



An
Bord
Pleanála

Inspector's Report PL28.246720

Development

Permission is sought for alterations, new rear extension, change of use of office to dwelling, new site entrance and associated site works all at Oikoseen House, Castleredmond, Midleton, County Cork

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

16/4666

Applicant(s)

Ms. Fiona Guerin

Type of Application

Permission

Planning Authority Decision

Split decision

Appellant(s)

1. Ms. Fiona Guerin

Observer(s)

1. None

Date of Site Inspection

22nd August, 2016

Inspector

A. Considine

1.0 Site Location and Description

- 1.1. The subject appeal site is located to the south of the town of Midleton town centre, in the townland of Castleredmond. The existing building on the site is located in proximity to Commissioners Quay and overlooks Ballinacurra Bay. The building on the site is a four bay two storey building which was clearly constructed as a dwelling, Oikoseen House. There is a rear return to the structure.
- 1.2. The building is currently used as an office and is listed on the NIAH, ref: 20907626. The description of the building provides that the building makes 'a valuable architectural contribution to the village of Ballinacurra' and has a Regional Rating. The building is not included in the Record of Protected Structures for Co. Cork.
- 1.3. The building comprises a high stone wall to the east of the existing vehicular entrance as well as to the west of the building itself. There is a low wall with railings directly to the front of the building with two pedestrian access points, one within the railings boundary, and another in the high stone wall to the west of the building.

2.0 Proposed Development

- 2.1. Planning permission is sought, as per the public notices, for alterations, new rear extension and change of use of office building to a dwelling house, a new site entrance and all associated site works.
- 2.2. The application was lodged with the Planning Authority on the 24th March, 2016 and included the following documents:
 - * relevant plans and layout drawings
 - * Application for
 - * Cover letter

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to issue a split decision and grant permission for the alterations, extension and change of use and refuse permission for the proposed new entrance to the site. The reason for refusal is stated as follows:

1. The new proposed site entrance location would endanger public safety by reason of a traffic hazard because adequate sight distance is not available to the west for emerging traffic onto the public road from the site.

3.2. Planning Authority Reports

The report of the area planner can be summarised as follows:

In reaching their decision, the planning report considered the proposed development in terms of the relevant planning history in the vicinity of the site, flood risk, policy context and submissions made in relation to the proposed development. This report recommends a split decision.

In addition to the above, the SEP prepared a report agreeing with and endorsing the area planners report, also recommending a split decision and refusing the proposed new entrance.

3.3. Other Technical Reports

The Area Engineer recommended refusal of the proposed new site entrance. The report considered that sight lines to the west for emerging traffic are restricted and adequate sight distance is not available without set back or removal of the existing roadside boundary.

The Heritage Officer considered the proposed development in terms of the potential impacts of same on the Great Island Channel SAC and the Cork Harbour SPA. The report notes the report of the Area Engineer and recommends the inclusion of two conditions in the event of permission being granted.

Irish Water have advised no objections to the proposed development.

3.4. **Third Party Observations**

There are no third party submission noted in relation to the proposed development.

4.0 **Planning History**

There is no relevant planning history pertaining to the subject site.

5.0 **POLICY CONTEXT**

5.1. County Development Plan, 2014

- 5.1.1. The subject site is located within the development boundary of the Midleton Environs. There is no specific zoning objective afforded to the site. County Metropolitan Cork Strategic Planning Area, in an area of Co. Cork which has been identified as having a High Value Landscape and is located within the Metropolitan Green Belt.

5.2. The Planning System & Flood Risk Management Guidelines, 2009

- 5.2.1. The subject site is located within an area which is identified as being susceptible to flood risk. Given the minor nature of the proposed development works, Section 5.28

of the Guidelines is considered relevant. This section deals with 'Assessment of minor proposals in areas of flood risk' and provides that:

'Applications for minor development, such as small extensions to houses, and most changes of use of existing buildings and or extensions and additions to existing commercial and industrial enterprises, are unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances. Since such applications concern existing buildings, the sequential approach cannot be used to locate them in lower-risk areas and the Justification Test will not apply. However, a commensurate assessment of the risks of flooding should accompany such applications to demonstrate that they would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities. These proposals should follow best practice in the management of health and safety for users and residents of the proposal.

5.3. Natural Heritage Designations

The site is located within yards of the Great Island Channel SAC (Site Code 1058) and pNHA as well as Cork Harbour SPA (site code 4030).

6.0 The Appeal

6.1. This is a first party appeal against the decision of Cork County Council to refuse planning permission for the proposed new entrance. The submission seeks to provide a reasoning for the proposed new entrance and the grounds of appeal can be summarised as follows:

- The existing entrance is barely a cars width and is only used for pedestrian access.

- The lack of a safe access is the main factor in the failure of Oikoseen House to function as a former business enterprise.
- There is no visibility from the existing entrance
- There has been significant development in the vicinity of the site and the Bailick Road has become a major 'cut-through'
- The proposed new entrance will afford the best visibility and sightlines which are a fundamental right of the occupants of Oikoseen House.

It is advised that the appellant will pursue this matter through whatever legal challenges necessary.

6.2. Planning Authority Response

The Planning Authority has not responded to this appeal.

6.3. Other Party Responses

There are no other party responses to this appeal

6.4. Observations

No observations noted

7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of the development
- Road Safety Issues

- Other issues
- Appropriate Assessment

Principle of the development:

- 7.2. The subject site is located within the development boundaries associated with the environs of the town of Midleton. The nature of the proposed development seeks to change the use of the building from office back to a residence, with some alterations proposed internally. A minor extension is also proposed to the rear. There is no objection to these elements of the proposed development.

Roads Issues:

- 7.3. The sole area of concern in terms of the proposed development relates to the provision of a new vehicular access to the site. The Board will note that the sight distances available at the existing entrance are very restricted, and in this regard, I note the comments of the Area Engineer and Area Planner in that, while concern exists, it is an existing entrance. The proposal to create the new entrance will not provide an access which will meet the necessary standards, albeit, if permitted, would improve the current situation. While I accept both parties submissions, I have a concern that the submitted plans and particulars would appear to suggest that the existing entrance is to remain with the development proposing a further entrance to the site.
- 7.4. In this regard, I refer the Board to drawing no. L004 which provides the site layout plan as proposed. In this plan, it is clear that the development, if permitted, would provide for the two access / egress points serving the development. In this regard, I would have serious concerns. In addition, the submitted information fails to provide an elevational drawing of the proposed boundary wall and entrance. Having regard to the quality of the existing building on the site, and the inclusion of Oikoseen House in the NIAH register, I would have concerns that the development as proposed would

significantly impact on the visual amenity of the building and its curtilage and setting. In the absence of the above detail, I consider that if permitted, the proposed second access to the site would be out of character with the pattern of development in the immediate vicinity.

- 7.5. It is my opinion that should planning permission be granted for the proposed alterations, and change of use as well as the rear extension as proposed. However, in the absence of clear detail with regard to the nature of the proposed entrance, the intentions for the existing entrance and indeed the boundary treatment overall, I consider that this element of the proposed works should be refused on the grounds of public safety by reason of traffic hazard.

Appropriate Assessment:

- 7.6. Having regard to the nature and scale of the proposed development, and the nature of the receiving environment, being alterations, new rear extension, change of use of office to dwelling, new site entrance and associated site works all at Oikoseen House, Castleredmond, Midleton, County Cork, at a suburban residential site, and its proximity to the nearest European Site, 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 CONCLUSIONS AND RECOMMENDATION

Conclusion:

- 8.1. Having regard to the above assessment, I am satisfied that the principle of the proposed development, being alterations, new rear extension, change of use of office to dwelling, new site entrance and associated site works all at Oikoseen House, Castleredmond, Midleton, County Cork, is acceptable in principle and, if

permitted, would accord with the requirements of the relevant Cork County Council policy documents. However, the proposed provision of a second vehicular entrance to the site, at a point where sight distances are very restricted, is not considered appropriate or acceptable having regard to the information provided to date.

Recommendation:

- 8.2. Having regard to the documentation on file, the grounds of appeal, a site inspection and the assessment above I recommend that a split decision be issued. I recommend that permission be **granted** for alterations, new rear extension and change of use of office to dwelling, and associated site works and that permission be **refused** for the new site entrance.

REASONS AND CONSIDERATIONS (1)

Having regard to the nature and extent of the development, being alterations, new rear extension and change of use of office to dwelling, and associated site works, it is considered that the proposed development, subject to the compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, submitted the 24th day of March 2016 except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be

agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Cork Region, in which the site is situated.

Reason: In the interest of sustainable waste management.

REASONS AND CONSIDERATIONS (2)

It is considered that, notwithstanding the restrictions of the existing entrance to the subject site, the proposed new entrance would endanger public safety by reason of traffic hazard due to inadequate sight distances available. In addition, the Board is concerned that the development as presented on the submitted plans, seeks to provide two entrance / egress points to the site which would compound the traffic hazard at this location. The proposed development of a new entrance as proposed would, therefore, be contrary to the proper planning and sustainable development of the area.

A. Considine

Planning Inspector

30/08/2016