



An  
Bord  
Pleanála

## Inspector's Report PL04.247326.

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<b>Development</b>	Demolition of existing house and construction of a house, waste water treatment system and associated site works.
<b>Location</b>	Clashanimud, Upton, Co. Cork.
<b>Planning Authority</b>	Cork County Council.
<b>Planning Authority Reg. Ref.</b>	16/5794.
<b>Applicant(s)</b>	Kieran & Anna Cronin.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Kieran & Anna Cronin.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	07/12/2016.
<b>Inspector</b>	A. Considine.

## 1.0 Site Location and Description

- 1.1. The subject site is located approximately 6km to the north of Bandon, Co. Cork, in the townland of Clashanimud, Upton. Access to the site is via the regional road, R589, which runs between Crossbarry and Bandon, at a location where the maximum speed limit applies. The R589 is a busy road with no hard shoulders and a solid white line. The site covers a stated area of 1.7ha and is taken from a family landholding.
- 1.2. The site is currently used for agricultural purposes and is relatively flat. There is an existing derelict cottage on the site which has become significantly overgrown. The house is located at the north western corner of the large site. The house is a single storey house with a stated floor area of 34m<sup>2</sup>.

## 2.0 Proposed Development

- 2.1. Permission is sought for the demolition of existing house and construction of a house, waste water treatment system and associated site works all at Clashanimud, Upton, Co. Cork.
- 2.2. The proposed house, which will be located to the rear of the house to be demolished, will comprise a storey and a half structure with a stated floor area of 200m<sup>2</sup>. Accommodation will be provided over two floors with an ensuite bedroom, office, bathroom, utility, and open plan kitchen / diner / living room provided at ground floor level, with two further double bedrooms, one ensuite, shower room, and hot press at first floor level. The building rises to approximately 6.6m in height. The house will be set back from the public road, behind the location of the current house to be demolished.
- 2.3. The proposed house will be finished using a smooth plaster finish with uPVC triple glazed windows and black thrutone slates to the roof. The soffit and fascia will be uPVC and the front door will be a solid timber door with glazing either side.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Cork County Council decided to refuse planning permission for the proposed development, for the following stated reason:

The proposed development involves the creation of an entrance onto the R589 Regional Road at a narrow point along that route, where adequate sight distance is not currently available. The Planning Authority is not satisfied that the traffic likely to be generated by the proposed development would not endanger public safety by reason of traffic hazard. It is considered that the proposed development would be contrary to objective TM 3-2(d) of the County Development Plan, 2014 and would be contrary to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The planning report considered the proposed development in terms of the planning context of the subject site, the details of the proposed development, siting and design, engineering issues, and internal reports. The report concludes that notwithstanding the fact that the applicants satisfy the policy requirements of the Plan in terms of settlement policy, the demolition of the building is a concern as it is considered an example of Post Medieval archaeological heritage which should be retained. It is further considered that the proposed development cannot provide an appropriate or safe access to service the proposed houses. It is considered that an alternative site, which does not require access onto the Regional Road, be selected to accommodate the needs of the applicant.

#### **3.2.2. Other Technical Reports**

The Area Engineer submitted a report in relation to the proposed development noting that additional entrances onto the busy regional road at a relatively narrow section with poor alignment, is not desirable. The report advises that the AE would not be in favour of the application from a road safety perspective. In terms of sight distance,

120m in both directions are required. The report concludes that further information is required with regard to the roads issues.

The Archaeologist report on file notes that the proposed development is close to the Zone of Archaeological Potential around the Recorded Archaeological Monument CO096-083 Souterrain. The report concludes advising that the proposed development is an adequate distance from the site and no archaeological input is required. The report notes that the existing house makes a contribution to the local historic landscape and it is recommended that this building be retained.

The Liaison Officer submitted a report acknowledging the comments of the AE noting that an alternative site may be available on the family landholding. Refusal is recommended as set out in the Planning Report.

### **3.3. Prescribed Bodies**

None.

### **3.4. Other Reports**

Gas Networks Ireland submitted a report advising no comments in relation to the proposed development.

### **3.5. Third Party Observations**

There are no third party observations noted.

## **4.0 Planning History**

There is no relevant planning history associated with this site.

## **5.0 Policy Context**

### **5.1. Sustainable Rural Housing Guidelines:**

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. 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. The proposed development site is located in an '*Area under Strong Urban Influence*' as indicatively identified by the Guidelines. 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.

## **5.2. County Development Plan, 2014:**

5.2.1. The Cork County Development Plan, 2014 is the relevant planning policy document. The subject site is located within the Greater Cork Ring Strategic Planning Area, in an area of Co. Cork which has been identified as being a Rural Area under Strong Urban Influence, and having a High Value Landscape. The National Primary Road to the south of the site is also identified as a Scenic Route, reference S64, road between Bandon and Inishshannon. In terms of the designations afforded to the subject site, the following policy objectives are considered relevant:

5.2.2. RCI 2-2: Rural Generated Housing

5.2.3. RCI 4-2: Rural Area under Strong Urban Influence and Town Greenbelts (GB 1-1):

The rural areas of the Greater Cork Area (outside Metropolitan Cork) and the Town Greenbelt areas are under significant 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 the following categories of housing need:

- a) Farmers, their sons and daughters who wish to build a first home for their permanent occupation on the family farm.
- d) Persons who have spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation.

5.2.4. In addition, the subject site is located within the Greater Cork Ring Strategic Planning Area. In terms of settlement strategy, the CDP at CS 3-2 deals with the 'Network of Settlements: Lower Order Settlements' and identifies that Other Location settlements are to be identified in the Local Area Plans. The CDP provides that it is the strategic aim to 'recognise 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'. CS 4-1 deals with the Greater Cork Ring Strategic Planning Area.

5.2.5. Section 4.6 of the Plan deals with General Planning Considerations, where the following policy objectives are considered relevant:

- RCI 6-1: Design and Landscaping of New Dwelling Houses in Rural Areas
- RCI 6-4: Occupancy Conditions

5.2.6. Section 4.8 of the Plan deals with Replacement Rural Dwellings and Refurbishment of Derelict Dwellings in the Countryside and the following policies are relevant:

- RCI 8-1: Refurbishment of a Derelict Dwelling

5.2.7. Chapter 10 of the Plan deals with Transport and given that the site is accessed off a busy Regional Road, the following policy objective is considered relevant:

TM 3-2: Regional & Local Roads

- a) Recognise the strategic role played by Regional Roads within the County and, together with Local Roads, to enhance their carrying capacity and safety profile in line with demand.
- b) Promote the improvement of strategic Regional and Local Roads throughout the County in accordance with the strategies identified for the main settlements in this Plan.

- d) Limit access to Regional Roads where appropriate so as to protect carrying capacity of the road network and have regard to safety considerations particularly where access to a lower category road is available.
- e) Ensure that in the design of new development adjoining or near Regional & Local Roads, account is taken of the need to include measures that will serve to protect the development from the adverse effects of traffic noise for the design life of the development.

5.2.8. Chapter 12 of the Plan deals with Heritage and the following policy objective is considered relevant in that it deals with design and landscaping of new buildings:

- HE 4-6: Design and Landscaping of New Buildings
  - a) Encourage new buildings that respect the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.
  - d) Require the appropriate landscaping and screen planting of proposed developments by using predominantly indigenous/local species and groupings and protecting existing hedgerows in rural areas.

5.2.9. The Plan, in Chapter 13, Green Infrastructure & Environment, 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.

5.2.10. In terms of the Landscape Character type, the area is identified as Broad Fertile Lowland Valleys, Type 6a Landscape, to which the Landscape Character Assessment for Cork, 2007, affords a high sensitivity and value to the landscape, which is of county importance.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

This is a first party appeal, against the decision of Cork County Council to refuse planning permission for the development as described. The grounds of appeal are summarised as follows:

- The proposed development does not involve the creation of an entrance onto the R589.
- The development will not generate additional traffic as there is already a dwelling in place.
- The development does not have any opportunity to access a lower category road

It is requested that the decision be overturned and that permission be granted for the proposed development.

### **6.2. Planning Authority Response**

The PA has not responded to this appeal.

### **6.3. Observations**

None.



## 7.0 **Assessment**

7.1. 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
2. Roads & Traffic issues
- 3: Visual & Residential Amenity Issues
4. Site suitability
5. Other Issues
6. Appropriate Assessment

### 7.2. **Principle of development**

- 7.2.1. The subject site is located within the townland of Clashanimuid, Upton, Co. Cork and in an area identified as a rural area under strong urban influence in the County Development Plan, 2014. The Plan, together with the Sustainable Rural Housing Guidelines, provide clear guidance that there is a presumption against the development of one off houses except where the proposal constitutes a genuine rural generated housing need based on social and / or economic links to the particular rural area. The applicant is required to accord with one of five categories of rural housing need in accordance with Policy Objective RCI 4-2.
- 7.2.2. The applicants have advised that they have lived in the area for more than the requisite seven years and are therefore can be considered as local rural persons. The applicants have advised that they both currently reside in the farmhouse associated with the farm and that they are due to retire. The family home will transfer to the applicants son who will be taking over the farm.
- 7.2.3. In terms of compliance with Cork County Councils settlement location policy in principle, having regard to the information presented as part of the planning application, I am satisfied that the applicants can be considered as complying in

principle. The proposed development is therefore, considered acceptable in principle. All relevant site suitability issues however are to be addressed.

- 7.2.4. In addition to the above, the Board will note that the receiving landscape has been afforded a high landscape value and sensitivity with a county level importance. In addition, the CDP provides clear guidance in terms of the provision of new developments in terms of design and landscaping in order to protect the landscape. In addition, the subject site fronts onto a very busy regional road where the maximum speed limit applies and where a solid white line is present in the centre of the road. While I accept the presence of an old dwelling on the site, the Board will also note the extensive family landholding and in this regard, I would wonder if adequate consideration has been afforded to the potential for an alternative site which would not require access onto the regional road. Roads issue will be further addressed below.

### **7.3. Roads & Traffic Issues**

- 7.3.1. Access to the proposed development site from a busy regional road, the R589. The Board will note the concerns of the Area Engineer with regard to the achievement of sight distances at the entrance to the site. The County Development Plan, at Chapter 10, deals with Transport and objective TM 3-2, Regional & Local Roads, is considered relevant: This policy objective seeks to protect the strategic role of Regional Roads and to enhance their carrying capacity and safety profile. To this end, the Plan seeks to 'limit access to Regional Roads where appropriate so as to protect carrying capacity of the road network and have regard to safety considerations particularly where access to a lower category road is available' (Section (d) of TM 3-2).
- 7.3.2. In terms of the requirements of the above stated policy objective, it is clear that it is the intention of the County Development Plan to limit where appropriate, the provision of new access points onto Regional Roads. It is on this basis that the applicant submitted their appeal against the decision of Cork County Council to refuse permission. The appellant submits that the proposed development does not constitute the provision of a new access as there is an existing house on the site and therefore, an access exists. This is not the opinion of the Planning Authority. Having undertaken a site inspection, I can confirm that, notwithstanding the fact that there is

no roadside boundary across the front of the site, there was no opportunity for me to pull into the site. I had to drive past the site and turn back due to traffic volumes and lack of an appropriate or safe stopping area. I parked off the Regional Road and on a local road, to the north west of the site and walked back to the site to carry out my inspection.

7.3.3. The Board will note that there is indeed an old and derelict house on the site. While I acknowledge the submission of the appellant in this regard, I must agree with the Planning Authority that there is little evidence of a vehicular access to the site. As stated above, the site is accessed via a busy Regional Road, the R589, at a point where a solid white line exists. Sight distances at the entrance are required to reach 120m in both directions. The appellant, in their submission to the Board, did not seek to provide evidence of this required sight distance, rather, is seeking to depend on the fact that there is an existing house on the site, where the previous occupants had two cars, and therefore, a vehicular access exists and the proposed development will not generate additional traffic. Cork County Council refused planning permission on the basis that the development required the creation of a new access. There is no information provided in relation to when the house was last occupied, but my inspection of the house would suggest that it has been many years.

7.3.4. The issue pertaining to the subject proposed development relates to whether the existence of the house on the site, regardless of the overgrown nature of the site to the front, and roadside area, of the site, constitutes the existence of an existing entrance which would therefore not require the applicant to prove compliance with the County Development Plan Policy as it relates to developments onto regional roads. The primary concern is safety. At present, I would not consider that the site can be accessed safely but this is due to the overgrown nature of the site and the lack of detail provided by the applicant. I have scaled from the submitted maps that sight distances at the proposed entrance might reach 100m in both directions. The PA requires 120m in both directions, and given the speed of the road, together with the presence of a solid white line in the centre, I consider that this is reasonable. The applicant in the appeal, while making valid arguments, failed to provide clear evidence that the required sight distances is achievable.

7.3.5. Policy TM 3-2: Regional & Local Roads of the CDP seeks to protect the carrying capacity and safety profile of the regional road network, and to limit access which

would compromise these objectives. In the absence of clear evidence from the appellant, I consider that the proposed development would endanger public safety by reason of traffic hazard and would, if permitted endanger public safety.

#### **7.4. Visual & Residential Amenity Issues**

7.3.1 In terms of the proposed design of the house, I have no real objection in principle. In addition, I am satisfied that the retention of existing site boundaries and trees together with additional landscaping, would be adequate to assimilate the proposed house into this landscape. I am satisfied therefore, that the general amenities of this rural landscape would not be significantly impacted upon if the development is permitted as proposed and the house, would not represent a significant visual intrusion in the landscape, when viewed from the wider area.

#### **7.5. Site Suitability**

##### Water Services:

7.5.1. In terms of site suitability, the Board will note that it is intended to install a septic tank waste water treatment system to service the house. It is also noted that the house is to be serviced by a private well for its water supply. Having considered the information provided on the planning authority file with regard to the proposed development, it is clear that the sites suitability with regard to the treatment and disposal of waste water has been 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.

7.5.2. 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 2.1m bgl. The assessment identifies that the site is located in an area where there is no Groundwater Protection Scheme but categorises the site as being a locally important aquifer (LI) with extreme vulnerability. A Groundwater Protection Repeal of R2<sup>1</sup> is indicated. The soil type is described as 'AminDW-Acid Brown Earths/Brown Podzolics' while the subsoil type is identified as TDS Till derived from Devonian and Carboniferous Sandstones. The bedrock type is 'LP. Lispatrick Formation'. \*T tests were carried out on the site, and the report notes that no P tests were carried. \*T tests were carried out at a level of 0.8m bgl, yielded a value of 6.28. The report concludes recommending a septic tank and percolation area with a capacity of 4m<sup>3</sup>

and a percolation area comprising of 6 trenches of 18m in length and at an invert level of 0.7m. The system will discharge to groundwater with a hydraulic loading rate of 20l/m<sup>2</sup>d advised.

- 7.5.3. I am satisfied that overall, if permitted, the development is acceptable in terms of site suitability for the treatment and disposal of waste water arising from the development.

**7.6. Other Issues:**

- 7.6.1. The Board will note the concerns raised in relation to the demolition of the existing house on the site. The County Archaeologists considers that the house is part of an example of the Post Medieval archaeological heritage of the county and which makes a contribution to the local historic landscape. The Co. Archaeologist considers that the house should be retained. Objective HE 3-4 of the County Development Plan deals with Industrial and Post Medieval Archaeology and seeks to 'Protect and preserve the archaeological value of industrial and post medieval archaeology such as mills, limekilns, bridges, piers, harbours, penal chapels and dwellings. Proposals for refurbishment, works to or redevelopment / conversion of these sites should be subject to careful assessment.
- 7.6.2. In terms of the proposed development, I would be satisfied that the house could be retained as part of the overall development, should the Board be so minded to grant permission. This could be dealt with by way of condition and proposals for refurbishment of the building would require further consideration. The existing stone wall which comprises the north east boundary of the current house site area, and is identified on the plans to be removed, should be retained also.

**7.7. Appropriate Assessment:**

The subject site is located at a distance of +10km from the nearest European site, being the Courtmacsherry Estuary SAC, Site Code 001230, located to the south of the subject site. The subject development site itself can be considered a greenfield site within a rural area. Having considered the nature of the proposed development, together with the separation distance to the nearest Natura 2000 site and given the scale of the proposed development, 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

## 8.0 Recommendation

8.1. I recommend that planning permission should be refused for the proposed development, for the reasons and considerations as set out below.

## 9.0 Reasons and Considerations

Notwithstanding the presence of a derelict house on the subject site, and the submission of the appellant, the Board is not satisfied that the development as proposed has adequately considered the potential impacts on the Regional Road, the R589, a narrow regional road, where the maximum speed limit applies and where a solid white line exists in the centre of the road and where the alignment of the road restricts sight distances in both directions. The Board considers that the development as proposed, would endanger public safety by reason of traffic hazard and would be contrary to policy objective TM 3-2 of the Cork County Development Plan which seeks to limit access to Regional Roads where appropriate so as to protect carrying capacity of the road network and have regard to safety considerations particularly where access to a lower category road is available and would therefore be contrary to the proper planning and development of the area.

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A. Considine

Planning Inspector

13<sup>th</sup> December, 2016