



An
Bord
Pleanála

Inspector's Report PL07.249049

Development	Alterations to the residential aspect of a previously permitted development.
Location	Milltown, County Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	17/769
Applicant(s)	Curam Mhuilinn Ltd.
Type of Application	Appeal
Planning Authority Decision	Grant permission
Type of Appeal	First v Condition no.2
Appellant(s)	Curam Mhuilinn Ltd.
Observer(s)	None
Date of Site Inspection	3 rd November 2017
Inspector	Karla Mc Bride

1.0 Site Location and Description

- 1.1. The appeal site is located in the village of Milltown to the N of Tuam in County Galway and the surrounding area is mixed use in character. The site is located on the NW side of the village along the N17 and it comprises a greenfield site that has a previous permission for a nursing home and four 2-storey detached houses. The site is bound to the NN by a community centre, to the E and SE by existing houses and to the SW by the N17, with several houses, a school and crèche, and an entrance to a GAA pitch beyond. The site boundaries are mainly defined by fences, walls and hedges and SW boundary with the public footpath along the N17 contains two field gate to the site off the public road.
- 1.2. Photographs and maps in Appendix 1 describe the site ad surroundings in more detail.

2.0 Proposed Development

Permission is being sought to alter the residential aspect of the development previously permitted under Reg. Ref.15/126 to provide:

- Four 2-storey detached houses with garages with revised house type.
- Access to House Type No.1 via the public road (N17).

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission for the proposed alterations subject to 16 standard conditions.

- Condition no.2 omitted the access to House Type A off the public road in the interests of traffic safety.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

Planning officer recommended grant of planning permission subject to conditions.

3.2.2. **Other Technical Reports:**

Roads & Traffic: No objection subject to the house in the SE corner not being afforded a dedicated access to N17, access should be via the wider development.

Transport Infrastructure Ireland: No observations.

3.2.3. **Submissions**

None received.

4.0 **Planning History**

Reg. Ref.15/1268: Permission granted for the construction of 4 x 2-storey detached houses with garages, and a 2-storey 55-bed nursing home with 2 access points off the public road (N17). The second access to House Type A was omitted in response to item no.3 of an FI request and the new access was via the internal estate road.

5.0 **Policy Context**

5.1. **Design Manual for Urban Roads and Streets**

This manual provides guidance relating to the design of urban roads and streets. It seeks to address street design within urban areas and it sets out an integrated design approach which must be influenced by the type of place in which the street is located, and balance the needs of all users. It also aims to put well designed streets at the heart of sustainable communities which can create connected physical, social and transport networks that promote real alternatives to car journeys, including walking, cycling or public transport.

5.2. Development Plan

The proposed development is located within an area covered by the County Galway Development Plan 2015 to 2021 and within:

- 10m of a National Primary Route
- Landscape Sensitivity Class 1 (least sensitive)
- Within or adjacent to a possible flood plain.
- A Regionally Important, conduit karst aquifer.
- An area drained by the Corrib River

5.3. Natural Heritage Designations

The following European sites are located within a 15km radius of the site:

- Lough Corrib SAC
- Carrowkeel Turlough SAC
- Kilglassan/Caheravoostia Turlough Complex SAC
- Greaghans Turlough SAC

6.0 The Appeal

6.1. Grounds of Appeal

Appeal against Condition no.2

- Permission was sought to modify the parent permission (15/1268) as the accompanying documentation supported the proposed site entrance for House Type A, however the omission of this entrance was conceded.
- This application seeks to reinstate this entrance directly off the N17.
- Intend to develop House Type A first as a means of financing the remaining development and an independent vehicular access is therefore essential.
- Site located along the N17 within the 50km/hour zone.

- Over the past 3 years, new footpaths, green spaces and public lighting have been provided along the N17.
- Original application established a new junction off the N17 into the scheme.
- Propose to provide a new entrance c.31m to the SE of this junction with clear 70m sightlines.
- Original Road Safety Audit (15/1268) advised that if the entrance to Site A was part of a sheltered scheme connected to the nursing home, then the entrance should be relocated, however the house is a standalone unit which does require a relocated access and therefore complies with the Audit.
- TII has no objection to the current proposal.
- Reasonable to expect turning movements with a 50km/hr zone and DMURS does not recommend frontage-free streets.
- The omission of the additional entrance would contribute to an unacceptable free-flowing traffic environment within the village without self-regulation.
- The PA has permitted other entrances to houses off the N17 in the vicinity.

6.2. Planning Authority Response

None received.

6.3. Observations

None received.

7.0 Assessment

The issues arising in this case relate to:

- Overall development.
- Condition no.2

7.1. Overall development:

The proposed development would comprise alterations to the residential component of a previously permitted development (Reg. Ref. 15/1268) which related to a nursing home with ancillary facilities, four 2-storey detached houses, and a new junction access off the N17. The proposed alterations are considered acceptable in terms of planning policy, the amended house types would provide for an adequate level of residential amenity and the amended scheme would not have an adverse impact on residential or visual amenity. It is therefore proposed to deal with Condition no.2 on its own.

7.2. Condition no.2

The First Party Appellant has requested the omission of Condition no.2 in relation to the vehicular access arrangements to House Type A.

Condition no.2 stated:

Prior to the commencement of development, the applicant shall submit the following details for the consideration and approval of the planning authority:

The access to the public road to serve House Type A shall not be directly onto the N17 but instead shall be obtained from the communal access arrangements serving the nursing home under Reg. Ref. 15/1268 and three other houses permitted under this planning application.

The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of traffic safety.

Parent permission: Reg. Ref.15/1268

The planning application lodged under Reg. Ref.15/1268 contained two vehicular access points off the N17 which comprised the main access junction to the nursing home and 3 of the 4 houses, and a second separate and independent access to the fourth house (House Type A) in the SE corner of the site.

This application was accompanied by a Road Safety Audit which stated the following in relation to the second access:

2.2 Problems at Specific Locations

2.2.1 Dwelling House to the South-East corner of site

Problem: A proposed dwelling house is shown adjacent to the National Road. This house has direct vehicular access onto the N17.

Hazard: It is generally considered good practice to reduce the number of vehicular entrances onto the National Road. This will omit the impact of errant vehicular movements onto the road network carrying larger volumes of traffic and also higher volumes of pedestrians on the public footpaths.

Recommendation: If this dwelling house is associated with the Nursing Home sheltered accommodation, the vehicular access to this dwelling should be relocated to be off the internal road network.

The submission from Transport infrastructure Ireland stated that the recommendations contained in the Road Safety Audit should be incorporated as conditions. The Council's Roads and Traffic section stated that the dwelling in the SE corner of the site should not be afforded a dedicated access to the N17 and that this dwelling should utilise a shared/single entrance to the wider development. The planning authority sought Further Information in relation to a number of matters, including road safety issues and Item no.3 requested the omission of the second access to House Type A off the N17.

3. The Planning Authority having taking cognisance of the Road Safety Audit submitted is not satisfied with the proposal whereby there are two vehicular access points envisaged to serve the overall development site. The planning authority therefore requests that the access anticipated to serve House type A be eliminated and that the houses be served by the alternative means of access as shown heretofore. Please submit a revised site layout map in this regard for the consideration of the planning authority.

The second entrance was omitted by way of the FI response and a new access via the internal estate road was proposed by the applicant and subsequently permitted by the planning authority. (It is noted that the applicant did not submit a copy of the Road Safety Audit with the planning application or appeal documentation however the document was accessed off the planning authority's website).

Current proposal:

The applicant is now seeking planning permission to reinstate the second access to House Type A off the N17. The applicant submits that the original Road Safety Audit recommended the omission of the second access only if House Type A formed part of a sheltered housing scheme, and that House Type A would be a separate dwelling independent of the nursing home. They submit that they intend to develop the site on a phased basis with House Type A forming part of Phase 1 as a means of financing the overall development, and that a separate independent access is therefore required. They further submit that a second access would be compatible with DMURS as it would provide for an enlivened street frontage which would enable traffic to self-regulate with the 50km/hr speed zone. Transport Infrastructure Ireland had no observations to make in relation to the current application, however the Council's Roads and Traffic Department continue to raise road safety concerns and recommended the omission of the second access.

Discussion:

The proposed development would be located along the N17 national primary road which comprises the main Galway to Sligo Road. It connects with the M17 and M18 to the S and provides a direct link between Limerick, Ennis, Galway and Sligo to the N. The proposed development would be located on the NW edge of Milltown Village, within the 50km/hr speed zone, there are footpaths on either side of the road and there is public lighting in the vicinity.

The overall development site would have a c.130m road frontage and there are two existing field gates located off the N17. The site is located on the downside of a hill that forms a sharp bend to the SE of the site in the direction of the village centre. There is a solid white line down the middle of the road for almost the entire extent of the road frontage to a point to the NW along the N17 which approximates with the position of the previously permitted access junction to the site.

The site is bound to the NW by a community centre and car park, and to the SE by a laneway and detached house which have direct access onto the N17, as do several other properties, including houses, a pre-school and a GAA club, on the opposite side of the road.

Based on my observations of traffic movements during the site inspection, I am satisfied that this section of the N17 through Milltown Village is heavily trafficked by cars, commercial vehicles and HGVs, however operational speeds were mainly within the 50km/hr limit. Although the sightline to the NW was adequate, it was difficult to anticipate the volume of traffic traveling from the village to the SE, in the direction of Sligo to the NW, because of the combined bend and slope in the road.

Conclusion:

Having regard to all of the foregoing, the proposed access to House Type A off the N17 at this location would give rise to a proliferation of vehicular access points along a stretch of road which is characterised by a sharp and steep bend to the SE and which is defined by a solid white line in the vicinity of the development site. The proposed development, which has the option of an alternative and safer previously permitted access to the overall development, would give rise to a traffic hazard which could endanger the safety of other road users. Therefore, Condition no.2 should be retained in its entirety.

8.0 Recommendation

- 8.1. Retain Condition no.2

9.0 Reasons and Considerations

Having regard to the provisions of the Galway County Development Plan 2015 to 2021, and to the nature, and scale of the proposed development, it is considered that subject to compliance with the conditions attached by the planning authority, including Condition no.2, the proposed development, would not seriously injure the amenities of the area or of property in the vicinity or give rise to a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Karla Mc Bride

Planning Inspector

20th November 2017