



An
Bord
Pleanála

Inspector's Report PL.04.248791

Development	Open storage area as an extension of the existing plant hire operation (13/4762) and boundary treatment, erection of fencing.
Location	Buck Leary's Cross, Sarisfieldcourt, Templeusque, Glanmire, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	17/4820
Applicant(s)	David Nodwell Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	As above
Observer	Eoin Cullinane
Date of Site Inspection	26 th September 2017
Inspector	Kenneth Moloney

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Planning Authority Reports	5
3.2. Third Party Observations	7
4.0 Planning History.....	8
5.0 Policy Context.....	8
5.1. Development Plan.....	8
6.0 The Appeal	9
6.1. Planning Authority Response	11
6.2. Observations	12
7.0 Assessment	15
8.0 Reasons and Considerations.....	20

1.0 Site Location and Description

- 1.1. The subject site is situated in a rural area adjacent to Buck Leary's crossroads which is located approximately 5km north-east (as the crow flies) from Glanmire, Co. Cork.
- 1.2. Buck Leary's crossroads is strongly rural in character and there is a relatively high concentration of one-off houses in the locality. There is also a playing pitch, an industrial estate and the existing plant hire operation on the appeal site in the locality.
- 1.3. The overall size of the appeal site is approximately 6.51 ha (16.1 acres) and the shape of the subject site is irregular.
- 1.4. The existing use consists of open storage for plant hire equipment / machinery and construction materials.
- 1.5. There is a large warehouse structure on the site and a number of commercial vehicles / trucks parked inside and outside the warehouse.
- 1.6. The subject site is used as a storage yard for a range of construction equipment including road traffic signs, traffic cones, plant and machinery.
- 1.7. There are construction materials and aggregates stored on the site.
- 1.8. The site for the proposed extension is located to the rear of the existing yard and is situated at a lower level than the existing site.
- 1.9. There are several residential properties located within the immediate vicinity of the appeal site.
- 1.10. The fields the subject of the appeal site are not in use and they consist of gorse type vegetation with a sloping topography.

2.0 Proposed Development

- 2.1. The proposed development consists of an open storage yard which will form part of an extension for the plant hire operation.
- 2.2. The proposed open storage yard is located to the rear (north) of the existing plant hire operation.

- 2.3. The size of the proposed open storage yard is approximately 2 – 3 times larger than the existing plant hire operation.
- 2.4. No structures are proposed on the site.
- 2.5. A sizable portion of the overall appeal site relates to the adjoining field. It is proposed to spread topsoil over this field. This is proposed to improve the quality of this land which is used as agricultural land.
- 2.6. The proposal provides for boundary treatment including erecting a 2.0m high palisade fencing along the western boundary and inside of existing hedgerows.

3.0 Planning Authority Decision

Cork County Council decided to **refuse** planning permission for two reasons;

1. The proposal is for the provision of an open storage area and the filling of land on a site that is located within the Prominent and Strategic Metropolitan Greenbelt Area requiring special protection. The open storage area is to facilitate the expansion of an existing commercial business. It is an objective of the Cork County Development Plan, 2014, to maintain the open and rural character of the greenbelt (RCI 5-2) and reserve its use for agriculture, open space and recreation purposes (RCI 5-3).

It is considered that works of this scale would be more appropriately located on land zoned for such business purposes within an established development boundary. The proposal does not comply with the provisions of RCI 5-2 and 5-3 of the Cork County Development Plan and constitutes an unacceptable intrusion onto the open nature of these green belt lands. The proposal therefore conflicts with objectives of the County Development Plan and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development involves a significant open storage area associated with a plant hire business on a site in close proximity to residential properties in a rural setting. This level of development in close to proximity to residences would be out of character with the area and would injure the amenities and depreciate the value of property in the vicinity by reason of noise and increased activity.

3.1. **Planning Authority Reports**

- 3.1.1. The main issues raised in the planner's report are as follows;

Area Planner

- The proposal is not confined to the established footprint of the existing use.
- There are limited details regarding the additional traffic that will be generated due to the proposed development.
- Having regard to the scale of the proposed development it is considered that the proposed development would be more appropriately located on zoned lands.
- The proposal would have an adverse impact on neighbouring amenities by unacceptable intensification of the business use on site. This will result in increased traffic flow, increased noise levels and unacceptable boundary treatment.
- The proposal would not comply with the provisions of RCI 5-1, RCI 5-2 or RCI 5-3 of the Cork County Development Plan, 2014.
- The proposal would have a negative impact on residential amenity of neighbouring properties.
- There are concerns that depositing of topsoil on the adjacent site will have adverse impacts on an existing wetland.

AA Screening

The Area Planner completed an AA Screening and concluded that the proposed

development would not be likely to have significant impact on the Great Island Channel, SAC due to a lack of direct hydrological connection between the site and the SAC. No Natura Impact Statement required.

Senior Executive Planner

- The site is located in Metropolitan Green Belt.
- Objective RCI 5-6 allows for expansion of long established commercial or institutional uses within greenbelt designated land.
- Such expansions are only considered in special circumstances.
- The existing warehouse on site has a floor area of 400 sq. metres. Permission for this warehouse was granted in 2013.
- The proposed open storage yard is approximately 2 acres in size.
- The scale of the extension represents a fourfold increase in scale.
- The scale of the extension is significant for a business not long established.
- No visual impact anticipated with the proposed development.
- The change of use from agriculture to plant operation is a concern.
- It is considered the exemption under Policy Objective RCI 5-6 would not apply in this case.
- Impacts on residential amenities may arise from vehicle manoeuvring and other noise impacts.
- The proposed open storage yard adjoins the rear gardens of residential properties.
- It is submitted given the greenbelt zoning that residences would have a reasonable expectation that land adjoining their property would not be developed for industrial use.
- The proposal also includes spreading topsoil from the 2 acre site over an adjoining 13 acres to improve land quality. No objections in planning terms.

3.1.2. Area Engineer; - Additional information sought in relation to the following (a) details of additional traffic movements including maximum number of employees at the facility, number of vehicles / tonnage / loads per day using the entrance and times of operation, (b) revised details of a sightline provision of 120m, (c) an autotrack drawing showing safe and sufficient turning movement for access to the site and egress to the public road, and (d) surface water details.

3.2. **Third Party Observations**

There are eight third party submissions and the issues raised have been noted and considered. The following is a brief summary of the main issues;

- Appeal site located in Greenbelt and the proposed use is inconsistent with the land use objective.
- The boundary between the proposal and the rear gardens should include a 2m high wall.
- The appeal site includes a wetland which is home to wildlife.
- Any disturbance to the local area will impact on water wells.
- The vehicular entrance is a traffic hazard.
- Buck Leary's Cross is a dangerous traffic hazard.
- A 2m high palisade fence will have an adverse visual impact.
- The proposal conflicts with the zoning objective for the site and there is no special circumstances to allow the proposed development.
- The spreading of top soil may result in contaminated soil being deposited over green belt land.
- The proposal will result in unnecessary noise.
- Concerns regarding the spread of Japanese Knotweed.
- Flood risk concerns given that the area is a wetland.

4.0 Planning History

- PA Ref. 13/04762 – Cork County Council **granted** permission on the 30th September 2013 for (a) the change of use of an agricultural trading centre to a plant hire business, and (b) demolish dwelling and replace with new 1.5 storey dwelling.
- PA Ref. 86/741 – Cork County Council **granted** permission to change of use to agricultural machinery workshop to agricultural trading centre.

5.0 Policy Context

5.1. Development Plan

The operational development plan is the Cork County Development Plan, 2014 – 2020.

The following policies are relevant to the proposed development;

- Policy RCI 5-1 – Maintain the Metropolitan Greenbelt
- Policy RCI 5-2 – Retain the open and rural character of lands between settlements
- Policy RCI 5-3 – Reserve greenbelt land generally for use as agriculture, open space, recreation use and protection / enhancement of biodiversity
- Policy RCI 5-5 – Encourage recreational uses for greenbelt land
- Policy RCI 5-6 – Provision for expansion / intensification of existing uses
- Policy GI 6-1 – Landscape
- Policy GI 8-1 – Greenbelt

6.0 The Appeal

The following is a summary of the appeal submission;

Modifications to the proposed development

- The lands to the west of the open storage area is now omitted from the application.
- It was proposed to deposit topsoil from the open storage area on these lands.
- Topsoil will now be removed off site to a licensed operator / land fill.
- The open storage area has been reduced from 1.03 ha down to 0.65 ha.
- The open storage area will be substantially screened to protect the greenbelt designation and the residential amenities of neighbouring properties.
- The proposed development is in compliance with the objectives of the County Development Plan. It is contended that any proposed additional development would not injure residential amenities.

Compliance with Cork County Development Plan objectives RCI 5-2 and RCI 5-3

- The subject site is located within the Strategic Metropolitan Greenbelt area and it is an objective of these designated areas to recognise the requirements of a long established commercial use within the greenbelt which may make proposals for expansion / intensification of existing uses.
- The subject site has been in operation since 1987.
- The proposed open storage area is proposed to the rear of the existing open storage and warehouse area.
- The proposal includes substantial screening along the boundaries to protect neighbouring residential areas.
- The type of equipment on the site will be stored flat and low to the ground which will ensure that it is not visible from the surrounding area.

- All existing hedgerows will be maintained and supplemented by new planting.
- It is submitted that the assertion that the proposal is located in an inappropriate location is inaccurate.
- This area of Glanmire is well known for its industrial uses and this includes Sarsfieldscourt Industrial Estate operating in the area since 1987. This point is acknowledged by the Area Planner.
- As such it cannot be claimed that the proposed works would be more appropriately located elsewhere on land zoned.
- It is submitted that the proposed development is consistent with Section 4.5.8 of the County Development Plan.

Proposal is based on a comprehensive and robust assessment

- It is noted that only two areas are zoned for industrial development within the development boundary of Glanmire. Both of these sites are situated approx. 5 km from the appeal site.
- It is submitted that it is not economically viable to relocate the business.
- It is submitted that refusal reason no. 2 is at odds with the Planner's report which notes that there are established uses in the locality.
- The planner's report refers to existing uses within Sarsfieldscourt Industrial estate expanding within their footprint. However it is not possible for the existing use within the appeal site to expand within its footprint given the size of the site.
- It is submitted that open storage is essential to the continued success and viability of the company.
- The company has recently expanded its operations and therefore a larger area is required.
- To alleviate the Council's concerns the applicant has reduced the area of the site for the open storage area down to 0.65ha.

Proposal will not injure the amenities of nearby residences

- The proposed development will not generate additional traffic.
- It is submitted that the proposal will have no adverse impact on established residential amenities.
- The proposed development will not result in increased intensity of development.
- Equipment to be stored includes ESB poles, timber blocks, steel stay rods and sand and gravel.
- Vehicles will leave the site early in the morning and return in the evening.
- Secure boundary treatment is required given the nature of equipment stored.
- It is proposed to supplement the existing mature hedgerows boundaries with a 4-meter wide strip of screen planting. The palisade fence will be erected inside the screen planting.
- The boundaries between the houses to the east and the proposed open storage area will comprise of an existing 2-meter high concrete block wall along with the screen planting and palisade fence.
- The southern boundary treatment will comprise of a mature ditch with a 2.0 metre high palisade fence which will be retained.

6.1. Planning Authority Response

The following is a summary of a response submitted by the Local Authority;

- The overall size of the site is reduced.
- Notwithstanding the reduction in site size the development represents a significant scale.
- Policy RCI 5-3 sets out what Cork County Council consider appropriate uses within the greenbelt zone.

- The Senior Planner notes the concern in relation to a change of use from agriculture to plant hire. Accordingly the exemption under RCI 5-6 is not considered to apply.
- It is noted that Sarsfieldcourt is outside the settlement hierarchy of the Blanery Electoral Area LAP, 2011.
- Previous planning applications for extensions received permission for development within their footprints. The current proposal represents an incursion to greenbelt land which is considered inappropriate.
- As the development relates to 24 hour activity it is contended that noise generation will be a significant disamenity for residents.
- Area Engineer is concerned with additional traffic movements using the existing entrance. There have been a number of traffic accidents locally.

6.2. Observations

Summary of observation submitted by **Eoin Cullinane**;

Non compliance with County Development Plan

- It is contended that the claim in the appeal submission that the proposal is compliant with policy objective RCI 5-2 and RCI 5-3 is unfounded.
- It is noted that both the Assistant Planner and Senior Planner argue that the proposal is non compliant with the greenbelt zoning provisions.
- The proposed development is an industrial use and cannot be considered one of agricultural use.
- Paragraph 13.8.1 of the County Development Plan recognises the importance in protecting areas designated greenbelt due to their landscape importance.
- It is submitted that the proposed development is not consistent with Objective RCI 5-6 as the existing operation is not a long-term use. The existing operation received planning permission in 2013. This is acknowledged by the Assistant Planner and Senior Planner.

- Objective EE-91 makes provisions for new businesses in rural areas of low environmental sensitivity. However the area of the appeal site is an area of very high landscape value and cannot be considered an area of low environmental sensitivity.
- Having regard to Objective EE-91 it is submitted that employment numbers from the proposed development would be low. Paragraph 6.4.8. of the County Development Plan acknowledges that employment numbers for industrial areas can often be low.
- It is submitted that given the nature of the proposed development, in terms of storage and traffic generation the proposal would not enhance the strength and diversity of the local rural economy.

Location

- There is very little evidence within the application documentation that demonstrates that the subject site is the best available site.
- It is submitted that the application in no way intrinsically links the existing development to the current location.
- It is contended that the proposed development in no way enhances the strength or the diversity of the local rural economy.
- It is submitted that the proposed development could be located in appropriately zoned industrial land.
- It is submitted that there is no way by which permission can be given to develop a facility in this location as (a) it provides no employment, (b) materially damages an established greenbelt area, (c) will not enhance the diversity or strength of the local economy, (d) contravenes a number of key objectives of the development plan.
- It is submitted that a number of large industrial areas are available for the proposed development and this includes Little Island, Carrigrohane or the Tramore Road / Togher areas. These areas have more suitable access to national and primary roads.

- It is submitted that the HGV's exiting the subject site will be slow moving and will materially impact on the safety and free flow of traffic. These HGV's can impede traffic and can be a hazard to other road users.
- Buck Leary's cross-roads is a dangerous junction.
- Slow moving traffic exiting from Templeusque has no visibility from the right hand side. This is a serious safety hazard.
- It is submitted that given the concern expressed by the Area Engineer a Traffic and Transport Assessment should be provided.
- It is contended that the proposed development should be refused having regard to Policy TM 3-3.
- Two applications were refused permission in the last 10-years for reasons of sitting and negative impacts on the rural character of the area and residential properties. This includes P.A. Ref. 06/13386 and P.A. Ref. 09/5793.

Impact on local amenities and wetlands area

- It is contended that the overall increase in site area is 200% and it is not feasible given the overall additional storage area that traffic will not increase.
- This claim is unfounded as a traffic survey to and from the site would be required.
- It is submitted that the location of this industrial use in a designated greenbelt zoning area is an unsuitable location given its proximity to residential properties.
- It is intended that the proposed facility would provide a 24-hour service which is unsuitable given the proximity to established residential properties.
- It is contended that the proposed 2m high palisade fencing would have a negative impact on the surrounding agricultural land.
- It is submitted that the existing boundary to the north and east is low-level existing hedgerow. The introduction of a 2m high palisade fence will damage the existing undeveloped agricultural location.

- The submitted plans indicating that the 2m high wall located in the south east corner will be removed corner are incorrect as these works have already taken place.
- The proposed removal of ditches along the south of the site between two existing houses and replacement with 2m high wall will have visual impacts from the public road.
- The provision of a 2m high palisade fence and block walls will undoubtedly change the character of the local area.
- The area planner noted rushes on the site which indicated the presence of wetlands. The proposed development would therefore be contrary to paragraph 12.2.10 of the County Development Plan.
- It is important that the proposed development is consistent with Objective HE 2-7, i.e the control of invasive species.

7.0 Assessment

The primary issues of consideration in this case include the following;

- Principle of Development
- Impact on established residential amenities
- Impact on the Character of the Area
- Appropriate Assessment

7.1. Principle of Development

- 7.1.1. I would note that the proposed development, as outlined in the appeal submission, includes modifications to the original planning application. This involves omitting the area west of the proposed open storage area, i.e. the area where it was proposed to deposit topsoil from the open storage area. It is also proposed to reduce the open storage area in size from 1.03 ha to 0.65 ha. Nonetheless the proposed open storage area is at least twice the size of the existing site in use on the appeal site.

- 7.1.2. The appeal site is located in a rural area in unzoned lands. However the appeal site is located within a designated greenbelt area in accordance with the provisions of the Cork County Development Plan, 2014 – 2020.
- 7.1.3. A relevant policy provision from the County Development Plan is RCI 5-3 '*Land-Uses within Metropolitan Greenbelt*'. This objective states that it is policy to '*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*'.
- 7.1.4. However policy objective RCI 5-6 of the County Development Plan allows for the provision of long established uses within greenbelts. In this regard there is provision for expansion of established uses in circumstances where the expansion is considered appropriate in scale and will only be considered in special circumstances.
- 7.1.5. I would acknowledge that there is an existing use on the appeal site. The existing use on the appeal site is a plant-hire operation. The proposed development provides for the expansion of this existing use. The existing use consists of an open storage yard where construction materials and equipment are stored. There is also a warehouse type structure where construction vehicles are stored. The site is bounded along its roadside boundary with palisade fencing.
- 7.1.6. I would accept that the Cork County Development Plan, 2014 – 2020, provides for extensions of existing uses within designated greenbelt land. However, it is my view, based on the information available the overall scale of the extension would be significant having regard to the size of the established use. The proposed extension would not be within the footprint of the existing site boundary and would represent an incursion into undeveloped greenbelt land. I would also note that paragraph 4.5.8 of the Cork County Development Plan, 2014 – 2020, outlines typical long established uses that exist in greenbelt zones and this includes garden centres, hotels, care

institutions and tourism enterprises. However there is no reference to an industrial use or plant hire operation.

7.1.7. In conclusion therefore and having regard to the scale of the proposed extension which is greater than twice the existing use in operation and the incursion into the greenbelt I would consider that an extension to the established industrial use of the scale proposed would be incompatible with the designated greenbelt land and contrary to policy objectives RCI 5-3 and RCI 5-6 of the Cork County Development Plan, 2014 - 2020. As such the proposed development would be contrary to the proper planning and sustainable development of the area.

7.2. **Impact on Residential Amenities**

- 7.2.1. I would note that there are existing houses situated to the immediate east of the appeal site. This includes approximately 4 – 5 houses with relatively large rear gardens, i.e. in excess of 70m. The proposed development also includes screen planting to soften the visual impact of the proposed development on these established residential amenities.
- 7.2.2. The submitted documentation outlines that the nature of the proposed storage is low rise. Therefore I would concur with the applicant, that given the nature of the storage and the separation distance of the appeal site from the existing houses, that the proposed development would not seriously injure established residential amenities in terms of visual impact.
- 7.2.3. I would concur with the view of the observer that an additional storage area has the potential to result in additional traffic generation. However the applicant confirms in their appeal submission that no additional traffic is anticipated from the proposed development. I would consider that the movement of traffic or machinery within the the proposed storage yard would generate noise and given the established low rural background noise this may have an adverse impact on established amenities. I note the report from the Area Engineer who is concerned with the additional traffic

movements from a traffic hazard perspective but is silent on the issue of noise disruption from traffic generation. The Area Engineer has requested additional information in relation to the volume of traffic and the breakdown of traffic type.

- 7.2.4. Overall, and having regard to the information available on the file, this issue has not been satisfactorily addressed. I note that the Area Engineer sought additional information in relation to the amount of additional traffic movements however the Planning Authority did not pursue this issue given the primary reason for refusing permission. I would conclude that given the substantial reason of refusal as indicated above that this issue is not pursued by the Board. I would consider that the impacts on residential amenities would not be significant subject to a low level of traffic generation as submitted with the planning application.

7.3. **Impact on the Character of the area**

- 7.3.1. The proposed development is set back from the public road and is situated behind the existing plant-hire operation. The appeal site is situated at a lower level than the site of the established use. Furthermore the subject site is located to the rear of established houses, as noted above. Therefore I would consider that the proposed development would not be visible from the public road and as such will not, in my view, have a significant impact on the greenbelt area as viewed from the public domain.
- 7.3.2. Furthermore I would note that the Cork County Development Plan, 2014 – 2020, provides for policy objectives to protect landscapes. These policy objectives include designated Scenic Routes and High Landscape Value. It is notable that neither the immediate vicinity of the appeal site nor the wider context is afforded either of these landscape policy protection measures.

7.3.3. The scale of the proposed development is reduced in size from the original planning application proposal. As such any potential landscape impacts, in my view, on wetlands and the greenbelt have been negated.

7.3.4. Overall I would consider that the impact on the character of the area is not significant.

7.4. **Appropriate Assessment**

7.4.1. The appeal site is not located within a designated Natura 2000 Site. The nearest Natura 2000 site to the appeal site is Cork Harbour SPA (Site Code 004030) which is situated, at its nearest point, approximately 5km to the south of the appeal site. It is worth noting that Cork Harbour SPA has 24 qualifying interests of which 23 are waterbirds and the final qualifying interest is a wetland. I would accept that run-off water from the subject site would not give rise to any adverse impacts on the receiving habitat for these water birds, given the separation distance as outlined above.

7.4.2. The Area Planner completed an AA Screening for the proposed development in relation to the Great Island Channel, SAC, which is located approximately 7 km from the appeal site. The AA Screening concludes that the potential for significant impacts is ruled out.

7.4.3. I would note the report from the Area Engineer, 31st May 2017, which states that no detailed measures / calculations are provided to cater for surface water from the proposed hardstanding areas. The Area Engineer recommends that these issues are addressed by additional information.

7.4.4. I would conclude given the nature of the proposed development and having regard to the separation distance of the proposed development to the designated natura sites referred to above that the proposed development, individually or in combination with

other plans or projects would not be likely to have a significant effect on European site no. 004030 or European site no. 001058, or any other European site in view of the site's Conservation Objectives.

8.0 Reasons and Considerations

1. The proposed extension to an existing industrial use is located within land designated within the Cork County Development Plan, 2014 – 2020 as Prominent and Strategic Metropolitan Greenbelt Area. The scale of the proposed extension would represent a significant incursion to undeveloped greenbelt land and would therefore be contrary to policy objectives RCI 5-3 and RCI 5-6 of the Cork County Development Plan, 2014 – 2020, and would be contrary to the proper planning and sustainable development of the area.

Kenneth Moloney
Planning Inspector

10th January 2018