linear roadside frontage development on the roads leading out of towns and villages.
 - d) The local area plans will define the extent of individual Greenbelts around the ring and county towns and any of the larger villages where this approach is considered appropriate. They will also establish appropriate objectives for the Greenbelts generally reserving land for agriculture, open space or recreation uses.

Section 4.6: *General Planning Considerations:*

RCI 6-1: Design and Landscaping of New Dwelling Houses in Rural Areas:

- a) Encourage new dwelling house design that respects the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.
- b) Promote sustainable approaches to dwelling house design by encouraging proposals to be energy efficient in their design, layout and siting.
- c) Require the appropriate landscaping and screen planting of proposed developments by using predominantly indigenous/local species and groupings.

RCI 6-2: Servicing Individual Houses in Rural Areas:

Ensure that proposals for development incorporating septic tanks or proprietary treatment systems comply with the EPA Code of Practice: Wastewater Treatment and Disposal Systems serving Single Houses (p.e. < 10) or any requirements as may be amended by future national legislation, guidance, or Codes of Practice.

RCI 6-3: Ribbon Development:

Presumption against development which would contribute to or exacerbate ribbon development.

RCI 6-4: Occupancy Conditions:

In order to take a positive approach to facilitating the housing needs of the rural community, where permission has been granted for a rural housing proposal, an occupancy condition shall normally be imposed under Section 47 of the Planning & Development Act 2000.

Chapter 12: Heritage:

Section 12.2: *Natural Heritage and Biodiversity:*

HE 2-3: *Biodiversity outside Protected Areas*

Retain areas of local biodiversity value, ecological corridors and habitats that are features of the County's ecological network, and to protect these from inappropriate development. This includes rivers, lakes, streams and ponds, peatland and other wetland habitats, woodlands, hedgerows, tree lines, veteran trees, natural and semi-natural grasslands as well as coastal and marine habitats. It particularly includes habitats of special conservation significance in Cork as listed in Volume 2 Chapter 3 Nature Conservation Areas of the plan.

Chapter 13: Green Infrastructure and Environment:

Section 13.5: *Landscape*

Section 13.6: *Landscape Character Assessment of County Cork*

GI 6-1: *Landscape:*

- 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 land use 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.

GI 6-2: *Draft Landscape Strategy:*

Ensure that the management of development throughout the County will have regard for the value of the landscape, its character, distinctiveness and sensitivity as recognised in the Cork County Draft Landscape Strategy and its recommendations, in order to minimize the visual and environmental impact of development, particularly in areas designated as High Value

Landscapes where higher development standards (layout, design, landscaping, materials used) will be required.

Section 13.7: *Landscape Views and Prospects:*

GI 7-1: General Views and Prospects:

Preserve the character of all important views and prospects, particularly sea views, river or lake views, views of unspoilt mountains, upland or coastal landscapes, views of historical or cultural significance (including buildings and townscapes) and views of natural beauty as recognized in the Draft Landscape Strategy.

GI 7-4: Development on the approaches to Towns and Villages:

Ensure that the approach roads to towns and villages are protected from inappropriate development, which would detract from the setting and historic character of these settlements.

Section 13.8: *Prominent and Strategic Metropolitan Cork Greenbelt Areas:*

GI 8-1: Prominent and Strategic Metropolitan Greenbelt Areas requiring Special Protection:

Protect those prominent open hilltops, valley sides and ridges that define the character of the Metropolitan Cork Greenbelt and those areas which form strategic, largely undeveloped gaps between the main Greenbelt settlements. These areas are labelled MGB1 in the Metropolitan Greenbelt map (Figure 13.3) and it is an objective to preserve them from development.

9.0 ASSESSMENT

From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- Rural housing policy / the principle of the proposed development
- Overall design and layout / visual impact
- Traffic implications
- Wastewater treatment and disposal
- Appropriate assessment

These are assessed as follows:

9.1 Rural Housing Policy / The Principle of the Proposed Development:

9.1.1 The proposed development site is located in an 'Area under Strong Urban Influence' as indicatively identified by the 'Sustainable Rural Housing, Guidelines for Planning Authorities, 2005'. These Guidelines state that such areas will exhibit characteristics such as their proximity to the immediate environs or the close commuting catchments of large cities and towns (e.g. Cork City and Cobh Town) and will generally be under considerable pressure for the development of housing due to their proximity to these urban centres or the major transport corridors accessing same. Notably, within these areas the National Spatial Strategy states that the provision of new housing should generally be confined to persons with roots in or links to these areas whilst the Guidelines also acknowledge that the housing requirements of persons with roots to or links in rural areas are to be facilitated and that planning policies should be tailored to local circumstances.

9.1.2 In addition to the foregoing, it is of further relevance to note that the Cork County Development Plan, 2014 includes a detailed identification of the various rural area types specific to the county at a local scale and that 'Figure 4.1: Rural Housing Policy Area Types' of the Plan serves to confirm that the subject site is located within the 'Metropolitan Cork Green Belt' which is defined as the hinterland of Cork City and that area of the county under the greatest urban pressure for rural housing. In this respect I would refer the Board to Section 4.5.6 of the Plan which states that given the exceptional housing demands and urban pressures exerted within this area, the retention of the Metropolitan Greenbelt into the future represents a serious planning challenge and that any incremental erosion of these lands over time will need to be carefully monitored. Accordingly, within this area the Planning Authority has adopted a restrictive approach as regards the eligibility of prospective applicants for rural housing and in this respect Objective RCI 4-1 of the County Development Plan states that applicants must satisfy the Planning Authority that they have an exceptional rural-generated housing need based on their social and / or economic links to a particular local rural area and, in this regard, demonstrate compliance 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

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- 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.

9.1.3 The subject site is also located within a *'Prominent and Strategic Metropolitan Cork Greenbelt Area'* as identified in Figure 13.3 of the County Development Plan wherein it is the policy of the Planning Authority pursuant to Objective No. GI 8-1 to protect those prominent open hilltops, valley sides and ridges that define the character of the Metropolitan Cork Greenbelt and those areas which form strategic, largely undeveloped gaps between the main Greenbelt settlements.

9.1.4 Having reviewed the rationale for the establishment of the Cork Metropolitan Greenbelt as set out in Section 4.5 of the Development Plan, and in light of the purpose of same as detailed in Objective RCI 5-2, I would accept that any further housing permitted within same should be restricted to named persons with an 'exceptional' rural-generated housing need and thus it is necessary to critically analyse the subject application in the context of compliance with Objective RCI 4-1 of the County Development Plan in addition to the provisions of the *'Sustainable Rural Housing, Guidelines for Planning Authorities'*, 2005.

9.1.5 From a review of the available information, with particular reference to the supporting correspondence which has accompanied the application and the grounds of appeal, it is clear that the applicant is of the opinion that she satisfies the eligibility criteria set out in Part (d) of Objective RCI 4-1 of the Development Plan on the basis that she has resided at various addresses within the townland of Carrignafoy for the last 7 No. years and as she is acquiring the application site from her mother whilst the proposed dwelling house is intended for her own use as her principle and permanent place for residence. In this respect I would refer the Board in the first instance to the supporting correspondence that accompanied the initial planning application, including the *'Supplementary Planning Application Form – SF1'*, which indicates that the applicant 'returned' with her family to Cobh in 2009 whereupon she resided at O'Neill's Place up until

2011 after which she relocated to Belmont, Cobh, before her mother's ultimate purchase of the present family home at Tay Road, Cobh, in 2013. It was on the basis of this information that the Planning Authority in its assessment of the subject application formed the opinion that Ms. Powell's links were to the town of Cobh (i.e. an urban setting) and not to the local rural area wherein the application site is located. Accordingly, the Planning Authority ultimately refused permission for the subject proposal on the basis that the applicant did not satisfy the relevant eligibility criteria set out in Objective RCI 4-1 of the County Development Plan.

9.1.6 On the basis of the foregoing, it is apparent that the key issue in the assessment of the subject appeal is whether or not the applicant satisfies the eligibility criteria set out in the County Development Plan and the '*Sustainable Rural Housing, Guidelines for Planning Authorities, 2005*' as regards the development of a rural dwelling house at the location proposed and if the submitted proposal constitutes '*rural-generated*' housing as distinct from '*urban-generated*' development.

9.1.7 With regard to the applicant's compliance with the eligibility criteria set out in Objective RCI 4-1 of the County Development Plan, I would advise the Board in the first instance that the site in question does not form part of a family farmholding and that the applicant is not engaged full-time in any farming, forestry, inland waterway or marine related occupation. Accordingly, it is clear that the applicant does not satisfy the relevant criteria set out in parts (a), (b) & (c) of Objective RCI 4-1 and is therefore solely reliant on compliance with the provisions of part (d) as follows:

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.

9.1.8 Whilst it would appear on the basis of the available information that the applicant has resided in the general locality of the subject site within the townland of Carrignafoy for a period of 7 No. years, I would advise that Board that it is a specific requirement of Objective RCI 4-1 at the outset for a prospective applicant to establish '*an exceptional rural generated housing need based on their social and / or economic links to a particular local rural area*'. In this regard, particular emphasis should be placed on the need for an applicant to have an intrinsic link to a '*local rural area*' which is defined in Section 4.4.2 of the Development Plan as generally comprising the townland, parish or catchment of the local rural

school to which the applicant has a strong social and / or economic link. In my opinion, it is clear that the applicant's previous residency at addresses in O'Neill's Place & Belmont within the settlement boundary of the town of Cobh cannot be considered to qualify as a rural area and, therefore, it is reasonable to conclude on the basis of the information provided that the applicant has not established that she has resided in the 'local rural area' wherein the proposed development site is located for a minimum of seven years prior to the lodgement of the subject application. Accordingly, the applicant does not satisfy the eligibility criteria set out in Objective RCI 4-1 of the Cork County Development Plan, 2014.

9.1.9 Furthermore, having reviewed the available information, I am not satisfied that the applicant has established an 'exceptional' rural-generated need in this instance given that her place of employment is located in Ballincollig, Cork City, and thus would give rise to a commuting distance of approximately 20km, whilst the nature of her work in providing social care to the communities of Cobh and the suburbs of Cork City similarly does not necessitate her residence at the rural site in question.

9.1.10 On balance, given that the subject site is located within the Metropolitan Cork Greenbelt, which is considered to be under the strongest urban pressure for rural housing, it is my opinion that the applicant has most recently resided in the town of Cobh and that she has no specific rural-generated need to reside at the location proposed. Accordingly, I am inclined to conclude that the subject proposal amounts to 'urban-generated' housing and that the applicant does not satisfy the eligibility criteria set out in the Development Plan or the *'Sustainable Rural Housing, Guidelines for Planning Authorities, 2005'* as regards the construction of a rural dwelling house at the location proposed.

9.2 Overall Design and Layout / Visual Impact:

9.2.1 In terms of assessing the visual impact of the proposed development it is of relevance in the first instance to note that the wider landscape type within which the subject site is located has been classified as *'City Harbour and Estuary'* as per the landscape character mapping set out in the County Development Plan, 2014. The proposed development site is also situated within the *'Prominent and Strategic Metropolitan Cork Greenbelt Area'* identified in Figure 13.3 of the County Development Plan wherein it is the policy of the Planning Authority pursuant to Objective No. GI 8-1 to protect those prominent open hilltops, valley sides and ridges that define the character of the Metropolitan Cork Greenbelt and those areas which form strategic, largely undeveloped gaps between the main Greenbelt settlements. Furthermore, it should be noted that the site is located

within a designated 'High Value' landscape as identified for preservation in the County Development Plan.

9.2.2 In a local context, the proposed development site is located within a valley, beyond the northern fringe of the environs of Cobh town, in a rural area which can be considered to represent the initial transition from the open countryside located to the north through to the built-up area of the urban settlement of Cobh to the south. In this respect it is notable that there is a considerable concentration of one-off residential development located along those roadways in the immediate vicinity of the application site which can be attributed to the urban pressure for rural housing in this area and that the subject proposal, when taken in conjunction with the surrounding pattern of development, will involve the construction of a further dwelling house on an infill site which will in turn give rise to a series of 8 No. residential properties constructed on contiguous sites within a continuous 250m stretch of roadway.

9.2.3 With regard to the specifics of the design and siting of the proposed development, having conducted a site inspection, and following a review of the submitted plans and particulars, it is clear that whilst the overall design and layout of the proposed dwelling house is generally comparable to the surrounding pattern of development, and although the wider visual impact of the construction will be somewhat limited given the site context (i.e. on an infill site within a valley), in my opinion, when taken in conjunction with the existing level of development in the area, the submitted proposal represents a further unwarranted erosion of the rural character of this area which will have a wider impact on the prevailing landscape quality by contributing towards its gradual suburbanisation and resulting in an excessive density of piecemeal development. In this respect I would reiterate that the proposed development site is located within a 'Prominent and Strategic Metropolitan Greenbelt' and that it is a specific objective of the Development Plan (i.e. Objective No. GI 8-1) to preserve these areas from development with further support for same being derived from Objective No. RCI 5-8: 'Greenbelts around Settlements' which emphasises the need to 'retain the identity of towns, to prevent sprawl, and to ensure a distinction in character between built up areas and the open countryside by maintaining a Greenbelt around all individual towns' and the prevention of 'linear roadside frontage development on the roads leading out of towns and villages'. In addition, I would suggest that the submitted proposal conflicts with Objective No. RCI 6-3: 'Ribbon Development' of the Development Plan which states that there is a presumption against development which would contribute to or exacerbate ribbon development.

9.2.4 In relation to the proposal to remove the entirety of the existing roadside boundary and to reinstate same in a recessed position in order to provide for unobstructed sightlines, Objective GI 6-1: *'Landscape'* of the Development Plan is clear in seeking to discourage proposals that would necessitate the removal of extensive amounts of trees, hedgerows and other distinctive boundary treatments. This provision also finds support in Objective No. HE 2-3: *'Biodiversity outside Protected Areas'* of the Development Plan and Section 4.4 of the *'Sustainable Rural Housing, Guidelines for Planning Authorities'* which reiterates the need to resist the removal of substantial lengths of roadside boundaries and to consider alternative sites. Accordingly, having considered the submitted proposal, it is my opinion that the proposed removal of a substantial extent of existing mature roadside boundary hedgerow in order to achieve adequate sight distance would alter the character and seriously injure the visual amenity of this rural area, would be contrary to the provisions of both the Development Plan and the *'Sustainable Rural Housing Guidelines for Planning Authorities'* issued by the Department of the Environment, Heritage and Local Government in April, 2005, and would, therefore, be contrary to the proper planning and sustainable development of the area.

9.3 Traffic Implications:

9.3.1 The proposed development will be accessed via a new entrance arrangement onto the adjacent local road to the immediate south, which is subject to a speed limit of 60kph, and in this respect it is proposed to remove the entirety of the existing roadside site boundary, in addition to part of that of the adjacent property to the immediate east, and to reinstate same in a recessed position in order to achieve sightlines of 75m in both directions from the proposed entrance arrangement onto the public road.

9.3.2 Having reviewed the available information, and following a site inspection, it is clear that due to the horizontal alignment of the carriageway at this location it will be necessary to set back the entirety of the roadside site boundary in order to maximise the available sight distance from the proposed site entrance. In this regard it is also notable that the applicant has obtained the consent of the adjacent property owner (the applicant's mother) to the immediate east to set back an additional section of the roadside boundary of that property (identified as 'A-B' on the submitted site layout plan) in order to further improve the available sightlines whilst it has further been suggested that said works will serve to improve the sight distance from the existing entrance arrangement serving that dwelling house. However, notwithstanding the applicant's proposals for the

recessing of the roadside boundary, it is apparent from the submitted site layout plan that the sightlines shown have not been measured to the near edge of the carriageway and that the actual achievable sight distance from the new site entrance would appear to be in the region of approximately 35m to the east and 55m to the west. Accordingly, I am inclined to conclude that the applicant has failed to satisfactorily demonstrate the availability of adequate sightlines from the proposed entrance and that the proposal as submitted with its seriously deficient sight distance would serve to endanger public safety by reason of a traffic hazard.

9.4 Wastewater Treatment and Disposal:

9.4.1 It is proposed to install a wastewater treatment system followed by a soil polishing filter to serve the proposed dwelling house and, therefore, it is necessary to review the available information in order to ascertain if the subject site is suitable for the disposal of treated effluent to ground. In this respect I would refer the Board to the submitted Site Characterisation Form which states that the trial hole encountered 1,000mm of 'silt in clay' overlying 1,100m of 'acid brown earth' to the depth of the excavation. Notably, no rock or water ingress were recorded in the trial hole whilst there was 'little' evidence of mottling. With regard to the percolation characteristics of the soil, a 'T'-value of 23.81 minutes / 25mm was recorded which would constitute a pass in accordance with EPA guidance. In addition, in terms of deriving an appropriate groundwater protection response for the proposed development, from a review of the data available from the Geological Survey of Ireland, it would seem that the submitted Site Characterisation Form has correctly identified a groundwater protection response of R2¹ on the basis that the site location overlies a 'locally important' aquifer with an 'extreme' vulnerability rating.

9.4.2 Having reviewed the available information, I would have serious concerns as regards the veracity of the details contained in the submitted Site Characterisation Form. In this respect I would suggest at the outset that the description of the proposed development site is somewhat lacking and that the presence of certain vegetative indicators (such as rushes), in addition to the fact that the site is bounded by watercourses / streams to both the north and east, would typically be indicative of a low permeability subsoil or a high water table. Indeed, the 'T'-value of 23.81 minutes / 25mm, which would indicate a relatively free-draining subsoil, would not seem to coincide with the visual indicators of ground conditions on site. Furthermore, the description of the subsoil encountered within the trial hole is somewhat vague whilst the percolation tests have not been carried out in accordance with the EPA's Code of Practice in that

none of the percolation test holes is of the correct size whilst they are all of differing dimensions.

9.4.3 Notwithstanding my reservations as regards the actual ground conditions on site, the Board may also wish to take cognisance of the increasing proliferation of individual wastewater treatment systems in the immediate site surrounds and the associated risk posed by same to ground / surface water quality.

9.5 Appropriate Assessment:

9.5.1 From a review of the available mapping, and the data maps from the website of the National Parks and Wildlife Service, it is apparent that the proposed development site is located outside of any Natura 2000 site with the closest examples of any such designation being the Cork Harbour Special Protection Area (Site Code: 004030) and the Great Island Channel Special Area of Conservation (Site Code: 001058) approximately 2.0km to the north. In this respect it is of relevance to note that it is the policy of the planning authority, as set out in Objective No. HE 2-1: '*Sites Designated for Nature Conservation*' of Chapter 13 of the Cork County Development Plan, 2014, to protect all natural heritage sites, both designated or proposed for designation, in accordance with National and European legislation. In effect, it is apparent from the foregoing provisions that any development likely to have a serious adverse effect on a Natura 2000 site will not normally be permitted and that any development proposal in the vicinity of, or affecting in any way, the designated site should be accompanied by such sufficient information as to show how the proposal will impact on the designated site. Therefore, a proposed development may only be authorised after it has been established that the development will not have a negative impact on the fauna, flora or habitat being protected through an Appropriate Assessment pursuant to Article 6 of the Habitats Directive.

9.5.2 Having reviewed the available information, including the screening exercise undertaken by the Planning Authority as appended to the initial Planner's Report prepared in respect of the subject proposal, and following consideration of the 'source-pathway-receptor' model, it is my opinion that given the nature and scale of the development proposed, the site location outside of any Natura 2000 designation, the limited ecological value of the lands in question, the absence of any direct discharge to a watercourse, and the separation distances involved between the site and the Cork Harbour Special Protection Area & the Great Island Channel Special Area of Conservation, the proposal is unlikely to have any significant effect in terms of the disturbance, displacement or loss of habitats

or species on the ecology of the aforementioned Natura 2000 site. Therefore, I am inclined to conclude that the proposed development would not be likely to significantly affect the integrity of the foregoing Natura 2000 site and would not undermine or conflict with the Conservation Objectives applicable to same.

9.5.3 Accordingly, it is reasonable to conclude on the basis of the information available, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects, would not be likely to have a significant effect on any European site and, in particular, specific Site Codes: 004030 & 001058, in view of the relevant conservation objectives and that a Stage 2 appropriate assessment (and the submission of a NIS) is not therefore required.

10.0 RECOMMENDATION

Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for the proposed development for the reasons and considerations set out below:

Reasons and Considerations:

1. The subject site is located in the open countryside, in an area which would correspond to the rural area type “Area under Strong Urban Influence”, as set out in the “Sustainable Rural Housing Guidelines for Planning Authorities”, issued by the Department of the Environment, Heritage and Local Government in April 2005, wherein it is indicated that it is policy to distinguish between rural-generated housing need and urban-generated housing need. It is also located within an area similarly designated in the current development plan for the area, where it is the policy of the planning authority to discourage urban-generated housing and to seek to locate such housing in the larger urban centres or in the towns, villages and other settlements identified in the Settlement Network. On the basis of the documentation submitted with the application and appeal, it is considered that the applicant has not demonstrated that she comes within the scope of the rural-generated housing need criteria for a house in this rural location. The proposed development would contravene the provisions of the Development Plan and would be contrary to these Ministerial Guidelines, and would further erode the rural character of this area and lead to demands for the provision of public services and

community facilities. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the pattern of development in the immediate vicinity, and to the location of the proposed site in an area designated as 'Prominent and Strategic Metropolitan Greenbelt Area requiring Special Protection' in the Cork County Development Plan, 2014, where it is an objective to preserve such areas from development, it is considered that the proposed development, when taken in conjunction with existing dwellings in the vicinity, would exacerbate and consolidate a trend towards a pattern of haphazard rural housing in an unzoned rural area, would lead to an erosion of the rural and landscape character of this area, and would conflict with Objective No. RCI 5-8: 'Greenbelts around Settlements' of the Development Plan which refers to the need to *'retain the identity of towns, to prevent sprawl, and to ensure a distinction in character between built up areas and the open countryside by maintaining a Greenbelt around all individual towns'*. Furthermore, having regard to the nature of the proposed development, it is considered that the proposed development would lead to increased demands for the uneconomic provision of public services and facilities, where these are neither available nor proposed in the said development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the site location within a 'Prominent and Strategic Metropolitan Greenbelt Area requiring Special Protection', and the provisions of Objectives GI 6-1 and GI 8-1 of the Cork County Development Plan, 2014, it is considered that the proposal to remove an extensive stretch of roadside boundary hedgerow in order to improve the sight distance at this location would alter the character and seriously injure the visual amenity of the area, would be contrary to the provisions of both the development plan and the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2005, and would, therefore, be contrary to the proper planning and sustainable development of the area.

Signed: _____

Robert Speer
Inspectorate

Date: _____

