



An
Bord
Pleanála

Inspector's Report ABP-303342-19

Development	Construction of house and associated site works
Location	Cahermone, Midleton, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	186615
Applicant(s)	Tom O'Donoghue
Type of Application	Outline Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Tom O'Donoghue
Observer(s)	None
Date of Site Inspection	16 th April 2019
Inspector	Mary Crowley

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1.0 Site Location and Description

1.1. The appeal site with a stated area of 0.3348 ha is located circa half way down a narrow cul de sac which is accessed off the N25 circa 1km on the eastern side of Midleton. This cul de sac serves approx. 15 other “one off” houses, agricultural lands and a farm yard. Sight lines are restricted at the junction with the N25. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the appeal file. These serve to describe the site and location in further detail.

2.0 Proposed Development

2.1. This is an application for outline permission for the construction of a single dwelling, the works will include the provision of a new entrance road / driveway and the creation of a new vehicular entrance on to the adjoining public road. The development will include the installation of a new septic tank and associated percolation area, along with all the necessary site works. The application was accompanied by a Site Characterisation Form.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Cork County Council refused permission for the following reason:

The location of an additional residential dwelling on this cul de sac would increase traffic on to the junction with the N25. The required sight distance triangle as required by NRA TD 41-42/09 (DN-DEO-03043) is not available at the junction with the N25. The addition of extra traffic onto this junction would further interfere with the free flow of traffic on the N25, increase traffic hazard and impede the safety of road users.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- **Case Planner** – The Planner had regard to the report of the National Roads Design Office and recommended that permission be refused as additional traffic onto the junction would further interfere with the free flow of traffic on the N25 and impede the safety of road users. The notification of decision to refuse permission issued by Cork County Council reflects this recommendation

3.2.2. Other Technical Reports

- **National Roads Design Office (NRDO)** – The required sight distance triangle as required by NRA TD 41-42/09 (DN-GEO-03043) is not available at the junction with the N25. The applicant has measured the 3 metres back from the yellow line. The 3 metres is measured from the verge edge of the hard shoulder. Preferably, there should be sight distance from 15 metres back along the side road. Recommended that planning permission be refused.
- **Area Engineer** – No stated objection. Recommended conditions are set out in the report. It is noted that there is no reference to the junction with the N25 in the assessment section of the report or in the recommended conditions.

3.3. Prescribed Bodies

- 3.3.1. There are no reports from any prescribed bodies recorded on the appeal file.

3.4. Third Party Observations

- 3.4.1. There are not third party observations recorded on the planning file.

4.0 Planning History

- 4.1. There is no planning history provided with the appeal file. The following planning history is set out in the Case Planners report:

- **Reg Ref 04/5873** – Planning permission was refused for a dwelling house and garage for three reasons; (1) site located within the Metropolitan Cork Greenbelt; (2) ribbon development and (3) traffic hazard. The Case Planner notes that due to the change of zoning of the site from Greenbelt to existing

built up area within the settlement of Midleton, Reasons No 1 and No 2 are no longer relevant.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. The operative plan for the area is the **Cork County Development Plan 2014 - 2020** and the **East Cork Municipal District Local Area Plan 2017**. The site is located within the designated development boundary of Midleton. The site is partly zoned “*existing built up area*” fronting onto the road and “*industry*” to the rear. According to the Case Planners report the site was previously zoned as greenbelt.

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within any designated Natura 2000 site and is removed from any designated site. The relevant European sites that are closest to the appeal site are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058).

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The first party appeal has been prepared and submitted by EMC Consulting on behalf of the applicant and may be summarised as follows:
- The basis for the refusal is noted together with the internal report of the National Roads Design Office (NRDO) and NRA Circular (08/2009).
 - It is noted that the Area Engineer stated there was “no objections to the proposed dwelling house”. The assessment does not have issues with the entrance to the site onto the adjoining public road.
 - Attention is drawn to previous applications relating to the subject site (04/5872 and 00/4890) that whilst they were refused, inter alia, for increased traffic movement on to the N25; the Area Engineers reports did not have such issues.

- Reference is made to Reg Ref 05/5813 where permission was granted for a dwelling house on a site that is also located on the same local road. A further development was granted permission in January 2004 for a dwelling serviced by the same road (Reg Ref 03/4916 refers).
- The junction with the N25 is an established junction that has operated safely for in excess of 50 years.
- It is acknowledged that the application does raise issues in relation to traffic safety; however it is considered that in reality the junction in question, owing to the road lines does operate in a safe manner. This coupled with the precedent of the 2006 and 2004 grant of permission and the minimal volume of traffic that one extra dwelling will contribute is the based for this appeal.

6.2. **Planning Authority Response**

6.2.1. There is no responses from Cork County Council recorded on the appeal file.

6.3. **Observations**

6.3.1. There are no observations recorded on the appeal file.

6.4. **Further Responses**

6.4.1. There are no further responses recorded on the appeal file.

7.0 **Assessment**

7.1. I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Traffic Safety
- Other Issues

8.0 Principle

- 8.1. The site is located on lands zoned “*existing built up area*” and “*MD-O-05 Industry*” within the settlement boundary of Midleton. The Cork County Development Plan states that areas of existing development are simply shown as “existing built up area” and include all lands within a development boundary which do not have a specific zoning objective attached. Such lands include a mix of land uses which may have existing buildings in place, brownfield lands and undeveloped greenfield lands. A little under half of the site to the rear is zoned “MD-O-05 Industry” where industrial development is expected and where there is a *need to provide a buffer to protect the amenity of the adjacent houses to the east*, along the existing cul de sac.
- 8.2. Given the location of the site adjoining the demarcated eastern settlement boundary for Midleton, at the end of a row of houses (as opposed to an infill site) and where almost half the site is zoned for industry it is not immediately obvious as to why a large portion of this greenfield site was zoned “existing built up area” in the first instance. Such a conflict of zoning would not appear, in my view to support the development of a one off house; particularly one that is not adequately serviced in terms of municipal sewerage disposal and where the installation of a new septic tank and associated percolation area is required.
- 8.3. Overall I am not satisfied that the principle of a dwelling house served by a septic tank and associated percolation area is acceptable at this location at this time. Further clarity in terms of the zoning objectives for the site and proposals to connect to the public sewerage system may be beneficial in this instance. As the substantive issue in this case is traffic safety I do not consider it necessary to refuse permission based on zoning and lack of infrastructure in the first instance.

9.0 Traffic Safety

- 9.1. The pertinent issue in this case is traffic safety and more specifically the junction of the existing cul de sac with the N25. As the site is located on a cul de sac which is accessed via the N25 (National Road) particular consideration must be given to the impact of the proposed development on traffic safety and the impact of the proposed scheme on the safety and capacity of the N25.

- 9.2. Cork County Council refused permission due to safety concerns in relation to traffic converging on to the N25. It was considered that the site distances were insufficient at the junction. This decision was based on the report from the National Road Design Office that quoted NRA Circular (08/2009).
- 9.3. The N25 runs through the south of Midleton and while a portion of the town lies to the south of the road, it functions as a by-pass. The cul de sac junction with the N25 is an established junction. However it is an extremely poor quality junction given its intersection with the N25 and continued growth in background traffic levels since the current N25 road was constructed. As observed on day of site inspection ingress and egress from this junction is extremely difficult given the restricted sight lines available coupled with the speed and volume of traffic on the N25. Any intensification of use at this junction cannot be supported irrespective of scale or use without significant and substantial junction improvements. The addition of extra traffic onto this junction would further interfere with the free flow of traffic on the N25, increase traffic hazard and impede the safety of road users. Refusal is recommended.

10.0 Other Issues

- 10.1. **Appropriate Assessment** - Having regard to the nature and scale of the proposed development comprising a single dwelling house and associated works to include a septic tank and associated percolation area and its distance 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.
- 10.2. **EIA Screening** – Having regard to the nature and scale of the proposed development comprising a single dwelling house and associated works to include a septic tank and associated percolation area there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.
- 10.3. **Development Contributions** – Cork County Council has adopted a Development Contribution scheme under Section 48 of the Planning and Development Act 2000

(as amended) and is in place since 23rd February 2004. The proposed development does not fall under the “reduced contributions” listed in the scheme. Therefore a Section 48 Development Contribution is applicable in this case.

11.0 Recommendation

11.1. It is recommended that permission be refused for the reasons and considerations set out below.

12.0 Reasons and Considerations

- 1) The established cul de sac junction with the N25 is an extremely poor quality junction given the restricted sight lines available, coupled with the speed and volume of traffic on the N25. The location of an additional residential dwelling on this cul de sac would increase traffic on to the junction with the N25. It is considered that the proposed development, would endanger public safety by reason of traffic hazard and the additional and conflicting traffic movements generated by the development would interfere with the safety and free flow of traffic on the public road.

Mary Crowley,
Senior Planning Inspector,
10th May 2019