



An
Bord
Pleanála

Inspector's Report PL88.249287

Development	7 no. residential serviced sites.
Location	Milleenoola, Bantry, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	17/00079
Applicant(s)	Tiernan O'Hanlon
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	1 st Party v. Grant
Appellant	Con McGrath
Observers	(1) Mary O'Leary & Others (2) Helena McGrath (3) Joe McGrath (4) Peter Sweetman & Associates
Date of Site Inspection	10/01/18
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

The site, which has a stated area of 1.95 hectares, is accessed from a local road c. 1.3km to the north-east of Bantry town centre within the 50kph speed limit. It is roughly rectangular in shape, with falls roughly from west to east with the field boundaries delineated by mature hedgerows. It is currently in agricultural use. There is an open drain inside the eastern section of the front boundary which then flows in a northerly direction, culverted under the road, before discharging to the Mealagh River c. 500 metres to the north.

The site is bounded by the Water Works to the west with one off dwellings to the east. There are further one off dwellings on the opposite side of the road. An in-depth housing scheme with approx. 30 dwelling units (constructed to date) is immediately to the north-west of the site on the opposite side of the road. A further housing scheme (Pairc na Carriage) with approx. 32 dwelling units is noted c.300 metres to the south-west. The road, whilst sufficient in width to accommodate unrestricted two way vehicular movements, does not have any central markings or footpaths. There is street lighting. The road was noted to be relatively well trafficked on day of inspection.

2.0 Proposed Development

The application was lodged with the planning authority on the 10/02/17.

The proposal is for the development of 7no. residential serviced sites. They are to be served by a 6 metre wide, 75 metres long access road. A 2 metre wide footpath and boundary wall is to be provided along the road frontage.

Unsolicited further information comprising of a sketch layout for the possible development of adjoining lands was submitted 13/07/17.

Following a further information (FI) request dated 03/04/17 details were submitted on the 01/08/17 addressing site drainage including proposed use of an underground attenuation system, details of the existing culvert, public lighting and boundary treatments. It also included a sketch layout delineating both possible vehicular and pedestrian access to adjoining lands and details of ownership of adjoining lands. It notes that the developer of adjoining lands is preparing a masterplan. It is

considered that there is adequate amenity space in each site with facilities in proximity. In view of the small size of the development a financial contribution in lieu of such provision is recommended.

3.0 Planning Authority Decision

3.1. Decision

Grant subject to 24 conditions. Of note:

Condition 2: Design criteria parameters.

Condition 23: €15,000 contribution in lieu of recreational and amenity facilities.

3.2. Planning Authority Reports

The 1st Planner's report dated 31/03/17 reiterates the comments as set out in the other technical reports summarised below. It is noted that open space has not been provided. A request for further information is recommended on the existing culvert, the surface water sewer network, public lighting, boundary treatments and open space provision. The 2nd report dated 16/08/17 considers that the issues arising have been addressed. A grant of permission subject to conditions is recommended.

The Senior Executive Planner in a report dated 03/04/17 concurs with the above recommendation for FI. It is also recommended that as the site forms part of a larger landholding zoned R-04 the applicant should be asked to clarify ownership of adjacent lands as the zoning objective requires the provision of a neighbourhood centre, pedestrian/cycle links and a primary school. The 2nd report dated 24/08/17 following FI concurs with the Area Planner's recommendation to grant permission. Any further applications should include a master plan for the entire area and community facilities including recreation and amenity facilities in accordance with the relevant planning objective. Although the lands are zoned the site is somewhat rural in its current context. The sites are sizeable and the current layout does not easily lend itself to the inclusion of recreational space. A financial contribution in lieu of same is recommended. Such an approach was considered appropriate in Skibbereen under ref. 11/777. Development contributions to be included when applications for final development are received. As the site may be developed on a

self build basis it is important to include some design criteria which maintain some basic controls over boundary treatment, external finishes and ridge height. It should be prescriptive but allow for a mix of single and two storey dwellings. A grant of permission subject to conditions is recommended.

3.2.1. Other Technical Reports

The 1st Area Engineer's report dated 10/03/17 has no objection subject to conditions.

The Engineering Report dated 15/08/17 following FI has no objection subject to conditions.

The 1st Estates Report dated 13/03/17 requires boundary treatment to be consistent throughout. Public lighting proposals and further details on existing drainage arrangements including size and condition of existing culvert and the open drain on the inside of the roadside boundary required. A request for further information is recommended. The 2nd report dated 04/08/17 following FI states that the proposal to insert a 450mm pipe through the culvert is not acceptable. Given that there is no evidence of structural defects the culvert should be retained, the drainage from the site should be directed to a new surface water manhole immediately upstream and a connection made to it. There is no objection to the proposal subject to conditions.

3.3. Prescribed Bodies

Inland Fisheries Ireland in a report dated 10/03/17 has no objection subject to Irish Water stating that there is sufficient capacity in the foul sewer. If such assurance cannot be given the onus should be on the developer to provide a separate treatment and disposal option until public facilities are adequate. Conditions should be attached ensuring no interference with bridging, draining or culverting of any watercourse, its banks or bankside vegetation without prior approval.

Irish Water in a report dated 28/03/17 has no objection subject to conditions.

3.4. Third Party Observations

Objections received by the planning authority have been forwarded to the Board for its information. The issues raised are comparable to those set out in the grounds of

appeal and observations received as summarised in section 6 below with concerns relating to roads, access and drainage.

4.0 Planning History

None

5.0 Policy Context

5.1. West Cork Municipal District Local Area Plan, 2017

The site is within an area zoned BT-R04 which covers an area of 10.7 hectares. The objective for same is medium density residential development with provision for a neighbourhood centre and community facilities, including 16 classroom primary school, on the western part of the lands and fronting onto existing public roads. Provision of pedestrian/cycling links to surrounding existing and planned residential areas and the Mealagh River Valley.

The flood risk objective as follows applies:

IN-01 – All proposals for development within the areas identified as being at risk of flooding will need to comply with Objectives WS 6-1 and WS 6-2 as detailed in Chapter 11, Volume 1 of the Cork County Development Plan, 2014, as appropriate, and the provisions of the Ministerial Guidelines – ‘The Planning System and Flood Risk Management’. In particular, a site specific flood risk assessment will be required as described in WS 6-2.

5.2. Cork County Development Plan

Objective HOU 3-1: Sustainable Residential Communities

a) Ensure that all new development within the County supports the achievement of sustainable residential communities. The Council will have regard to the provisions of the Guidelines on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual, in development plan preparation and in assessing applications for development through the development management process.

b) Promote development which prioritises and facilitates walking, cycling and public transport use, both within individual developments and in the wider context of linking developments together and providing connections to the wider area, existing facilities and public transport nodes such as bus and rail stops.

c) Following the approach in chapter 10 of this plan, ensure that urban footpaths and public lighting are provided connecting all residential developments to the existing network of footpaths in an area and that the works required to give effect to this objective are identified early in the planning process to ensure such infrastructure is delivered in tandem with the occupation.

5.3. Natural Heritage Designations

None in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

The 3rd party appeal against the planning authority's notification of decision to grant permission can be summarised as follows:

- No cycle or pedestrian links to the built up area of Bantry have been provided in accordance with one of the zoning objectives for the site. The proposal contravenes the LAP.
- The requirement to provide a 2 metre wide footpath along the road frontage highlights the fact that the question of pedestrian/cycle links from the proposed development in the context of both the subject site and the masterplan for the larger site of 10.7 ha. has not been considered.
- The proposal will create a traffic hazard for vulnerable users. The road is heavily trafficked. It has been significantly developed with 2 existing estates which put increased pressure on the road with further development proposed.
- No public open space has been provided. The Recreational and Amenity Policy states that a financial contribution will only be accepted in lieu in exceptional circumstances. There are no such circumstances in this instance.

- In the absence of sufficient public open space the development must be considered substandard.
- File ref. 11/777 referenced with respect to the application of a financial contribution in lieu of open space provision is not comparable as it referred to a development within the environs of Skibbereen town. The site has a rural context.
- The site forms part of a larger parcel of land within the Bantry LAP (R-07). The plan refers to medium density residential development being subject to a detailed development brief. The zoning is retained in the Draft West Cork Municipal District LAP. The sketch layout included in the FI response is not a credible approach to the overall development of the lands. The proposal should be considered to be premature.

6.2. Applicant Response

None

6.3. Planning Authority Response

No further comment

6.4. Observations

Observations have been received from

1. Mary O'Leary & Others
2. Helena McGrath
3. Joe McGrath
4. Peter Sweetman & Associates

The submissions can be summarised as follows:

- The footpath should be extended from the Pairc na Carriage Estate to the site. Until such provision no further development should be permitted.

- The proposed footpath along the road frontage is inadequate. Such piecemeal development has inherent dangers.
- Permitted development in the vicinity will also result in an increase in traffic volumes.
- The road is deficient in the vicinity of the site with vehicles travelling at speed.
- The application fails to consider the open drain that runs along the perimeter of the site. It carries large volumes of water during times of heavy rainfall. The site works will have a damaging effect on the flow of water leading to more blockages and flooding of adjoining lands.
- The development drains into the Mealagh River through a tributary c.500 metres from the development. The Mealagh River is a Salmonid river which itself drains into Glengarriff Harbour SAC. It requires screening for AA.

7.0 **Assessment**

I consider that the issues arising can be assessed under the following headings:

1. Compliance with Development Plan Provisions
2. Site Access and Traffic
3. Drainage
4. AA

7.1 **Compliance with Development Plan Provisions**

As per the West Cork Municipal District Local Area Plan 2017, the site, with a stated area of 1.95 hectares, forms part of a larger area of c.10.7 hectares which is zoned BT-R04. The objective for the lands is 'Medium B density' residential development with provision for a neighbourhood centre and community facilities, including a 16 classroom primary school on the western part of the lands, fronting onto existing public roads. The provision also requires pedestrian/cycling links to surrounding existing and planned residential areas and the Mealagh River Valley. The current objective does not require the preparation of a masterplan which was a stipulation of the zoning objective for the lands under the previous Bantry Electoral Area LAP 2011.

As per section 3.4.21 and the associated table of the current County Development Plan densities of up to 25 units apply for such Medium Density B zoned lands. This, in itself, is lower than the 35-50 units per hectare parameter advocated in the Guidelines for Sustainable Residential Development in Urban Areas which seeks to ensure the greatest efficiency in land usage on outer suburban / 'Greenfield' sites (section 5.11). The Guidelines further state that development at net densities less than 30 dwellings per hectare should generally be discouraged in the interest of land efficiency.

The proposal for 7 units on the site of 1.95 hectares equates to a density of approx. 3.57 units per hectare which is materially below that as delineated in the current plan. I note that the county development plan states that whilst no lower limit is suggested for this category proposals for densities of less than 12 dwellings/ha would need to be supported by a justification of the market demand for the finished units. This has not been done in this instance. I also note that a number of other residential zoning provisions for Bantry as set out in section 3.3.57 specifically refer to the acceptability of serviced sites notably BT R-01 and BT R-05. No such specific reference is made in objective BT R-04.

I submit that the density proposed is too low to constitute sustainable development and to provide an efficient and effective use of public services. It is also completely misplaced in the context of the guidance set out in Sustainable Residential Development in Urban Areas within the development boundary of Bantry in a location that is being promoted for residential development.

Whilst the position of the development may not hinder the realisation of the other zoning objectives, namely provision of community facilities on the western part of the zoned lands, I submit that the development as designed does not lend itself to future integration with same nor demonstrate how pedestrian and cycling links to surrounding existing and planned residential areas and the Mealah River Valley would be realised.

I therefore have material concerns that the proposal as currently designed would prejudice the orderly development of the area, specifically the other zoned lands adjoining by virtue of its layout and design. I also consider that a more co-ordinated approach to the development of the residentially zoned lands may also allow for a

higher density than that proposed in accordance with that delineated for the zone thereby ensuring a more economic and efficient use of such zoned and serviced lands. It would also allow for the provision of appropriately located and sized open space for the benefit of prospective residents and ensure an appropriate standard of development. To allow for such piecemeal, insular development would set an undesirable precedent for similarly conceived development on the equivalent zoned lands and would be contrary to the objectives for the area. I acknowledge that a sketch was submitted by way of further information but is of such a general nature it does not, in any manner, appease the concerns as detailed above.

The Board may consider that these matters constitute new issues and may consider it appropriate to seek comments from the relevant parties.

7.2. Site Access and Traffic

The site is to be accessed from a relatively well trafficked minor local road within the 50kph speed limit but does not have the benefit of a footpath connecting same to the town centre. A continuous footpath to the town centre ceases at the entrance to the Pairc na Carriage housing estate c. 300 metres to the west. The provision of a footpath along the site frontage, in isolation, is insufficient to ensure pedestrian safety. In view of the existing development along the road to date and the potential for the consolidation and extension of the residential offer on appropriately zoned lands such provision should be considered to be a prerequisite for any in-depth development. This is specifically referenced in County Development Plan objective HOU 3-1 pertaining to the provision of Sustainable Residential Communities which states that it should be ensured that urban footpaths and public lighting are provided connecting all residential developments to the existing network of footpaths in an area and that the works required to give effect to this objective are identified early in the planning process to ensure such infrastructure is delivered in tandem with the occupation.

As advocated above a co-ordinated approach to the development of the said zoned lands would allow for such provision. I also submit that development contributions, as a mechanism to enable the local authority to provide public road improvement works, is a methodology frequently employed where development of private lands has implications for public road infrastructure. Such an approach could be seen as

an appropriate method to address infrastructural shortfalls to accommodate new development.

The sight lines at the proposed access are sufficient in both directions.

7.3. Site Drainage

An observer contends that the application fails to consider the open drain that runs along the perimeter of the site and the potential impact of the development downstream. The said drain runs inside the roadside boundary before travelling in a northerly direction before discharging to the Mealah River c.500 metres to the north. The drain is culverted under the road.

Following a further information request the said culvert was assessed which concluded that no improvement works are required. An underground attenuation system is proposed with storage for a 1:100 year storm event so as to ensure that surface water runoff to the stormwater culvert will be restricted to the greenfield runoff rate. The report from the Council's Estates section considers the details to be acceptable and recommends that the culvert be retained with a new surface water manhole immediately upstream of it and connection to its mouth via a flexible 450mm diameter rocker pipe.

On the basis of the information provided in support of the application and provisions to be made to ensure the runoff is maintained to greenfield runoff rate I consider that the measures proposed would not have an impact on the prevailing drainage conditions of adjoining lands.

I note that the relevant zoning provisions for the site require the preparation of a site specific flood risk assessment is required. No such assessment has been undertaken. I note that the site is at a remove from the area identified as being susceptible to flooding (Zones A and B) in the plan. I can also confirm that the site is not within the area delineated on the CFRAM flood maps.

7.4. Appropriate Assessment

The nearest designated site is the Glengarriff Harbour and Woodland SAC (site code 00090) c. 8.3km to the north-west of the appeal site. In view of the location of the site within the town boundary of Bantry on zoned and serviced lands and the intervening distance between the site and the identified designated 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.

8.0 Recommendation

Having regard to the documentation on file, the grounds of appeal, the observations received, a site inspection and the assessment above I recommend that permission for the above described development be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. The site is within an area zoned BT-R04 within the town of Bantry in the current West Municipal Local Area Plan 2017, the objective for which is medium B density residential development with provision for a neighbourhood centre and community facilities, including a 16 classroom primary school. Having regard to the proposed density of the development at 3.57 units per hectare, it is considered that the proposed development would not be developed at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to the built-up area of Bantry and would be contrary to the Cork County development plan provisions for such Medium Density B zones which stipulates a density of between 12 and 25 units per hectare. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location and configuration of the site and its relationship to other BT – R04 zoned lands in the immediate vicinity, it is considered that the proposed development, by reason of its density, layout and design would constitute haphazard, piecemeal development which would prejudice the orderly development of adjoining zoned lands in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Pauline Fitzpatrick

Senior Planning Inspector

January, 2018