



An  
Bord  
Pleanála

## Inspector's Report ABP-301006-18

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<b>Development</b>	Construction of residential development of 34 no. dwelling houses and all ancillary site development works
<b>Location</b>	Curraclough, Bandon, County Cork.
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	17/6320
<b>Applicant</b>	JOD Developments Limited.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	To grant permission subject to conditions.
<b>Type of Appeal</b>	First Party v. Condition.
<b>Appellant</b>	JOD Developments Limited.
<b>Observers</b>	None.
<b>Date of Site Inspection</b>	18 <sup>th</sup> May, 2018.
<b>Inspector</b>	Brendan Wyse

## 1.0 Site Location and Description

- 1.1. The site is located on the north-western outskirts of Bandon, approximately 2 kilometres from the town centre. While still predominantly rural in character the area is also the focus of considerable urban housing development.
- 1.2. The site has a stated area of 1.37 hectares and comprises the abandoned development of a previously permitted housing scheme. The ground has been substantially cleared and construction commenced on about 10 no. houses. Various items of plant and building supplies are in evidence across the site. Ground levels fall quite steeply north to south.
- 1.3. Adjacent lands to the north, west and south are still in agricultural use. The Inis Orga housing estate is located across the road (Convent Hill) to the east and further development of this scheme is currently underway.
- 1.4. Convent Hill Road, back towards Bandon, is largely rural in nature with poor vertical/horizontal alignment and lacking footpaths or street lighting.

## 2.0 Proposed Development

### 2.1. Application as lodged to the Planning Authority on 7<sup>th</sup> September, 2017.

- 2.1.1. The proposed development to consist of:
  - Total of 34 no. houses comprising:
    - 6 no. 4 bed semi-detached (Type A)
    - 2 no. 3 bed semi-detached (Type B)
    - 20 no. 3 bed townhouses (Types C and E)
    - 6 no. 2 bed townhouses (Type D).
  - New access from Convent Hill.
  - Centrally located open space area.
  - Demolition of partially construction houses.
  - Public infrastructural services available.

2.1.2. Documentation submitted includes:

- Planning and Design Statement
- Engineering Report
- Part V Proposal
- Landscape Masterplan

2.2. **Further Information – 16<sup>th</sup> November, 2017.**

Includes:

- Revised site layout reducing the number of houses to 31, omitting some terraces and providing for a greater variety of house types, including detached bungalows. Revised scheme to comprise:
  - 6 no. 4 bed semi-detached (Type A)
  - 14 no. 3 bed semi-detached (Type B)
  - 6 no. 3 bed townhouses (Type C)
  - 3 no. 2 bed townhouses (Type D)
  - 2 no. 2 bed bungalows (Type E).
- No issues foreseen in obtaining Irish Water Agreement to connection to the public mains.
- Given the small scale of the proposed development a Traffic Impact Assessment (TIA) is not required.
- Technical details of proposed internal roads.
- Details of appropriate sightlines at the proposed entrance.
- Details of surface water measures, including piping of existing drain along the site frontage.
- Further engineering details in relation to services, retaining wall and public lighting.
- Details relating to the open space area and boundary treatments.

### 2.3. Further Information (Clarification) – 22<sup>nd</sup> December, 2017.

Includes:

- Disagreement with the Planning Authority's contention that further changes/reductions to house numbers/types are required given the rural location of the site. Stated that the site is located at the edge of Bandon and within its defined settlement boundary and that any further reduction in density would not be appropriate.
- Other, mainly detailed engineering matters, addressed.
- Letter from Irish Water confirming that connections to water and wastewater networks can be facilitated. The latter is contingent on an upgrade to the Kilbrogan Street Pump Station, the cost to be borne by the developer.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. This is a decision to grant permission subject to 20 conditions.

Conditions include:

1. Development to be carried out as amended in Further Information submissions on 16<sup>th</sup> November, 2017 and 22<sup>nd</sup> December, 2017.
2. **This is the condition the subject of the appeal.** It reads:

Permission is granted for 27 houses only in total. Before any development commences, the layout submitted on 22<sup>nd</sup> December, 2017 shall be revised as follows:

- (i) The group of terrace houses Nos. 13, 14 and 15 shall be substituted for one no. 2 bedroom detached bungalow/Type E.
- (ii) The pair of semi-detached houses Nos. 21 and 22, shall be substituted for one no. 2 bedroom detached bungalow/house Type E.
- (iii) The pair of semi-detached houses Nos. 29 and 30, shall be substituted for one no. 2 bedroom detached bungalow/house Type E.

**Reason:** In the interest of an overall sustainable layout, density and housing mix.

Remaining conditions are generally of a standard nature.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports (3 no.)

Basis for Planning Authority decision.

Include:

- Requests for reductions in house numbers/change to house types based upon rural nature of site and it not being in close proximity/walking distance of the town.
- References, in particular, to:
  - Density/housing mix provision of Bandon Kinsale LAP and the Cork CDP.
  - The Joint Housing Strategy Principles of the CDP (Appendix C).
  - Sustainable Residential Development in Urban Areas 2009.
- Overall layout, design and housing mix seen as poor and suburban in nature.
- Substitution of 2 pairs of semi-detached houses at upper (northern) end of site (House Nos. 21/22 and 29/30) with detached bungalows (Type E) also based on the steep back garden areas that would result in these cases due to topographical constraints.

#### 3.2.2. Other Technical Reports

(i) Public Lighting (3 no.).

Some Further Information items still outstanding.

(ii) Area Engineer (3 no.).

Some Further Information items still outstanding.

(iii) House (1 no.).

No objection to Part V proposal.

- (iv) Estates (2 no.)

Some Further Information items still outstanding.

### 3.3. **Prescribed Bodies**

- (i) Irish Water.

No objection.

- (ii) Inland Fisheries Ireland.

No objection subject to Irish Water indication of sufficient capacity in treatment facilities.

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

- 3.4.1. Six observations were lodged with the Planning Authority mostly from residents of the Inis Orga housing development across the road to the east of the appeal site. The main issues raised focused on the poor standard of the local road network.

## 4.0 **Planning History**

### **P.A. Ref. 05/2585, ABP Ref. 04.218509**

This is a 2007 permission for a development on the site comprising 30 no. houses. As indicated at Section 1.0 above it appears that development commenced but was subsequently abandoned.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

- 5.1.1. **Bandon – Kinsale Municipal District Local Area Plan (LAP) – 2017**

Site is subject to specific development objective BD-R-03 'Medium B' Residential Development (Section 3.2.67).

### 5.1.2. **Cork County Development Plan 2014**

Objective HOU 4-1: Housing Density on zoned land indicates:

‘Medium B’ – minimum net density of 12 per hectare; maximum net density of 25 per hectare.

Comments include:

- Maximum net density extended to 35 dwellings/hectare in smaller towns outside Metropolitan Cork.
- Normally applicable in smaller towns (less than 5,000 population).
- Can be applied in larger towns through LAP’s where there is a requirement to broaden the range of house types.
- Densities between 25 and 35 dwellings/hectare will be considered where an exceptional market requirement has been identified.
- Broad housing mix normally required including detached/serviced sites unless otherwise specified in relevant LAP.

Table 3, Settlement Density Guide, indicates ‘Medium B’ as applicable in a limited number of peripheral locations, identified in LAPS, in other large towns, including Bandon.

Section 3.4.20 of the plan indicates that the ‘Medium B’ density band was introduced in order to encourage a broader range of house types.

Objective HOU 3-3: Housing Mix indicates a desire to achieve a mix of house types/sizes throughout the county in accordance with the guidance set out in the Joint Housing Strategy and Government Guidelines. While acknowledging the thrust of Government policy towards higher densities, as reflected in Guidelines on Sustainable Residential Development in Urban Areas, the plan indicates that some element of lower density provision is appropriate in order to broaden the range of house types as a counter to development pressures in unserviced rural locations (Section 3.4.15).

Appendix C of the plan contains an extract from the Joint Housing Strategy. Principle 1 of the Strategy is to provide for a diverse range of housing needs to suit varying income levels and social circumstances.

## 5.2. **Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Government of Ireland, 2009)**

In relation to outer suburban/greenfield sites on the periphery of cities or larger towns the advice is that greatest land use efficiency will be achieved by providing net residential densities in the general range of 35 – 50 dwellings per hectare. Where possible this should involve a variety of house types. Development at net densities of less than 30 dwellings per hectare should generally be discouraged, particularly on sites in excess of 0.5 hectares (Section 5.11).

**Note:** Bandon would qualify as a larger town.

To facilitate a choice of house types limited provision may be made for lower density schemes provided general minimum densities within areas are achieved (Section 5.12).

## 5.3. **National Planning Framework (Government of Ireland, February 2018)**

The framework places a particular emphasis on focussing growth on cities/towns/villages and achieving compact growth within these centres at densities generally higher than hitherto achieved.

## 5.4. **Natural Heritage Designations**

None relevant.

## 6.0 **The Appeal**

6.1. This is a first party appeal against Condition 2 of the Planning Authority Decision only.

Main grounds include:

- The proposed density is in accordance with local/national policies/objectives and the housing mix is appropriate to meet requirements. Condition 2 is onerous and unwarranted and threatens the viability of the scheme.
- The development would be similar to the Inis Orga scheme on the opposite side of the road and which has a density of 25 units per hectare.



- The site is within the R-03 zoning objective in the Bandon Electoral Area LAP 2011 to provide Medium B residential development.
- P.A. Ref. 05/2858, ABP Ref. 04.218509 established a precedent for the development of the site.
- Bandon, as a 'ring town' in the Cork CDP 2014, is identified for further population growth.
- The Cork CDP indicates a maximum density of 25 dwellings per hectare on Medium B zoned lands (Ref. Table HOU 4-1). Up to 35 dwellings per hectare can be considered where an exceptional market requirement is identified.
- The originally proposed 34 houses equated to just under 25 dwellings per hectare. The revised scheme, of 31 units, equates to 22.8 dwellings per hectare, considerably below the maximum.
- The further reduction to 27 units (19.8 units per hectare) would be an inefficient use of land.
- The lower density is not in accordance with 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' 2009. These specify that higher densities in larger towns with populations over 5,000 may be appropriate. Bandon had a population of 6,640 as per the 2011 Census.
- The site is 'outer suburban/greenfield'. The Guidelines encourage net densities in the range 35-50 hectares, with less than 30 per hectare being discouraged in the interest of land efficiency, especially on sites in excess of 0.5 hectares.
- The Planning Authority's requirement to include 5 no. bungalows is unwarranted.
- The applicants question the appropriateness of the location for accommodation for the elderly. While the site is located within the Bandon development boundary it is peripheral relative to the town centre/services etc.

- In requiring the bungalow units the Planning Authority refer to Appendix C of the CDP. However, there is no clear policy/objective in the CDP or LAP requiring the inclusion of dwellings specifically for the elderly.

It is noted that the applicants request the Board to grant permission for the initial proposal for 34 no. houses.

## 6.2. **Planning Authority Response**

None received.

## 6.3. **Observations**

None received.

## 7.0 **Assessment**

### 7.1. **Introduction**

- 7.1.1. The Board will note that this is a first party appeal against Condition 2 of the Planning Authority decision only. Therefore, Section 139 of the Act applies wherein the Board has discretion to limit its considered to the condition in question rather than determining the application as if it had been made to it in the first instance.
- 7.1.2. I am satisfied, having regard to the nature of the condition under appeal that a first instance ('de novo') assessment is not warranted.
- 7.1.3. In relation to the applicant's suggestion that the Board would grant permission for the original scheme of 34 no. houses, and which would also require amendment to the Planning Authority's Condition No. 1, I note that Section 139 provides that the Board's directions in the matter can relate to conditions other than the specific conditions under appeal.

### 7.2. **The Condition in Question**

- 7.2.1. Condition 2 of the Planning Authority Decision is as set out at Section 3.1.1 above. The effect of the condition is to further reduce the number of houses in the development from that provided for in the further information revisions submitted to the Planning Authority on 16<sup>th</sup> November, 2017 and 22<sup>nd</sup> December, 2017.

- 7.2.2. That revised scheme comprised 31 houses and equated to a net density of 22.8 dwellings per hectare. In terms of housing mix it included; 20 no. 3/4 bed semi-detached; 9 no. 2/3 bed townhouses (terraced units); and 2 no. two-bed bungalows (detached).
- 7.2.3. Condition 2 would result in the development comprising a total of 27 units, equating to a net density of 19.8 units per hectare. The housing mix would be; 16 no. 3/4 bed semi-detached; 6 no. 2/3 bed townhouses (terraced units); and 5 no. two-bed bungalows (detached).
- 7.2.4. Having regard to the policy framework as described at Section 5.0 above I am satisfied that there is a sound basis for the general approach being adopted by the planning authority in relation both to density and housing mix in this case and that it does appropriately reference government policy. In particular, I would note the references to allowing for some element of lower density in order to broaden the range of house types as a counter to development pressures in unserved rural locations and the desire to provide for a diverse range of housing needs. The question, in this instance, therefore, is one of degree – essentially does Condition 2 go too far?
- 7.2.5. While the proposed densities, even allowing for Condition 2, are towards the upper end of the 'Medium B' density range [12-25 units/hectare] to which the site is subject, it should be noted that 'Medium B' is the lowest density band allowed for in the development plan and the intention is that it is applied in only a limited number of peripheral locations in larger towns. Given the thrust of local and national policy to generally achieve higher densities, and use serviced land more efficiently, I am inclined to the view that the density of 19.8 units per hectare, that would result from Condition 2, is on the low side.
- 7.2.6. In terms of housing mix, I would generally consider that the proposed development as revised in the further information submissions is reasonable. In this context, I would be inclined to omit Condition 2(i), requiring the replacement of the terrace at house nos. 13-15 with a single bungalow.
- 7.2.7. It is indicated in the planning authority Planner's Report that the reason for the remainder of Condition 2, items (ii) and (iii), requiring the replacement of two pairs of semi-detached houses with single bungalows, is based on the steep back gardens

that would arise as a result of topographical constraints at this northern part of the site.

7.2.8. Site sections were provided with the original application drawings – Drg. Nos. 17161/P/003 and 17161/P/004 refer. These illustrate the existing and proposed arrangements along the northern boundary of the site. There is a substantial fall in ground levels, of the order of 4 metres, over the proposed rear garden areas. However, recontouring is proposed and Sections A-A and B-B indicate the results as reasonably satisfactory. Certainly in terms of house nos. 29 and 30 the resulting rear gardens would be reasonably satisfactory. Therefore, I consider Condition 2(iii) should be omitted. The situation in relation to house nos. 21 and 22 is more problematic due to the corner position with steep slopes in two directions. The sections do not illustrate the proposal in this area. I would be inclined to agree with the planning authority in this instance that a single bungalow would be a more satisfactory solution. Condition 2(ii), therefore, should be retained.

7.2.9. The outcome that I am suggesting, therefore, would yield the following:

Total houses:	30
Density:	21.9/hectare
Mix:	18 no. 3/4 bed semi-detached
	9 no. 2/3 bed townhouses (terraced)
	3 no. 2 bed bungalows (detached)

7.2.10. In relation to the applicant's suggestion that the Board revert to the original proposed development of 34 no. houses I am not persuaded that there is a case for this. As indicated above there is a reasonably clear policy basis to the planning authority's approach and I consider that the outcome detailed at parag. 7.2.9 strikes a reasonable balance both in terms of density and housing mix.

### 7.3. **Appropriate Assessment**

7.3.1. Given the nature of the condition under appeal, and noting the limited determination in this instance under Section 139 of the Act, no appropriate assessment issues arise.

## 8.0 Recommendation

I recommend that the Board should direct the Planning Authority to amend Condition No. 2 to read as follows:

Permission is granted for 30 houses only in total. Before any development commences, the layout submitted on 22<sup>nd</sup> December, 2017 shall be revised as follows:

- (1) The pair of semi-detached houses Nos. 21 and 22 shall be substituted by one no. 2-bed detached bungalow/house Type E.

**Reason:** In the interest of an overall sustainable layout, density and housing mix.

## 9.0 Reasons and Considerations

Having regard to the specific development objective, BD-R-03 'Medium B' residential development, that applies to the site, and as provided for in the Bandon – Kinsale Municipal District Local Area Plan 2017, and the related policies and objectives in relation to housing density and mix contained in the Cork County Development Plan 2014, (Objectives HOU 4-1 and HOU 3-3 in particular), and which align with national policy to generally achieve higher densities and a more efficient use of serviced land, it is considered that the amended Condition 2 would be in accordance with the proper planning and sustainable development of the area.

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Brendan Wyse,  
Assistant Director of Planning.

1<sup>st</sup> August, 2018.