



An
Bord
Pleanála

Inspector's Report ABP-301030-18

Development	Change of use of two-storey outbuilding to two dwellings, change of use of single-storey outbuilding to one dwelling, construction of one detached dwelling, modifications to gable wall of existing house, and new entrance
Location	Kilmoney House, Carrigaline, County Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	17/5439
Applicant(s)	Vincent Murphy
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Vincent Murphy
Observer(s)	None
Date of Site Inspection	20 th June, 2018
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. Kilmoney House is a protected structure and the dwelling and associated outbuildings are located south-west of the town of Carrigaline in County Cork. The site is located on the east side of Regional Road No. R611, a heavily trafficked road linking the N28 to Kinsale via Carrigaline. It lies a short distance south of the road's junction with the residential estate 'Woodgrove' which is located on the west side of the road. The site has an established narrow entrance onto the road. There is a footpath along the opposite side of the regional road and a footpath runs along the same side of the road as the site southwards from the town direction to the junction to the north of the site but not as far as the site. The site's roadside boundary comprises mature hedgerow.

2.0 Proposed Development

- 2.1. The proposed development would comprise the change of use of existing outbuildings to provide three dwellings, the construction of a detached two-storey dwelling, modifications to the gable wall of an existing dwelling and provision of a new entrance and driveway.
- 2.2. Details submitted with the application included letters of consent from the landowner and adjoining landowner, and a photographic survey and method statement for development works.

3.0 Planning Authority Decision

3.1. Decision

On 29th January, 2018, Cork County Council decided to grant permission for the development subject to 31 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the site's planning history, development plan provisions, and reports received. Further information, in accordance with the requirements set out in other internal reports, was recommended together with further details on landscaping

The Senior Executive Planner concurred with the Planner's recommendation.

3.2.2. Other Technical Reports

The Public Lighting Engineer had no objection to the proposal subject to conditions.

The Estate's Engineer noted the development would access a busy and relatively fast section of Regional Road R611. Infrastructural development requirements to be met were scheduled, with a request for further information on a number of provisions recommended.

The Area Engineer requested further information on internal access arrangements and surface water provisions.

The Conservation Officer noted the development relates to a building that is a protected structure and had no objection in principle to the proposal. The proposal for a new, fourth dwelling was considered excessive. It was recommended that clarification be sought, including the omission of the new detached house and further details on the existing structures, the method statement, material specifications, utilities, landscaping, etc.

3.3. Prescribed Bodies

Irish Water had no objection to the proposal.

3.4. A request for further information was sought by the planning authority on 1st August, 2017 and a response to this request was received on 22nd December, 2107.

3.5 Following the receipt of this response, the reports to the planning authority were as follows:

- The Public Lighting Engineer had no objection n subject to conditions.
- The Area Engineer had no objection subject to conditions.
- The Conservation Officer had no objection subject to conditions.
- The Planner had no objection subject to conditions.

- The Senior Executive Planner had no objection subject to conditions.

4.0 Planning History

The site's recent planning history includes:

P.A. Ref. 10/5729

Permission was refused by the planning authority for change of use of an outbuilding to 2 houses, alterations to a disused cottage, the construction of 3 houses, the restoration of a house, and provision of a new site entrance.

5.0 Policy Context

5.1. Ballincollig Carrigaline Municipal District Local Area Plan

Zoning

The site is zoned 'Existing Built-up Area'.

Architectural Heritage

Kilmoney House is on the County's Record of Protected Structures.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal relate to the attachment of Conditions Nos. 24 and 25 with the decision of the planning authority. The grounds of the appeal may be synthesised as follows:

Condition 25

- The sight distance afforded by the new entrance will be much greater than that currently provided by the existing entrance.
- Whilst acknowledging the benefit of the safety measures required by the two conditions, the fees associated with their installation are prohibitive (estimated at €15,000 minimum).

- The applicant would be willing to make a 50% financial contribution towards the implementation of these measures, provided the Council would then take in charge the maintenance of both the Anti-Skid surfacing and the speed warning sign.
- Condition 25 does not stipulate the extent of the anti-skid surfacing, the location of the speed sign and who is responsible for their maintenance.

Condition 24

- The cost associated with the construction of the footpath is prohibitive (estimated at €10,000 minimum).
- The applicant would be willing to make a 50% financial contribution towards the construction of the footpath.
- Condition 24 does not stipulate who is responsible for the maintenance of the footpath.

7.0 **Assessment**

- 7.1. I am satisfied, having examined the details of the application and having visited the site, that the determination of the application by the Board, as if it had been made to it in the first instance, would not be warranted. Accordingly, I consider that it is appropriate to use the provisions of section 139 of the Local Government (Planning and Development) Act, 2000, as amended, and to consider the issues arising out of the disputed conditions only.
- 7.2. Condition 24 attached with the planning authority's decision requires the developer to provide a footpath for the full length of the site and to continue this footpath to join the existing footpath to the north of the site. Condition 25 requires the developer to provide anti-skid surfacing on both approaches to the site entrance and a speed warning sign on the approach from the south. The reasons for these conditions are in the interest of road safety.
- 7.3. The site of the proposed development fronts onto an existing heavily trafficked regional road at a point where the alignment of the road is particularly poor, as indicated by the continuous white centre line at this location. The road infrastructure is limited, with no public footpath along the site's frontage and high roadside

hedgerow adjoining the carriageway edge at and adjoining the appeal site. The notable vertical and horizontal alignment of the road, the volume of traffic on this road, and the necessity to provide an alternative vehicular access over that which exists into the site at present, demand the provision of comprehensive safety measures to allow this development to proceed. The proposed development would result in a significant intensification of development on the site and it would bring with it a significant intensification of vehicular movement onto and off the R611 at this location.

- 7.4. I note that Conditions 24 and 25 of the planning authority's decision do not require financial contributions to be made to facilitate the provision of safety measures by the local authority but rather require the developer to provide the specified safety measures to the satisfaction of the planning authority. These are specific measures designed to facilitate the sustainable development of increased housing on this site and are clearly and distinctly associated with the proposed development. It is reasonable that the planning authority requires the safety measures to be undertaken by the developer as part of the proposed development and under local authority supervision. I see no requirement to vary these conditions that would alternatively require a financial contribution to be made in lieu of the developer undertaking these works which relate to the development proposed.
- 7.5. Once such works are completed to the satisfaction of the local authority it is assumed that, as these safety measures would be provided on the public road in the vicinity of the site, the Council would ultimately take in charge the maintenance of the anti-skid surfacing, the speed warning sign and the new section of footpath as part of the public road infrastructure.
- 7.5. Having regard to the above, I recommend that Conditions 24 and 25 of the planning authority's decision be retained.

8.0 Recommendation

I recommend the attachment of Condition Nos. 24 and 25 of the planning authority's decision in accordance with the following.

9.0 Decision

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to ATTACH condition numbers 24 and 25 and the reasons therefor.

10.0 Reasons and Considerations

Having regard to the nature and extent of the proposed development, which would result in a significant intensification of vehicular traffic movements onto Regional Road No. R611, where road infrastructure is deficient and where upgrading is required, inclusive of road safety measures and an expansion of the footpath network as a direct result of the proposed development, it is considered that the conditions requiring the developer to undertake the specified measures should be included in this instance.

Kevin Moore
Senior Planning Inspector

28th June 2018