



An
Bord
Pleanála

Inspector's Report ABP-302185-18

Development	Construction of five houses and waste water treatment units
Location	Lissardagh House, Lissardagh, County Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	17/6194
Applicant(s)	Helen McSweeney & Brian Mahony
Type of Application	Outline Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Donal & Siobhan O'Leary Pat O'Leary
Date of Site Inspection	20 th November, 2018
Inspector	Kevin Moore

1.0 Site Location and Description

- 1.1. The proposed 4.4 hectare site is located to the east and south of Lissardagh House in the village of Lissardagh, approximately 30km west of Cork City. There is an existing driveway running through the site from the south-eastern end, where it accesses the N22 National Secondary Road, to a local road at its northern end. There are two existing farm buildings at the northern end of the site. The land falls steeply away on the southern side of this laneway. There is an existing stream along the southern boundary and there is a wooded strip behind the stream adjoining the land area for the proposed houses.

2.0 Proposed Development

- 2.1. The proposed development would comprise the construction of five detached dwellings, four of which would be located to the south of the existing driveway and one north of it where the two farm buildings exist. The houses would be served by individual waste water treatment units with associated percolation areas and private wells. The original proposal included the upgrading of the existing vehicular entrances onto the public roads.
- 2.2. Details submitted with the application included site characterisation reports relating to waste water proposals.

3.0 Planning Authority Decision

3.1. Decision

On 2nd July, 2018, Cork County Council decided to grant outline permission for the proposed development subject to 18 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted that there is an objective in the Local Area Plan to encourage the development of up to 5 additional dwellings during the plan period in the village of

Lissarda. Objections and reports received were noted. It was recommended that the application be deferred.

3.2.2. Other Technical Reports

The Estates Engineer queried whether sightlines are available at the entrance onto the local road to the north due to the location and scale of the boundary wall to Lissardagh House. It was also submitted that the road access could become a 'rat run'. The Engineer stated that it would appear difficult that the roadway construction could be achieved in the current location and details were required. It was noted that there were no details on storm water drainage, on public lighting and on boundary treatment.

The Archaeologist requested an Archaeological Impact Assessment of the site.

The Area Engineer requested further information relating to access routes for entering and leaving the sites, details on gradients on driveways, and the location of the septic tank/percolation area of an existing dwelling north of proposed sites 3 and 4.

3.3. Prescribed Bodies

Inland Fisheries Ireland had no objection to the proposal provided both treatment and percolation is available of an appropriate standard. IFI also asked that there would be no interference with bridging, draining or culverting of any water course, its banks or bankside without its approval.

Transport Infrastructure Ireland stated that it would rely on the planning authority to abide by official policy in relation to development affecting national roads. It was noted that the proposal is in close proximity to a future national road scheme and that the scheme should be protected.

3.4. Third Party Observations

An objection to the proposal was received from Catherine Duggan relating to referenced unauthorised development. Objections were also received from Donal and Siobhan O'Leary and Pat O'Leary. The grounds of the appeals reflect the principal planning concerns raised.

3.5 On 17th October, 2017, Cork County Council requested further information relating to a revised layout/landscaping/design, details of access routes, the location of a septic tank for an existing dwelling to the north of sites 3 and 4, details on the proposed service road, clarification on works being undertaken adjoining the entrance onto the N22, and an archaeological assessment. A response to this request was received on 23rd April, 2018.

Following this, the reports to the planning authority were as follows:

The Cork National Roads Office Engineer recommended that permission be refused for houses D and E as they propose to access the N22.

The Area Engineer noted the above report and recommended that permission be granted for sites A, B and C.

The Estates Engineer considered the proposed development would not be suitable for taking in charge. There was no objection to the proposal subject to the attachment of conditions.

The Conservation Officer recommended that permission be granted subject to conditions.

The Archaeologist was satisfied with the archaeological impact assessment undertaken.

The Planner sought clarity on the proposals relative to an existing dwelling and the possibility of sites D and E being accessed from the north.

3.6 A request for clarification was sought on 17th May, 2018 and a response was received on 5th June, 2018. This included a site drawing, waste water treatment details and site characterisation reports for revised sites 3, 4 and 5. It was also proposed that the northern entrance would serve sites D and E.

Following this, the reports to the planning authority were as follows:

The Estates Engineer repeated his considerations set out earlier.

The Area Engineer recommended that permission be granted subject to conditions.

The National Roads Office Engineer considered the proposal to provide bollards at the entrance to the N22 to be unacceptable and strongly objected to the proposal unless the entrance onto the N22 was closed.

The Planner considered the issue raised by the National Roads Office Engineer could be addressed by way of condition and recommended that outline permission be granted subject to conditions.

4.0 Planning History

I have no record of any previous planning application relating to this site.

5.0 Policy Context

5.1. Cork County Development Plan 2014

Lissarda is one of several designated 'Village Nuclei'. It is a strategic aim to preserve the rural character of village nuclei and encourage small scale expansion at a scale, layout and design that reflects the character of each village, where water services and waste water infrastructure is available generally through low density individual housing, in tandem with the provision of services.

5.2 Blarney Macroom Municipal District Local Area Plan 2017

The proposed site is located within the development boundary of the village of Lissarda. The Plan states that there is scope for development within village nuclei but that it is important that the village's rural character, architectural heritage and its other heritage and natural amenities are maintained, enhanced and not compromised. It is considered important that any future development maintains the integrity of the surrounding landscape.

The specific development objective for Lissarda is as follows:

DB-01 - Within the development boundary encourage the development of up to 5 additional dwelling units during the plan period.

6.0 The Appeals

6.1. Grounds of Appeal by Donal and Siobhan O'Leary

The appellants reside in a dwelling adjoining the southern boundary of the site. The grounds of the appeal may be summarised as follows:

- The application drawings give no indication of the appellants' property and, thus, give an inaccurate context.
- There are serious concerns about the loss of privacy that would result as the site is significantly higher and would result in potential overlooking and security issues.
- Each proposed dwelling will have its own separate waste water treatment system, resulting in a large concentration of effluent treatment with potential adverse effects on ground and surface water quality.

6.2. Grounds of Appeal by Pat O'Leary

The grounds of the appeal may be summarised as follows:

- The proposal is wrong in principle as it would introduce an entirely different form of development to that currently in the village.
- The recently published Local Area Plan recommends a maximum number of three residential units per individual development to a total limit of five additional units in Lissarda. The proposal would use up all the available additional units envisaged in the LAP. The proposal would be entirely disproportionate and unreasonable.
- The application details failed to show the nearest adjoining dwelling (the old post office) and the car display area and lay-by and adjoining buildings.
- The proposed entrance to the north would be substandard in relation to sightlines and would require the removal of a stone wall and outbuilding which form an intrinsic part of the character and curtilage of Lissardagh House. Concerns with achieving an appropriate gradient at and adjoining the access are further noted. The provision of an internal road will require the existing

access road to be substantially widened, with adverse consequences by way of tree loss. The provision of a safe entrance for six houses is not possible and the access would be a hazard for road users.

- The development would result in the loss of decorative grounds and gardens that are an integral part of the property, further impacting on the architectural value of Lissardagh House.
- The site slopes steeply into a level and marshy area near a drain to the south which feeds into the river. The capacity to assimilate any effluent from percolation areas just above the marshy area is non-existent. The site suitability assessments are incomplete. The septic tank for Lissardagh House is not shown, there are at least 8 wells within 250m. Drainage and flooding impacts have not been adequately assessed and the proposal will increase the flood risk.
- The proposal is to take place in a wooded area recognised in the Development Plan and will have a severe impact. It will not be possible to retain all trees.
- The proposed houses, due to their scale, height, design and proximity, will directly overlook the occupants below the site and will result in a loss of privacy and overbearing impact. There is also concern that occupants of the proposed houses would be unhappy about a commercial site operating below them.

6.3. Applicant Response

The applicants' response to the appeals may be summarised as follows:

Principle and Character

- There is overwhelming policy support for the development of housing within designated settlements.
- The issue of scale is dealt with within the Local Area Plan and the proposal is in keeping. The LAP makes express provision for schemes higher than the indicative scales of development and have been surpassed on numerous occasions.

- The proposal is in keeping with the scale, character and pattern of development of established residential development in the village.

Application Deficiencies

- The level of detail provided is completely sufficient for what is required to determine an application for outline permission on a matter of principle.
- The planning application was formally validated, revised layout plans were submitted as requested from the planning authority during the application process, and no deficiency in plans or information exists.

Road Safety

- A site layout plan illustrating the implementation of required actions set out in conditions attached with the planning authority's decision is attached with the response.
- The southern entrance will be maintained, with a series of permanent bollards placed across the avenue.
- The northern access will be modified in accordance with planning conditions and will meet with the planning authority's Road Engineers' and Conservation Officer's requirements.

Proposed Site Road

- The proposal is to be constructed in accordance with the submitted Landscape Masterplan. The overall width of the route would be 3 metres wide and a passing bay could be allocated.
- Dwellings A, B and C will be accessed from areas already developed in close proximity to the main site entrance and the use of the existing avenue will be restricted to dwellings D and E. The necessity for a full estate road is misplaced.

Impact on Lissardagh House

- Lissardagh House is not on the Record of Protected Structures nor is it in an Architectural Conservation Area. It is on the NIAH as being of regional significance. Its decorative grounds and gardens do not form part of the application site, although a common access to the public road is proposed.

- The claims of detrimental impact are refuted by the conclusions of the applicants' historic landscape assessment, the conclusion of the Council's Conservation Officer and the decision of the planning authority.
- Archaeological tests were undertaken and the findings were accepted by the County Archaeologist.

Drainage and Flooding

- All relevant EPA and other standards can be met.
- The site does not form part of Flood Zone A or B and the development does not represent a flood risk.

The response includes an Engineer's report in support of the submission.

Removal of Trees

- The site has no natural heritage designations.
- While the creation of two access points for dwellings D and E will result in the loss of a small number of trees, this is not significant in the context of 400 mature trees on the site.
- The applicants' methodology for tree protection is set out in application details.

Overlooking

- The appellants concerns are exaggerated. The proposed dwellings have separation distances of 70m from the southern boundary for Site C and 47m for Site E. This boundary is screened by two banks of mature trees and includes a roadside ditch. The nearest dwelling is then 14m away from this boundary. Boundary treatment to secure the southern boundary has been provided. As a result of this, issues of overlooking, overbearing and loss of privacy are refuted.

6.4. Planning Authority Response

I have no record of any response to the appeals from the planning authority.

6.5. Further Responses

The appellants were given the opportunity to respond to the applicants' response to their appeals. Pat O'Leary reiterated the concerns raised in his appeal and submitted that the response failed to address many issues raised.

The Department of Culture, Heritage and the Gaeltacht advised that there are no further archaeological requirements with respect to the application.

7.0 Assessment

7.1. Introduction

7.1.1 I consider that the principal planning issues relating this appeal are:

- The development in the context of Development Plan provisions,
- The traffic impact,
- Impact on residential amenity
- Impact on Lissardagh House, and
- Deficiencies of the application.

7.2. The Development in the Context of Development Plan Provisions

7.2.1 I note that Lissarda is one of many designated 'Village Nuclei;' under the Cork County Development Plan and the Municipal Local Area Plans. The County Development Plan states that it is a strategic aim to preserve the rural character of village nuclei and encourage small scale expansion at a scale, layout and design that reflects the character of each village, where water services and waste water infrastructure is available generally through low density individual housing, in tandem with the provision of services. Lissarda is designated a 'Village Nucleus' under the Blarney Macroom Municipal District Local Area Plan. The specific development objective for Lissarda is to encourage the development of up to 5 additional dwelling units during the plan period within the development boundary (Objective DB-01).

7.2.2 It is very clear that there is a distinct conflict between the provisions of the County Development Plan and those of the Local Area Plan when one considers the

promotion of development at this location. It is my submission to the Board that it can only be rational, sustainable and orderly planning to be promoting development of this scale within a village nucleus where water and waste water infrastructure is available to facilitate such development. The intensive development of five houses served individually by private waste water treatment plants and by individual bored well supplies does not comply with the strategic aim of the Cork County Development Plan. Furthermore, it is evident that such provisions of private effluent treatment systems pose very significant pollution threats to ground water supplies for a number of the dwellings being proposed where wells are downgradient of treatment systems being proposed, they pose significant threats to established supplies in the vicinity, and they are a concern to the quality of surface waters immediately downgradient of these sites that run close to the N22 national route. This proposal is at very best premature pending the provision of water and sewerage services in the village of Lissarda.

7.2.3 In addition to the above, I cannot comprehend how it could be construed that such development could be understood to be orderly development at this time in this unserved area as it would unquestionably counter, and indeed deter, suitable residential development being facilitated and promoted within the many serviced towns and villages in this area that is within commuter distance of Cork City.

7.2.4 Finally, I note that this proposal in one application seeks to absorb all of the new residential development intended to be facilitated within Lissarda over the plan period of the 2017 Local Area Plan. This linear ribbon development of housing exhibits little of village character and, indeed, presents itself as distinctive rural housing. Albeit the application is for outline planning permission, it is apparent from the conceptual details provided that the nature and extent of the individual housing units would be somewhat suburban in form and they would be developed to be somewhat exclusive of, and detached from, the village, a village which is primarily focused along the edge of the N22. There is no sense that this linear development would form a village-scale housing scheme. It is, thus, reasonable to determine that the proposal falls short of the plan requirements to preserve the rural character of the village nucleus and encourage small scale expansion at a scale, layout and design that reflects the character of the village.

7.3. Traffic Impact

7.3.1 The proposed development originally sought access via the existing two entrance points onto the road network in the vicinity. While concerns were raised by the Area Engineer about the deliverability of appropriate access onto Lissardagh House driveway and about the suitability of the driveway itself, I consider that the appropriate provisions could be engineered to provide adequate access onto the laneway from individual plots and the laneway itself could be developed further to accommodate modern vehicular needs. It must be noted, however, that these works would have a clear impact on the form and character of the lane by way of loss of trees, necessary widening in parts and by the necessity for surfacing of the lane.

7.3.2 I note that access provisions for the scheme were revised as concerns were raised about the proposed utilisation of the existing entrance onto the N22 to the south-east of the site. While traffic speeds along the N22 at this location are high as traffic enters and leaves Lissarda, I must inform the Board that the existing gateway is located within the 60kph speed limit zone for Lissarda. It is my submission that the principle of access to the road at this location, where this limit applies and where there is no impediment to available sightlines, should be seen as being acceptable.

7.3.3 With regard to the proposed access onto the local road to the north, provisions would be required to achieve adequate sightlines at the existing entrance which would culminate in the loss of boundaries flanking the entrance. There is no doubt that the local road, in terms of carrying capacity, width, alignment and structure, could accommodate the additional volumes of traffic generated by five new houses at this location.

7.4 Impact on Residential Amenity

7.4.1 The proposed development would not have any demonstrable adverse impact on the amenities of nearby residential properties. Notwithstanding the elevated nature of the land relative to that within the village centre, it is apparent that the proposed houses would be sited at a substantial distance from any residential property such that there would be no cause for concern in relation to loss of privacy, overshadowing or by way of any overbearing impact. I further note the band of woodland along the southern section of this site which would further shield the new development from

the properties that could be considered most vulnerable. Also, I do not accept that the occupancy of housing at this location would pose any threat to the viability of established commercial premises due to the proximity and layout of such housing relative to the cars sales outlet within the village centre.

7.5 Impact on Lissardagh House

7.5.1 As with the considered impacts on residential amenity, I consider the proposed development would not have any significant adverse impacts on Lissardagh House due to the separation distance between the new development and the established house and its associated outbuildings and gardens. This is greatly aided by the extensive trees and woodland around the periphery of the site which allows the main house to retain its separateness. The Board will note that Lissardagh House is not a protected structure. A development on the site could be satisfactorily achieved in a manner that would allow for the retention of the setting, character and architectural qualities of this established house due to the ability to screen the house and its curtilage from such new development.

7.6 Application Deficiencies

7.6.1 The Board will note that Articles 22-24 of the Planning and Development Regulations 2001 set out the requirements relating to the content of planning applications generally and the requirements for plans, drawings and maps in a planning application. Article 24 requires an outline application to be accompanied only by such plans and particulars as are necessary to enable the planning authority to make a decision in relation to the siting, layout or other proposals for development in respect of which a decision is sought. It is my submission to the Board that the details provided in this outline application are sufficient to allow for a clear understanding of the nature and extent of the proposed development and to allow for a decision to be made in this instance.

Note 1: Having regard to the site size falling very substantially below the threshold for triggering mandatory environmental impact assessment,

the limited scale of the proposed development, and the nature of the receiving environment within that context, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Note 2: It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European Site and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required

8.0 Recommendation

I recommend that permission is refused in accordance with the following reasons and considerations.

9.0 Reasons and Considerations

1. The site of the proposed development is located within the settlement boundary of Lissarda, a designated village nucleus in the Blarney Macroom Municipal Local Area Plan 2017. It is the strategic aim of the Cork County Development Plan 2014 to preserve the rural character of village nuclei and encourage small scale expansion at a scale, layout and design that reflects the character of each village, where water services and waste water infrastructure is available, generally through low density individual housing. It is considered that the proposed development, by reference to the existing deficiency in the provision of public piped water and sewerage facilities serving the area, would conflict with the strategic aim of the County Development Plan and would be premature by reference to the period within which the constraint involved may reasonably

be expected to cease. Furthermore, it is considered that the proposed development, by reason of a poor quality linear layout, scale, design and distinct separation of the proposed houses from the village core, would be out of character with the village of Lissarda, would further conflict with the strategic aim of the County Development Plan and would, thereby, be contrary to the proper planning and sustainable development of the area.

2. It is considered that, taken in conjunction with existing development in the vicinity, the proposed development would result in an excessive density of development served by private effluent treatment systems in the area and would, therefore, be prejudicial to public health.

Kevin Moore

Senior Planning Inspector

29th November, 2018