



An  
Bord  
Pleanála

## Inspector's Report ABP-303409-19

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<b>Development</b>	Erection of 1no. 2 storey dwelling
<b>Location</b>	Marine View, Barnahely, Ringaskiddy, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	186776
<b>Applicant(s)</b>	Stephen McSorley
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Stephen McSorley
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	16 <sup>th</sup> April 2019
<b>Inspector</b>	Mary Crowley

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## 1.0 Site Location and Description

1.1. The appeal site with a stated area of 0.0176ha is located within the village of Ringaskiddy, fronting onto the main road and directly across the road from the Port of Cork. The site adjoins a two storey end of terrace dwelling to the west and an entrance laneway serving 4 no dwellings located to the rear of the site. Site grounds levels are relatively flat and rise gradually up from the front towards the rear of the site. 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. On the 19<sup>th</sup> October 2018 planning permission was sought for the erection of a 2 storey dwelling (100.4sqm) and associated works. Unsolicited information was submitted on the 12<sup>th</sup> November 2018 comprising a Part V Exemption Certificate.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Cork County Council issued a notification of decision to refuse permission for the following 3 no reasons:

- 1) *The proposed development would endanger public safety by reason of traffic hazard as the site is too restricted in size to provide adequate onsite parking and turning space to serve the development. Furthermore the positioning of the proposed vehicular entrance would give rise to pedestrian and vehicular traffic conflict, would increase the incidence of roadside parking in the general area and would tend to create serious traffic congestion and endanger public safety by reason of obstruction of road users. The proposed development would accordingly, be contrary to the proper planning and sustainable development of the area.*
- 2) *It is considered that by reason, the extensive site coverage of the proposed dwelling would represent overdevelopment of a small, restricted site, which*

*would be out of character with the surrounding development and would set a most desirable precedent for similar development proposals in the area. The proposed development would, therefore, be contrary to the proposed planning and sustainable development of the area.*

- 3) *Having regard to the details submitted with the application documentation, it has not been demonstrated that a suitable foul sewer connection and by extension a satisfactory means of foul effluent disposal can be achieved. Therefore it is considered that the proposed development would be prejudicial to public health and be contrary to the proposed planning and sustainable development of the area.*

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

- **Executive Planner** – The Area Planner, while noting no objection to the principle of a residential development at this location was concerned with the scale of the site and that an additional residential unit could be accepted on the site without a knock on impact on traffic. It was recommended that permission be refused for four reasons.
- **Senior Executive Planner** – Noted the report of the Area Planner and Area Engineer. Recommended refusal for three reasons. The notification of decision issued by Cork County Council reflects this recommendation.

### 3.2.2. Other Technical Reports

- **National Roads Design Office (NRDO)** – Advises referral to the Area Engineer for checking of local site lines at the adjacent junction. Recommends a grant of permission.
- **Area Engineer**
  - 1) Inadequate parking has been provided for two vehicles which will lead to parking on the public roadway. This is not desirable.
  - 2) The provision of a 1.5m boundary wall will lead to hazardous movements as there are inadequate sight distance in the sight distance

triangle with proposed entrance being just south of the existing public roadway.

- 3) Applicant has not submitted any details in relation to storm water. Concern due to the nature of the sloping site water would not be contained within the site.
- 4) Stated that the site is not suitable for development. Recommended that permission be refused for the following reason:

*The proposed development would endanger public safety by reason of traffic hazard as the site is too restricted in size to provide adequate onsite parking and turning space to serve the development. Furthermore the positioning of the proposed vehicular entrance would give rise to pedestrian and vehicular traffic conflict, would increase the incidence of roadside parking in the general area and would tend to create serious traffic congestion and endanger public safety by reason of obstruction of road users. The proposed development would accordingly, be contrary to the proper planning and sustainable development of the area.*

- **Liaison Officer** – No comment

### 3.3. Prescribed Bodies

- **Transport Infrastructure Ireland** – TII considers that the scheme is at variance with official policy in relation to control of development on / affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), as the proposed development by itself, or by the precedent which a grant of permission for it would set, would adversely affect the operation and safety of the national road network.
- **Irish Water (x2)** – Requested confirmation of adequacy to take additional connection and permission from owner of private common drain to connect. Applicant to liaise with IW through the submission of a pre-connection enquiry in order to determine the feasibility of connection to the IW network.

### 3.4. **Third Party Observations**

3.4.1. There are no third party observations recorded on the planning file.

## 4.0 **Planning History**

4.1. There is no evidence of any previous appeal on this site. As requested by the Board the following planning history has been made available with the appeal file.

- **Reg Ref 05/6336** – Cork County Council refused permission for a bungalow, entrance and a small proprietary waste water treatment system at Rooves More, Coachford, Co. Cork as the site is located within a Rural Housing Control Zone.

4.2. Reference is made to this case in the Case Planners report. The connection between this history file and the appeal now before the Board is unclear. It would appear that this has may been misquoted and should have read Reg Ref 05/6366. The planning history extract map within the Case Planners report refers. The Case Planners report states that *permission has previously been granted on the site under Reg Ref 05/6336 for the demolition of derelict dwelling and ruined outbuilding (on the subject site) and construction of 5 no dwelling houses i.e. including a new dwelling to the side of the site subject site.*

## 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 **Ballincollig Carrigaline Municipal District Local Area Plan (2017)**.

### 5.2. **Cork County Development Plan 2014 - 2020**

#### 5.2.1. **TM 3-3: Road Safety and Traffic Management**

d) *Ensure that all new vehicular accesses are designed to appropriate standards of visibility to ensure the safety of other road users.*

5.2.2. Table 1a Car Parking Requirements for New Development (appendix D) requires the provision of 2 spaces per dwelling. Table 1b Dimensions of Parking Bays requires a parking bay to measure 4.9m by 2.4m.

### 5.3. **Ballincollig Carrigaline Municipal District Local Area Plan (2017)**

5.3.1. The appeal site is located within the development boundaries for Ringaskiddy and forms part of a larger Town Centre Zoning Block (RY-T-02).

- **RY-T-02** – *This area denotes the existing built footprint of Ringaskiddy and any proposals for development within this core area should comply with the overall uses acceptable in town centre areas. Any future development should reflect the scale and character of the surrounding existing built up residential area.*

### 5.4. **Natural Heritage Designations**

5.4.1. 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).

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

6.1.1. The first party appeal has been prepared and submitted by the applicant Stephen McSorley and may be summarised as follows:

- **Reason No 1** – This reason is unreasonable as the proposed entrance is off a site roadway which serves only 4 no existing dwellings with very low traffic. Further there is generous roadside parking in the main road to the north.
- **Reason No 2** – The proposed development is in line with existing development by way of site coverage and complies with all recommendations of planning policy with regard to open space.
- **Reason No 3** – It is proposed to connect to the foul sewer to an existing foul sewer on the road to the east or alternatively a foul connection could be made to the existing foul sewer on the public sewer in roadway to the north of

the site. Given that there are two foul sewers available to connect Reason No 3 is completely without foundation.

- The proposed development will provide much needed housing to serve community needs particularly in an area where huge tracts of lands have been zoned for industrial use.

## 6.2. **Planning Authority Response**

6.2.1. There is no response 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
- Character
- Waste Water
- Other Issues

## 8.0 **Principle**

8.1. The operational plan for the area is the Ballincollig Carrigaline Municipal District Local Area Plan (2017). The appeal site is located within the development boundaries of Ringaskiddy and forms part of a larger Town Centre Zoning Block (RY-T-02). This area denotes the existing built footprint of Ringaskiddy. It is stated that any proposals for development within this core area should comply with the



overall uses acceptable in town centre areas and that any future development should reflect the scale and character of the surrounding existing built up residential area.

- 8.2. Having regard to the location of the proposed development at the end of a terrace of houses I consider that the principle of residential development is acceptable provided subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance.

## 9.0 Traffic Safety

- 9.1. Cork county Council in their first reason for refusal states that proposed development would endanger public safety by reason of traffic hazard as the site is too restricted in size to provide adequate onsite parking and turning space to serve the development; the proposed vehicular entrance would give rise to pedestrian and vehicular traffic conflict, there would be an increase in the incidence of roadside parking in the general area that would tend to create serious traffic congestion and endanger public safety. This reason for refusal was based on the recommendation of the Area Engineer.
- 9.2. It is also noted that Transport Infrastructure Ireland considered that the scheme was at variance with official policy in relation to control of development on / affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), as the proposed development by itself, or by the precedent which a grant of permission for it would set, would adversely affect the operation and safety of the national road network.
- 9.3. The proposed entrance is located off the access road running along the eastern boundary of the site that serves a small housing scheme of 4 no houses to the rear of the appeal site. This proposed entrance is proximate to the junction with the public road. As stated this is an application for an infill residential development within the designated development boundaries of Ringaskiddy. The scheme does not comprise a new entrance onto the public road. Rather it is following good practise and accessing onto an established cul de sac. I am satisfied given the location of the appeal site together with the layout of the proposed scheme that the vehicular movements generated by the scheme would not have a significant material impact on the current capacity of the road network in the vicinity of the site or conflict

with traffic or pedestrian movements in the immediate area subject to a condition requiring that the proposed 1.5m front boundary wall is reduced with the details to be agreed with the Planning Authority.

- 9.4. The scheme provides off street parking for one space only and no turning space within the site. As set out in the County Development Plan, Table 1a Car Parking Requirements for New Development (appendix D) requires the provision of 2 spaces per dwelling. However I agree with the applicant that there is generous roadside parking in the main road to the north. As observed on day of site inspection there is a substantial area of hard surfacing between the edge of the main road and kerb to the front of the site and extending west that is used for car parking. I do not consider it reasonable to refuse permission in this particular case for the provision of inadequate car parking within the site where there is adequate road side car parking available. Again I refer back to the location of the site within the development boundary of Ringaskiddy where a reasonable approach to facilitating development must be employed.
- 9.5. It is recommended that the first reason for refusal is set aside.

## 10.0 Character

- 10.1. Cork County Council in their second reason for refusal state that the extensive site coverage of the proposed dwelling would represent overdevelopment of a small, restricted site, which would be out of character with the surrounding development and would set a most desirable precedent for similar development proposals in the area.
- 10.2. It is the Councils stated intention to develop Ringaskiddy as a Strategic Employment area within Metropolitan Cork. It is further stated that there is potential for limited residential development within the town centres area of Ringaskiddy and that the scale and form of development will very much depend on retaining the character of the village.
- 10.3. In my view this site provides a suitable opportunity for a residential infill development within the designated development boundary of Ringaskiddy; at a location where such development is encouraged to focus and that is more sustainable than continually encouraging growth to concentrate only towards undeveloped unserved

areas. Further I consider the elevational treatment of this compact two storey two bedroom dwelling to be a suitable design response for this site and that it will not detract from the existing streetscape.

10.4. It is recommended that the second reason for refusal is set aside.

## 11.0 Waste Water

11.1. Cork County Council in their third reason for refusal state that it has not been demonstrated that a suitable foul sewer connection and by extension a satisfactory means of foul effluent disposal can be achieved.

11.2. It was proposed to connect to the foul sewer in the internal road to the east of the site. Irish Water in their submission to Cork County Council note that the applicant appears to propose foul sewer connection to private common drain serving Marine View and requested that confirmation be provided of adequacy of drain to take additional connection and permission from owners of private common drain to connect. The Case Planner in their assessment stated also that it has not been demonstrated that a suitable foul sewer connection and by extension satisfactory means of foul effluent disposal can be provided to serve the proposed development and recommended refusal.

11.3. The applicant in their appeal state that it is proposed to connect to the foul sewer on the road to the east of the site or alternatively a foul connection could be made to the existing foul sewer on the public sewer in roadway to the north of the site. No further detail in this regard are provided and no details of any pre-connection enquiry to determine the feasibility of this alternative proposal in the public road has been submitted.

11.4. Having regard to the information available I cannot be satisfied on the basis of submissions on file that the applicant can access a public sewer with capacity. Refusal is recommended.

## 12.0 Other Issues

12.1. **Appropriate Assessment** - Having regard to the nature and scale of the proposed development comprising a single dwelling house and associated works within an

urban 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.

12.2. **EIA Screening** – Having regard to the nature and scale of the proposed development comprising a single dwelling house and associated within an urban 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.

12.3. **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 23<sup>rd</sup> 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.

## 13.0 Recommendation

13.1. I recommend that permission be **REFUSED** for the reasons and considerations as set out below.

## 14.0 Reasons and Considerations

1. Having regard to the details submitted with the application documentation and the appeal, it has not been demonstrated that a suitable foul sewer connection and by extension a satisfactory means of foul effluent disposal can be achieved. Therefore it is considered that the proposed development would be prejudicial to public health and be contrary to the proposed planning and sustainable development of the area.

**Mary Crowley**

**Senior Planning Inspector**

**15<sup>th</sup> May 2019**