



An  
Bord  
Pleanála

## Inspector's Report PL18.249198

---

<b>Development</b>	House, filter unit and percolation area
<b>Location</b>	Roosky, Threemilehouse, Co. Monaghan
<b>Planning Authority</b>	Monaghan County Council
<b>Planning Authority Reg. Ref.</b>	17/59
<b>Applicant</b>	Eamon Coyle
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	REFUSE
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Eamonn Coyle
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	16 <sup>th</sup> February 2018
<b>Inspector</b>	Niall Haverty

## **1.0 Site Location and Description**

- 1.1. The appeal site, which has a stated site area of 0.3316 ha, is located in the townland of Roosky, c. 1km south west of the village of Threemilehouse in County Monaghan. The appeal site is roughly rectangular in shape and is currently undeveloped. It is bounded by mature vegetation to the south, north and east and is undefined to the west. A number of agricultural buildings, which are in the ownership of the applicant, are located to the east of the appeal site.
- 1.2. The appeal site is accessed via an existing private road accessed from the northern side of the R189 Regional Road, which currently serves the applicant's farm and two existing houses, one of which is occupied by his parents.
- 1.3. The area surrounding the appeal site exhibits an undulating topography which is typical of the drumlin landscape of this part of County Monaghan. The appeal site itself is relatively elevated, and is located on the northern facing slope of a drumlin, over the brow of the hill relative to the R189 to the south.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of the construction of a single storey three-bedroom detached house with a stated gross floor space of 204 sq m, as well as a filter unit and percolation area.
- 2.2. The proposed house has a maximum ridge height of 6.39m, and is 23.9m long, with roughly half its length set-back by 3.95m. It is relatively simple in appearance, with dash finish to the external walls, slate roof and windows which generally have a vertical emphasis.
- 2.3. The proposed house is centrally located within the appeal site, and is oriented with its front elevation facing north east. The proposed filter unit and percolation area are located to the north west of the house, close to the site boundary.
- 2.4. A land ownership map indicates that the appeal site is located within an overall landholding of c. 20 ha.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Monaghan County Council decided to refuse permission for one reason, as follows:

- The proposed development accesses onto Regional Road 189 where the minimum required forward visibility of 150 metres as set out in Section 15.23.4 of the Monaghan County Development Plan 2013-2019 to the south west of the entrance point cannot be provided within the control of the applicant

Under Section 15.23.1 of the Monaghan County Development Plan 2013-2019, the applicant has sought to justify a reduction of this minimum standard based on assumed reasonable road speed in the vicinity. The forward sight distance of 126 metres as determined by the applicant through traffic surveys at this location cannot be provided within the control of the applicant.

Consequently, the proposed development, if permitted, would endanger public safety by reason of traffic hazard and would be contrary to the provisions of the Monaghan County Development Plan 2013-2019 and to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

3.2.1. The Planning Officer's final report can be summarised as follows:

- Site is within a 'stronger rural area' and applications for single dwellings in these areas will be accommodated subject to normal planning considerations.
- Site has the benefit of existing vegetation which provides a degree of screening/enclosure.
- Whilst the site is elevated, it is not visible from the Regional Road to the south, given the set back from the public road.
- No objection to the design of the building or the proposed finishes.
- No concerns that this application will cause a detrimental change to the character of the surrounding area.

- Agricultural buildings within 100m of the site are within the applicant's ownership.
- No issues with respect to ribbon development.
- Retention of all landscaping will be conditioned and specific conditions will be imposed to ensure that additional landscaping is carried out along the undefined western site boundary.
- Submitted wastewater treatment details are to the satisfaction of the EHO.
- The development is not of a nature or scale to have any significant effects on the integrity of the Natura 2000 network and a Stage 2 AA is not required.
- The speed survey carried out by the applicant indicates that a sight distance of 126m in the south westerly direction was sufficient. This is a reduction from the 150m. Following consultation with the Municipal District Engineer it emerged that the provision of right turning forward visibility of 126m could not be achieved and only approximately 115m forward sight distance can be provided within the control of the applicant. The fact that the applicant cannot comply with the already stepped down standard of 126m is unacceptable.

3.2.2. In addition to the Planning Officer's reports, there is also email correspondence on the file between the Planning Officer and the applicant's traffic engineer.

3.2.3. Other Technical Reports

- Municipal District Engineering: No objection, subject to conditions.
- Environmental Health Officer: No objection, subject to conditions.

### 3.3. Prescribed Bodies

3.3.1. None.

### 3.4. Third Party Observations

3.4.1. None.

## 4.0 Planning History

### 4.1. Appeal Site

- 4.1.1. **Reg. Ref. 08/507:** Permission granted for two storey dwelling house and detached domestic garage, proprietary wastewater treatment system, mounded/raised soil polishing filter areas, up-grade existing agricultural entrance.
- 4.1.2. **Reg. Ref. 13/9048:** Refused application to extend the duration of Reg. Ref. 08/507.
- 4.1.3. **Reg. Ref. 16/358:** Withdrawn application for a bungalow, filter unit and percolation area.

### 4.2. Adjacent Sites

- 4.2.1. I am not aware of any recent relevant planning history in the surrounding area.

## 5.0 Policy Context

### 5.1. Sustainable Rural Housing Guidelines for Planning Authorities 2005

- 5.1.1. The Rural Housing Guidelines seek to provide for the housing requirements of people who are part of the rural community in all rural areas, including those under strong urban based pressures. The principles set out in the Guidelines also require that new houses in rural areas be sited and designed to integrate well with their physical surroundings and generally be compatible with the protection of water quality, the provision of a safe means of access in relation to road and public safety and the conservation of sensitive areas.

### 5.2. Monaghan County Development Plan 2013-2019

- 5.2.1. The appeal site is located on unzoned lands, in an area which is designated in the Core Strategy Map as being a 'Stronger Rural Area'. The key objectives in these areas are "to maintain population levels by accommodating appropriate rural development and to consolidate the existing town and village structure. Applicants will not be required to submit a Rural Housing Application Form (RH1 Form) or provide justification in these areas."

5.2.2. This is supported by the following Policies:

- **RHP 10:** All projects associated with rural housing in Stronger Rural Areas shall be considered under policies AAP1-AAP5 contained within Chapter 4 Environment and Heritage of the Monaghan County Development Plan 2013-2019.
- **RHP 11:** Applications for single dwellings in these areas will be accommodated subject to normal planning considerations.

5.3. Policies AAP1 to AAP5 referred to in Policy RHP10 relate to matters of appropriate assessment.

5.3.1. Section 15.4 sets out the development management guidelines for rural housing, and includes various Policies relating to siting, design and rural character. Section 15.5 relates to ribbon development and infill, while section 15.6 relates to landscaping. Section 15.7 relates to rural accesses, and includes the following Policies:

- **RAP 1:** Access should be taken from existing lanes where practical.
- **RAP 2:** New accesses should be positioned to minimise loss of hedgerow/trees.
- **RAP 3:** New access lanes/roads should run alongside existing hedgerows/boundaries and should follow the natural contours of the site. Sweeping driveways should be avoided.

5.3.2. Section 15.23 relates to road access standards and sets out detailed requirements for each road type.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. A first party appeal was submitted on behalf of Eamon Coyle. The issues raised in the appeal can be summarised as follows:

- Sole issue of contention relates to minimum stopping sight distance in one direction only. No third party objections were made and the Planning Authority

found the development acceptable on all other issues. It is requested that the Board restrict the consideration of the appeal to the reason for refusal only.

- Appellant is engaged in agricultural activity on a full-time basis and currently resides in Armagh, c. 20km from the site. He makes 6 round trips per day to the farm. He wishes to reside adjacent to the farm and to his elderly parents.
- Farm access has been in place for 50 years.
- The site is the only one available to the appellant within his land ownership and which has existing access to a road.
- Appellant secured planning permission under Reg. Ref. 06/1440 to erect a slatted cubicle shed and two silage pits. He was also granted permission in 2008 to construct a two storey dwelling under Reg. Ref. 08/507, but this did not proceed due to the recession.
- Appellant has a long standing interest in the site and a genuine need to reside there.
- Proposed development complies with Development Plan Policies relating to 'stronger rural areas', ribbon development, visual impact, landscaping, wastewater treatment etc.
- While Table 15.3 of the Development Plan requires sightlines of 150m for access onto a Regional Road, the two road speed surveys undertaken by the applicant revealed that the 85<sup>th</sup> percentile speed is 71.87km/h and therefore, in line with standard road engineering practice, the required minimum sight distance is 126m.
- A sight distance of 126m is achievable to the south west, and a sight distance of 150m is achievable to the north east. The sight distances are not in contention and are not referenced in the reason for refusal.
- If the minimum sight distance required is 126m, it follows that the minimum stopping sight distance (SSD) must also be 126m. It is internationally recognised that the two should be the same.
- It is the Council's interpretation that the SSD is measured from the centre of the lane containing the vehicle to turn right to the centre of the lane containing

the oncoming vehicle. This stems from Figure 15.3 which appears to be taken from a Northern Ireland guidance document and is not stipulated in the Design Manual for Roads and Bridges (DMRB).

- Applying the centre-line to centre-line SSD means that an SSD of 115m can be achieved. DMRB allows a relaxation by one or two 'steps'. One step relaxation results in a required SSD of 110m, and the proposed development exceeds this regardless of how the SSD is measured.
- An SSD of 126m can be achieved if the centre-line to centre-line stipulation is not applied, and instead a more liberal measurement is taken from the centre of the carriageway (the white line) to the centre of the lane of the approaching vehicle. This is the approach taken by many traffic engineers.
- Calculating SSD utilising the formula set out in DMURS results in an SSD requirement of 94m, which is exceeded by the proposed development.
- Current edition of The Rules of the Road published by the RSAI recommends a minimum stopping distance of 81m for a speed limit of 80km/h under wet conditions.
- Proposed development is acceptable utilising any of four objective traffic engineering approaches.
- The RSAI collision database shows that there have been no road incidents of any nature over the years 2005-2013.
- District Engineer raised no objection to the proposal.
- Planning Authority's approach is arbitrary and pernicky.

## 6.2. Planning Authority Response

6.2.1. None.

## 6.3. Observations

6.3.1. None.



## 7.0 Assessment

7.1. I consider that the key issues in determining this appeal are as follows:

- Compliance with rural housing policy.
- Access.
- Design and layout.
- Residential amenity.
- Wastewater treatment.
- Appropriate Assessment.

### 7.2. Compliance with Rural Housing Policy

- 7.2.1. As noted above, the appeal site is located in a 'Stronger Rural Area' and the Development Plan states that the key objectives in these areas are "to maintain population levels by accommodating appropriate rural development and to consolidate the existing town and village structure". It states that applicants will not be required to submit a Rural Housing Application Form or provide justification in these areas, and Policy RHP 11 states that applications for single dwellings in these areas will be accommodated subject to normal planning considerations.
- 7.2.2. While the applicant is not required to demonstrate a rural housing need in such areas, I note that the appeal site forms part of a larger agricultural landholding, and that the applicant is stated as being a full-time farmer who currently has to make a number of round trips from his current home in Armagh to the farm each day.
- 7.2.3. The surrounding area is relatively sparsely populated, and as a result of this and the significant set back of the proposed house from the public road, I am satisfied that the issue of ribbon development does not arise in this instance.
- 7.2.4. Having regard to the rural housing provisions for 'Stronger Rural Areas' as set out in the Sustainable Rural Housing Guidelines for Planning Authorities and the Development Plan, and noting that the proposed development would not result in the creation or continuation of ribbon development, I consider the proposed development to be acceptable in principle, subject to consideration of the planning issues set out in Section 7.1 above.

### 7.3. Access

- 7.3.1. It is proposed to access the appeal site at an existing access point on the northern side of the R189 Regional Road. This access point is c. 10.5m wide, and it currently serves two houses and the applicant's farm and associated agricultural buildings.
- 7.3.2. Section 15.23 of the Development Plan sets out road access standards. For Regional Roads, Table 15.3 sets out a required minimum sight distance (i.e. y-distance) of 150m, at a distance of 3.0m from the edge of the carriageway (i.e. x-distance). It also states that a site entrance on a regional or local road will be assessed on the basis of assumed reasonable road speed in the vicinity.
- 7.3.3. Sightlines of 150m cannot be achieved in a south westerly direction, and the applicant therefore commissioned speed surveys, which indicated that the 85<sup>th</sup> percentile wet weather speed on this section of road was 71.87kph, i.e. less than the 80kph speed limit. On this basis, the required visibility splay is 126m, and I concur with the applicant and the Planning Authority that this is achievable in both directions at the access point to the appeal site.
- 7.3.4. Section 15.23.4 of the Development Plan relates to forward and rear visibility for a vehicle waiting on the priority road to turn right into the minor road. It requires forward and rear visibility from the centre of the inner lane to the centre of both the inner and oncoming lanes to be the y-distance (i.e. 150m for a Regional Road, as per Table 15.3).
- 7.3.5. The Planning Authority refused permission on the basis that neither the minimum required forward visibility of 150m to the south west of the access point nor the reduced Stopping Sight Distance (SSD) of 126m as determined by the applicant through speed surveys could be provided within the control of the applicant, and that the proposed development would therefore endanger public safety by reason of traffic hazard.
- 7.3.6. Having inspected the site and having had regard to aerial photography and the drawings submitted, I concur with the Planning Authority that the achievable SSD between vehicles waiting to turn right into the laneway and vehicles approaching from the south west is c. 115m. In my opinion this distance is relatively constant regardless of whether the measurement is between the centreline of each lane as

per Figure 15.3 of the Development Plan, or from the centreline of the oncoming lane to the continuous white line in the centre of the road as contended by the applicant.

- 7.3.7. Both the appeal and the earlier traffic engineering reports make reference to various documents contained within the NRA Design Manual for Roads and Bridges which appear to have been superseded. I believe the current relevant TII documents to be 'Rural Road Link Design' (DN-GEO-03031), which superseded the previous NRA TD 9, and 'Geometric Design of Junctions (Priority Junctions, Direct Accesses, Roundabouts, Grade Separated and Compact Grade Separated Junctions)' (DN-GEO-03060).
- 7.3.8. The applicant makes the case for a relaxation in SSD from that required under Section 15.23.4 of the Development Plan on the basis of DMRB guidance. I note that DN-GEO-03031 sets out a 'Desirable Minimum Stopping Sight Distance' for various design speeds and allows for a relaxation of SSD in certain circumstances. However, Section 1.8.3 of DN-GEO-03031 states that "relaxations below Desirable Minimum Stopping Sight Distance are not permitted on the immediate approaches to a vehicular access other than an individual field access". I consider this to be an entirely reasonable and appropriate approach, given the safety risks that stationary or turning vehicles present to traffic on either lane of the carriageway in areas where visibility is restricted. Given that the access point would serve three houses and a farmyard if permission is granted, I consider that permitting such an intensification of use of the access in circumstances where even a reduced SSD in line with the results of the speed surveys cannot be achieved would result in a traffic hazard on the R189 Regional Road, and I recommend that permission should be refused on this basis.

#### 7.4. **Design and Layout**

- 7.4.1. While Monaghan County Council has not yet prepared a Rural House Design Guide, Section 15.4 of the Development Plan sets out design guidance and policies for rural housing siting and design. I consider the design of the proposed development to be generally consistent with these principles and policies. The proposed house is a relatively simple, single storey dwelling which utilises vernacular detailing and materials and has restrained elevational treatments with a well-proportioned fenestration arrangement. The proposed house would sit well within the site and,

while elevated, would not be visible from the public road due to its single storey height and location over the brow of the drumlin, on its northerly slope. It would also benefit from the screening effect of existing boundary vegetation.

- 7.4.2. I do not consider the appeal site and surrounding area to be particularly sensitive from a landscape and visual perspective and I note that there are no protected scenic viewpoints, scenic routes or protected structures in the immediate vicinity of the appeal site. I therefore consider the design and layout of the proposed development to be acceptable.

## 7.5. Residential Amenity

- 7.5.1. Having regard to the nature and design of the proposed development, the characteristics of the appeal site and the separation distances with adjacent properties, I do not consider that the proposed development will result in a negative impact on residential amenity.

## 7.6. Wastewater Treatment

- 7.6.1. A Site Characterisation Report was submitted with the application. The report indicates that the soil in the area consists of gley and sandstone till. The area is designated as a 'Poor' (PI) aquifer and is of 'Low' vulnerability. The groundwater protection response is 'R1', "acceptable subject to normal good practice".
- 7.6.2. The trial hole encountered topsoil with silt/clay to a depth of 0.4m, with a uniform silt/clay subsoil to the bottom of the trial hole at a depth of 2.2m. No rock was encountered and the water table was encountered at a stated depth of 1.9m, although I note that depth of water ingress was 0.3m. With regard to percolation characteristics, T tests were carried out but no P test was undertaken. A T value of 42.36 minutes/25mm was recorded. I note that these test results meet the requirements of the EPA's Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses in circumstances where a secondary treatment system with a polishing filter is proposed. On foot of the test results, the report proposes a mechanical aeration system with a grass covered soil polishing filter, although I note that the drawings and statutory notices refer to a 'filter unit and percolation area'.

- 7.6.3. No photographs of the trial hole and T tests were included with the copy of the Site Characterisation Report provided to the Board by the Planning Authority, and neither were any drawings or details of the polishing filter. I note, however, that the same Site Characterisation Report was submitted in respect of the previous withdrawn application on the appeal site (Reg. Ref. 16/358), and that report included photographs of the tests and details of the polishing filter.
- 7.6.4. With regard to water supply, I note that the probable direction of groundwater flow is indicated as being in a northerly direction, away from the existing houses. The applicant is proposing to bore a well, although the position of the proposed well is not indicated on the submitted drawings. Given the presence of the proposed percolation area, and the existing agricultural buildings to the north, including silage storage, I recommend that if the Board is minded to grant permission, that a condition be included requiring full details of the wastewater treatment system and well to be submitted to the Planning Authority for agreement. This will also address the discrepancy between the description of the proposed wastewater treatment system in the report and the statutory notices and drawings.
- 7.6.5. In conclusion, on the basis of the information submitted by the applicant as part of the Site Characterisation Report, I am satisfied that the appeal site is suitable for the installation of a mechanical aeration system with polishing filter.

## **7.7. Appropriate Assessment**

- 7.7.1. The only Natura 2000 sites within 15km of the appeal site are the Kilroosky Lough Cluster SAC (Site Code 001786), which is located c. 11.9km to the west and the Slieve Beagh SPA (Site Code 004167), which is located c. 11.2km to the north west.
- 7.7.2. Having regard to the nature and scale of the proposed development, the characteristics of the appeal site and the separation distance from any European sites, I consider it 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 sites and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

## 8.0 Recommendation

- 8.1. I recommend that planning permission should be refused for the reason set out below.

## 9.0 Reasons and Considerations

1. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on the R189 regional road at a point where an adequate stopping sight distance cannot be achieved in a south westerly direction as required by Section 15.23.4 of the Monaghan County Development Plan 2013-2019.

---

Niall Haverty  
Planning Inspector

21<sup>st</sup> February 2018