



An  
Bord  
Pleanála

## Inspector's Report ABP-303368-18

---

<b>Development</b>	Construction of a dwelling house, entrance and associated site works.
<b>Location</b>	Bailick Avenue, Midelton, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	18/6085
<b>Applicant(s)</b>	Sharon Parkinson
<b>Type of Application</b>	Outline permission
<b>Planning Authority Decision</b>	Grant, subject to 6 conditions
<b>Type of Appeal</b>	Third Party -v- Decision
<b>Appellant(s)</b>	Transport Infrastructure Ireland
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	22 <sup>nd</sup> February 2019
<b>Inspector</b>	Hugh D. Morrison

# Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	4
3.1. Decision .....	4
3.2. Planning Authority Reports .....	4
4.0 Planning History.....	4
5.0 Policy and Context.....	5
5.1. Development Plan.....	5
5.2. Natural Heritage Designations .....	5
5.3. EIA Screening .....	5
6.0 The Appeal .....	5
6.1. Grounds of Appeal .....	5
6.2. Applicant Response .....	6
6.3. Planning Authority Response .....	6
6.4. Observations.....	7
6.5. Further Responses.....	7
7.0 Assessment.....	7
8.0 Recommendation.....	9
9.0 Reasons and Considerations.....	10

## 1.0 Site Location and Description

- 1.1. The site is located in Midelton, 0.7 km to the south of the Main Street in the town centre. This site lies to the south of the roundabout, which forms the junction between the N25 (east/west national primary route) and the R629 (north/south regional route). It is accessed off the end of a single lane cul-de-sac, known as Ballick Avenue, which runs alongside the N25 to the west of the said roundabout. This cul-de-sac is accessed off a local road, known as Ballick Road, which runs on a north/south axis within the town and close to the Ballynacorra River.
- 1.2. The southern side of Ballick Avenue is composed of detached dwelling houses, to the south of which lie suburban housing estates. To the east of the site lies a detached dwelling house, which is accessed off St. Mary's Road, the R629. To the south of this dwelling house is a Circle K service station.
- 1.3. The site itself presently forms the eastern and northernmost portions of the curtilage to a detached two-storey dwelling house, wherein the applicant's parents reside. This site is level and of irregular shape. It extends over an area of 0.168 hectares and it is presently laid out as a landscaped garden. The northernmost portion encompasses the entrance to the existing residential property from the end of the cul-de-sac and the northern portion of an on-site turning circle. The external boundaries of the site to the north, east, and south are denoted by means of conifers, hedging, and walling.

## 2.0 Proposed Development

- 2.1. The applicant seeks outline planning permission for a proposal to site a new dwelling house in the southern portion of the site, which runs between the detached garage that serves her parents' existing dwelling house to the west and the curtilage of the separate detached dwelling house to the east, which is accessed off St. Mary's Road. This dwelling house is envisaged as being single storey with a floorspace of 132 sqm. It would be accessed off the end of an extension to the cul-de-sac, which would be constructed over the northern portion of the above cited turning circle. Consequently, the access arrangements to the existing dwelling house would be rearranged with a new entrance being formed to serve this dwelling house from the southern side of the extended cul-de-sac.

## 3.0 Planning Authority Decision

### 3.1. Decision

Outline permission granted subject to 6 conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

See decision.

#### 3.2.2. Other Technical Reports

- Area Engineer: No objection, subject to conditions. Attention is drawn to the re-siting of the proposed dwelling house in a recessed position on the site. This is viewed as a significant improvement upon the previous application. Recommendation: That the TII be requested to review its objection.
- TII: Objects: "The site of the proposed development is located within an area considered for a future national road scheme. The proposed development could prejudice plans for the design of this scheme and hence the application is premature pending the determination of this route. A grant of permission, in this instance, is considered to be at variance with the provisions of the Spatial Planning and National Roads Guidelines, Section 2.9 refers. The site is within the constraints study area for N25 Carrigtwohill to Midelton to Youghal."
- IW: No objection: Standard and site-specific observations made.

## 4.0 Planning History

### Site

- 18/4411: The construction of a dwelling house: Withdrawn.
- An application for a Part V Exemption Certificate to shadow the current proposal has been made.

Adjoining site

- 04/1968: Extension and alterations to dwelling house and retention of garage: Permitted.

## 5.0 Policy and Context

### 5.1. Development Plan

Under the East Cork Municipal District Local Area Plan 2017, the site is shown as lying within the development boundary around the environs of Midelton and in an existing built up area.

### 5.2. Natural Heritage Designations

- Great Island Channel SAC (site code 1058)
- Cork Harbour SPA (site code 4030)

### 5.3. EIA Screening

Under Items 10(b)(i) & (iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2018, where more than 500 dwelling units would be constructed and where 10 hectare-urban sites would be developed, the need for a mandatory EIA arises. The proposal is for the development of a 0.168-hectare urban site to provide a single dwelling house. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall so far below the relevant thresholds, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The applicant draws attention to Objective TM 3-1 of the CDP, which identifies the N25 (Carrigtwohill – Midelton – Youghal) as a Key NSS Project and to its inclusion

under Page 41 of the National Development Plan as a scheme to give effect to the National Strategic Outcome No. 2 (Enhanced Regional Accessibility) of the National Planning Framework.

The applicant also draws attention to the N25's status as part of the EU TEN-T Comprehensive Network and it expresses the view that the proposal would be premature in advance of the finalisation of the route selection for the N25 Carrigtwohill – Midelton – Youghal scheme. Consequently, it would be “extremely likely to hinder development of this nationally important scheme.”

The following grounds of appeal are cited:

- In the light of the above cited policy imperatives, Cork National Roads Office (NRO) is currently engaged in a route selection exercise, in advance of the finalisation of which the current proposal would be premature. To accede to the same now would risk compromising the design, planning, and delivery of the necessary upgrade to the adjacent junction.
- The proposal would contravene the above cited Objective TM 3-1, which undertakes to support Key NSS Projects and to reserve corridors for the same. The draft Regional Spatial and Economic Strategy for the Southern Region also supports this project.
- Concern is expressed that to permit the current proposal would establish an adverse precedent with implications for the planning and design of future national road schemes.

## 6.2. Applicant Response

None

## 6.3. Planning Authority Response

Attention is drawn to the plan submitted by the TII, which shows the proposed grade separated junction adjacent to the site. The siting of the proposed dwelling house would not overlap with this junction and so objection to the proposal has not been justified by means of this plan.

#### 6.4. **Observations**

None

#### 6.5. **Further Responses**

None

### 7.0 **Assessment**

7.1. I have reviewed the proposal in the light of the Spatial Planning and National Roads Guidelines, the CDP and the LAP, relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use and transportation,
- (ii) Services, and
- (iii) Appropriate Assessment.

#### **(i) Land use and transportation**

7.2. Under the LAP, the site lies within the development boundary around the environs of Midelton and in an existing built up area. This site forms part of the existing curtilage of a dwelling house and it lies within an area that is predominantly in residential use. A previous application for a single dwelling house on this site was withdrawn. A comparison of this application with the current one indicates that the envisaged siting of the new dwelling house was further forward on the site, whereas it would now be recessed within the southern portion of the site.

7.3. The appellant draws attention to the importance of the N25 under European, National, Regional, and County transportation policies and objectives. It also draws attention to proposals for the upgrade of the adjacent roundabout to a grade separated junction. These proposals would form part of a wider scheme for the Carrigtwohill – Midelton – Youghal stretch of the N25, which is identified as a Key National Spatial Strategy Project under Objective TM 3-1 of the CDP. (The National Development Plan 2018 – 2027 also cites this scheme as one for early progression). Item (b) of this Objective state the following:

*Support and provide for improvements to the national road network, including reserving corridors for proposed routes, free of inappropriate development, so as not to compromise future road schemes.*

- 7.4. The Cork National Roads Office is currently involved in a route selection exercise for this upgrade. Thus, its finalisation remains outstanding and so, in these circumstances, lands that could be needed for the upgrade should not be the subject of development.
- 7.5. The appellant has submitted a plan of one of the possible routes entailed in the aforementioned exercise (drawing no. MIB-HAP-100). This plan is entitled Option 3 and it shows a south western slip road to the proposed grade separated junction encroaching onto the northern portion of the site. A comparison of it with the submitted proposed site layout plan indicates that the siting of the proposed dwelling house would be unaffected, but the proposed roadway, i.e. the extension to the end of the existing cul-de-sac, would be.
- 7.6. The applicant seeks outline planning permission for the proposal and so the principle of constructing a new dwelling house on the site is the question posed by this application. As noted above, the siting of the proposed dwelling house would be unaffected by the south western slip road shown under Option 3. However, the proposed roadway would be. I further note that this roadway and the adjoining existing cul-de-sac provide the only available means of access to the site and that there does not appear to be any prospect of gaining access by any other means, i.e. clearly the proposed grade separated junction would not be available in this respect and no other road frontage is available to the site. In these circumstances, I consider that the question of access forms part of any consideration of the principle of development of the site.
- 7.7. In the light of the foregoing, I anticipate that, if Option 3 were to be selected, then the existing access arrangements to the applicant's parents' dwelling house would need to be reorganised. What this would entail is as yet unclear and so it is too soon to say whether or not satisfactory access would be capable of being afforded to the dwelling house proposed for the current application site. In these circumstances, I concur with the appellant's view that the applicant's proposal is premature.



- 7.8. The applicant has submitted a letter dated 31<sup>st</sup> May 2018, which outlines personal circumstances that have provided the impetus for the current proposal. While I note these circumstances, I do not consider that they can serve to set aside the considerations set out above.
- 7.9. I conclude that in advance of the finalisation of the details of the proposed grade separated junction, which would replace the roundabout that is adjacent to the site, the current proposal is premature and so to accede to it now would be contrary to Objective TM-3(b) of the CDP.

### **(ii) Services**

- 7.10. The site forms part of the existing curtilage to a dwelling house that is served by the public water mains and sewerage system. The proposed dwelling house would be connected to these utilities. Surface water would be handled by means of an on-site soakway.
- 7.11. The proposal would be capable of being satisfactorily serviced.

### **(iii) Appropriate Assessment**

- 7.12. The site does not lie within or adjacent to a Natura 2000 site and it forms part of an existing serviced urban site. I am not aware of any source/pathway/receptor route between this site and nearest Natura 2000 sites, i.e. Great Island Channel SAC and Cork Harbour SPA. Accordingly, the proposal for a single dwelling house would not raise any Appropriate Assessment issues.
- 7.13. Having regard to the nature and scale of the proposal, the nature of the receiving environment, and the proximity of the nearest European sites, no Appropriate Assessment issues arise and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

- 8.1. That permission be refused.

## 9.0 Reasons and Considerations

Having regard to:

- (a) The proximity of the site to the N25 and the R629 roundabout and to the proposal to replace this roundabout with a grade separated junction as part of a wider scheme for the N25 between Carrigwohill and Midelton, which is identified under Objective TM-3 of the Cork County Development Plan 2014 – 2020 as a key national road project, and
- (b) The existence under Option 3 for the said grade separated junction of a south western slip road, which would encroach upon the site and, in particular, that portion of the site which is reserved for a proposed roadway that would provide the only available means of access to this site,

The Board considers that, contrary to Item (b) of Objective TM-3, the proposal would fail to reserve lands that may be needed for the grade separated junction and so to accede to it would potentially compromise lands needed for this junction.

Accordingly, this proposal would be premature and so it would be contrary to the proper planning and sustainable development of the area.

---

Hugh D. Morrison  
Planning Inspector

3<sup>rd</sup> April 2019