



An
Bord
Pleanála

Inspector's Report ABP 302525-18

Development	Demolish office block and construct residential development of 30 no. dwelling houses and all associated site works
Location	Knocknagarrane, Old Chapel, Bandon, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	17/7383
Applicant	Top Scale Investments Ltd.
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. Grant
Appellants	Residents of Castlewood Estate
Observers	None
Date of Site Inspection	17/12/18
Inspector	Mary Kennelly

1.0 Site Location and Description

- 1.1.1. The site is located in the village of Old Chapel, approx. 2.5km to the west of Bandon town. Old Chapel village is separated from the built-up area of Bandon by less than a kilometre. It straddles the N71, the main route from Cork City to West Cork and incorporates several large commercial sites fronting onto the national road. The site, is located on the northern side of the N71 and is within the development boundary for the village. The lands to the east are generally in commercial use, with the closest site being Bandon Motors car sales. The lands to the south and north are in residential use, and to the west lies agricultural lands. There is an existing housing estate to the north of the site, Castlewood Estate, which is accessed by means of a cul-de-sac road leading from the N71 to the estate. The residents of the estate are the appellants. The N71 is a single carriageway road with hard shoulders on either side and a ghost island in the centre. The urban speed limit changes to an 80 kph limit just to the west of the existing entrance to the site.
- 1.1.2. The site, which is roughly rectangular in shape, has a stated area of 1.68 hectares. It is a brownfield site, comprising a disused Eircom depot which is accessed directly from the N71. The site contains a number of single-storey commercial buildings with large expanses of tarmac (formerly car parking and circulation space). The boundaries are defined by mature trees and shrubs which effectively screen the site from the surrounding area. The northern edge of the site incorporates a section of the Bridewell Stream which flows alongside the red line boundary and separates the site from the housing estate to the north. The eastern boundary is with Bandon Motors and runs diagonally from NE to SW. The N71 bounds the site to the south, while the Castlewood Estate access road bounds it to the west. Castlewood Estate consists of a row of 19 no. detached houses fronting onto a single internal road running E-W to the north of the site. It is separated from the site by a dense and mature planting area along the banks of the river.

2.0 Proposed Development

- 2.1.1. The application was lodged with the planning authority on the 21/12/17 with further plans and details received 24/05/18 and 23/07/18 following a request for further information dated 21/02/18 and clarification of further information dated 19/06/18. As amended, the proposal entails the demolition of all buildings on the site and the construction of 30 dwelling houses in the form of 8 no. 4-bed detached dwellings, 12 no. 3-bed semi-detached dwellings and 10 no. 4-bed semi-detached dwellings. The detached dwelling floor areas range from 139.9m² to 183.2m². The floor areas of the semi-detached dwellings range from 111.3m² to 131.6m². The density of the proposed development is 18 units/ha. All of the proposed dwellings would be 2-storey in height. There are five house types.
- 2.1.2. Access to the development is proposed from the Castlewoods Estate access road, at the northern end. Pedestrian access is proposed from the southwest, linking the development directly to the N71. It includes an internal access road with two cul-de-sac spurs, one to the NE and one to the SW. It is proposed to retain most of the existing boundary landscape screening along the northern and eastern boundaries and to plant further native trees and shrubs as part of the landscaping plans. However, it is proposed to remove two clusters of trees on the boundary with the car showrooms and to remove most of the trees on the western boundary. The layout incorporates two areas of open space, one to the north along the riparian strip and one to the south alongside the N71. There would be three rows of houses, one facing each of the public open space areas and one backing onto the boundary with the car showrooms. The public open space incorporates two Neighbourhood Play Areas, each with an area of 127.8sq.m. it is proposed to clear out the vegetation from the stream with a steel post and wire fence along the top of the bank.
- 2.1.3. A mix of housing units is proposed and 10% would be reserved as social housing. It is proposed to provide 2 parking spaces for each unit as well as visitor parking. All private gardens would be in excess of 60sq.m per unit, with the smallest being 71.91sq.m. The proposed development includes a public lighting scheme (submitted as unsolicited further information on 16/01/18) and a foul water pumping station. The trees along the southern boundary will be retained and a new stone wall will be inserted behind the trees. This wall will continue along the western boundary and a

curved corner will be introduced adjacent to the junction. Space for a bus stop will also be incorporated along the southern boundary.

- 2.1.4. It is proposed to connect to the public water supply and to the public wastewater system. The proposed foul sewer would be a gravity system with a fall to the north, from where it would be pumped to the public sewer along the N71. Surface water will be disposed by gravity storm sewer system to the river, following attenuation.
- 2.1.5. The site includes a number of buildings with asbestos and there are underground oil tanks which have been decommissioned. The application includes a demolition schedule and an asbestos schedule.
- 2.1.6. The application is accompanied by:
 - Planning Statement, incorporating Design Statement (Daly, Barry & Associates)
 - Infrastructure Report (DOSA)
 - Flood Risk Assessment (DOSA)

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The P.A. decided to grant planning permission subject to 34 conditions including:

Condition 2: Part V agreement.

Conditions 6 and 9: Requirements to enter connection agreement with IW and no dwelling to be occupied until water and sewage services in place.

Condition 19: no vegetation or structure to exceed 1m height within sight distance triangle.

Conditions 29 - 31: Various conditions regarding public lighting.

Condition 32: childproof fencing to be provided along river bank - details to be submitted to the P.A. for agreement.

Condition 34: Development contribution of €66,771 – GDACS.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The first Planner's report dated 20/02/18 notes the contents of the technical reports and reports from the prescribed bodies summarised below, as well as the issues raised in the third-party objections. It is noted that the site is within the development boundary of Old Chapel, which is expected to accommodate up to 80 new residential units over the lifetime of the LAP (2023). However, it is stated that there is no 'automatic' presumption in favour of development anywhere within the development boundary. It was further noted that the recommended scale of individual housing developments is 10 units, but this can be relaxed where the character of the village is reinforced and it is not a development which reflects a housing estate that would be more suited to a larger settlement. In light of the existing housing schemes and mixed nature of development within the village, the urban connotation to the settlement and the brownfield nature of the site, the proposed 30-unit development was considered acceptable as it would not unduly impact on the character of the village. The density was also considered appropriate given the proximity to the village amenities, as was the proposed housing mix and design of the units.

3.2.2. FI was requested under seven headings, which related to a wide variety of issues. These included minor alterations to the layout, including further information on ground levels, POS and boundary walls. Revised plans for the Part V units was required including dispersal throughout the site. A CEMP with particular attention to construction traffic was requested. A TIA and a Road Safety Audit of the impact of the proposed development on the local access road and on the junction of the local access road with the N71, revised sight distances at the entrance, revisions and further information regarding the internal road network were also required.

3.2.3. Revised/further information was requested in respect of the proposed storm water and foul water drainage systems, the water supply and public lighting. It was noted that the housing estate to the north is to be provided with a new pumping station and the need to rationalise the number of pumping stations should be explored. In addition, further clarity was required in respect of the proposed connection to the public WWTP and extensions required, particularly given the lack of capacity at present in the existing public system and that the new system would not be available

until 2020. The levels proposed for the gravity system relative to the ground levels of some of the houses was also queried.

- 3.2.4. The **Response to the FI submitted on 24/05/18** included inter alia revisions to the layout of the development and additional reports, including a Traffic Impact Assessment (carried out by Hegsons Design) and a Road Safety Audit (carried out by Malachy Walsh), a further Infrastructural Report (by DOSA), together with additional drawings and documentation regarding drainage, roads, public open space, walls and public lighting. A CEMP was also submitted. The Part V units were altered with the introduction of a new house type (E – 100m²) and were dispersed through the development.
- 3.2.5. It is noted that the applicant had further discussions with Irish Water regarding the foul water proposals. It was agreed that the best solution was to keep the pumping stations for the two estates separate. It was stated that the development would not be premature as IW is currently developing a new WWTP and that it is scheduled for completion in mid-2020. The revised drawings indicate that the required sightlines for the design speeds of the local road and the N71 can be achieved, even if the speed limit on the N71 is increased from 60 to 80 km per hour. It is noted that the proposed development will make provision for a bus stop on the N71 adjoining the site.
- 3.2.6. The **second planning report** dated **19/06/18** following FI noted that the revisions and additional details to the layout, boundary treatment, Part V units, Storm Water attenuation and the CEMP were satisfactory. However, the Area Engineer and the Public Lighting Engineer required further details. Clarification of FI was recommended.
- 3.2.7. The **third planning report** dated **10/08/18** following clarification of FI noted that the Area Engineer was satisfied with the further information received, but that Public Lighting Engineer required further details. However, it was considered that this could be addressed by means of a condition(s).

A **grant of permission** subject to conditions was recommended.

3.3. Other Technical Reports

- 3.3.1. **Area Engineer's report (06/02/18)** recommends deferral of the application to allow the applicant to re-engage with IW to consider wastewater infrastructure design options, and taking account of any proposed pumping station for the Castlewoods

Estate. Concern was also expressed regarding the lack of capacity in the public sewers at present and that this is not scheduled to be resolved until 2020. It was considered that FI would be required in respect of sight distances, a TIA on the impact on the junction of the L6138 with the N71, a Road Safety Audit of this junction and specific matters relating to the internal road network and the surface water/storm water drainage system for the development. Concern was expressed that the proposed sight distances are based on a 30kph zone on the L6138 (but the speed limit is in fact 50kph), and that the TII has indicated that it may increase the speed limit on the N71 from 60kph to 80kph.

Second Area Engineer's Report (15/06/18) – The Area Engineer was satisfied with the responses regarding foul water discharge. A condition prohibiting occupation of dwellings until the connection agreement has been resolved was recommended. Clarification sought regarding the boundary wall along the N71 (to prevent drivers on N71 from being dazzled), details of the proposed bus stop and details of the proposed interface between the existing footpath and the proposed pedestrian/cycle access point.

Third Area Engineer's Report 02/08/18 following clarification of FI considers the matters raised previously to have been addressed and raised no further objection.

3.3.2. **Housing Officer report (01/02/18)** – It was considered that the site is located in the village of Old Chapel, which is an area of significant social housing demand. The proposal to provide 3 no. Part V units was considered to be acceptable. Accordingly, there is no objection s.t. conditions.

3.3.3. **Estates report (26/01/18)** - considers that revised proposals would be necessary in terms of widths of roads and turning areas as well as visitor parking. There was a need for clarification regarding the proposed wastewater and storm water drainage proposals. It was suggested that the application may be premature given that it is likely to be 2020 before the upgrade to the WWTP would be completed. The storm water attenuation should not be placed under the hard surface play area. Concern was raised regarding the boundary treatment including that to the open space areas. A need for a comprehensive CEMP was identified. **Further information was recommended (7 items)**. The **Second Estate Engineer's Report (08/08/18)** states that there is no objection subject to conditions.

3.3.4. **Public Lighting Reports** dated 23/01/18, 01/06/18, and 01/08/18 detail conditions to be attached should permission be granted.

3.4. **Prescribed Bodies**

3.4.1. **Irish Water** (30/01/18) stated that there was no objection to the proposed development. It was pointed out that the developer would need to enter into a connection agreement with IW.

3.4.2. **Inland Fisheries Ireland** (19/01/18) noted that the proposed development seeks to dispose of septic effluent by pumping to the public sewer. It was stated that the public sewerage system in Bandon is currently overloaded, both organically and hydraulically. It was noted that it is proposed to upgrade the system and it was requested that a condition be attached to any planning permission preventing occupation of any units until these works have been completed and fully commissioned. With respect to the proposed pumping station, it was requested that it be designed so that there would be no overflow discharge to waters. It was further requested that there be no interference with bridging, draining or culverting of the adjacent stream, its banks or bankside vegetation without prior approval of IFI.

3.4.3. **Transport Infrastructure Ireland** (31/01/18) states that it will rely on the P.A. to abide by official policy in relation to development affecting national roads. Reference is made to Section 2.5 of the DoECLG Spatial Planning and the National Roads Guidelines (2012) in relation to 'Transitional speed limit areas' and that a proliferation of entrances would lead to a diminution of the role of transition zones, which must be avoided.

3.5. **Third Party Observations**

Objections received by the planning authority are on file for the Board's information. The issues raised are comparable to those set out in the 3rd Party appeals and observations received and summarised in section 6 below.

4.0 **Planning History**

4.1.1. No relevant planning history on site. All history relates to previous use as a depot.

5.0 Policy Context

5.1. Cork County Development Plan 2014

Chapter 3 – Housing – Existing Built-Up Areas include all lands within a development boundary which do not have a specific zoning objective. It sets out the housing policies and objectives including the following:

HOU 3-1 Sustainable Residential Communities – reference to national guidance on achieving high quality neighbourhoods.

HOU 3-2 Urban Design – high quality design and layout required.

HOU 3-3 Housing Mix – Intention to seek a mix of house types and sizes in accordance with the Joint Housing Strategy and National Guidelines.

Notwithstanding the desire to achieve higher densities (as set out in the Sustainable Residential Development in Urban Area Guidelines), it is acknowledged that there is a need to allow some lower density development in order to achieve a broader range of house types, particularly where there is a high demand for development in unserviced rural areas.

HOU 4-1 Housing Density on zoned lands – The site is designated as ‘Medium Density B’, with a recommended minimum of 12/ha net density and 25/ha maximum.

5.2. Bandon Kinsale District Local Area Plan 2017

Old Chapel is designated as a ‘Village’. The strategic aim is to encourage and facilitate development at a scale, layout and design that reflects the character of each ‘Village’, where water services and wastewater infrastructure is available. To allow the villages to develop in an orderly manner, it is particularly important that improvements are made to the Village’s infrastructure. It is an aim that the overall scale of development will be in proportion to the pattern and grain of existing development and guidance is set out in Table 5.1.

The vision for Old Chapel is to encourage development, improve residential amenity and maintain a separate identity for the settlement, independent to that of Bandon. Specific Development Objective DB-01 for Old Chapel is Within the development boundary, encourage the development of up to 80 additional dwelling units during the plan period. It is noted that at the time of writing the LAP (2015), the number of

existing houses was stated to be 112. The appropriate scale of development in individual schemes for the Village (Table 5.1) is 10 units. However, it is further stated that

Individual schemes in excess of the recommended scale set out in the above table may be considered where it is demonstrated that the overall scheme layout reinforces the existing character of the village and the scheme is laid out, phased and delivered, so as not to reflect a residential housing estate more suited to a larger settlement.

5.3. Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)

In order for small towns and villages to thrive and succeed, it is stated that their development must strike a balance in meeting the needs and demands of modern life but in a way that is sensitive and responsive to the past. New development should contribute to compact towns and villages and offer alternatives to urban generated housing in unserviced rural areas. The scale should be in proportion to the pattern and grain of existing development. In terms of densities, centrally located development in small towns and villages could achieve densities of up to 30-40 dw/ha., whereas edge of centre sites should achieve 20-35 dw/ha. However, in order to offer an effective alternative to single houses in the surrounding countryside, it may be appropriate in a controlled situation to allow a density of 15-20 dwellings at the edge of a town or village, provided that it does not represent more than 20% of the housing stock of the village.

5.4. National Planning Framework (2018)

The NPF seeks to focus growth in cities, towns and villages with an overall aim of achieving higher densities than have been achieved to date.

5.5. Natural Heritage Designations

Courtmacsherry Bay SAC (site code 001230) and Courtmacsherry Bay SPA (Site code 004219) approx. 12km to the southwest.

6.0 The Appeal

6.1. Grounds of Appeal

A Third Party Appeal has been received from Residents of Castlewoods Estate. The submissions can be summarised as follows:

- **Premature development** – The capacity of the water supply and wastewater infrastructure is limited. The Area Planner had made reference to the capacity constraints as follows:

‘IFI has recommended a condition is attached prohibiting residency of any units until the upgrade works of the sewer network are completed. There may be an element of prematurity to the development as the infrastructure is expected to be completed by 2020.’

Having regard to the lack of capacity in the wastewater infrastructure available at the site location, and the urgent need to carry out upgrading works, and to the assessment carried out by the Local Authority, which included submissions from IFI, it is surprising that this matter has not been taken into account.

- **Non-compliance with Cork County Development Plan** - The site is not zoned but Objective ZU 2-3 states that where there is no specific zoning, the previous use is considered to be the existing use/zoning of the site once the existing use has been lawfully obtained. Furthermore, Objective ZU 4-1 states that development proposals on brownfield sites should recognise the employment potential for such sites. Thus, the current zoning should be broadly classified as commercial and preferential treatment should be allowed in favour of employment generating use.
- **Scale of development exceeds LAP recommended** – It is specified that 10 units would be an appropriate scale for any development in Old Chapel. The

proposed development of 30 houses exceeds this scale and is unsympathetic to the character of the village. The proposed scale and layout would further enforce the lack of separation with Bandon due to its location on one of the main routes into Bandon Town. This is contrary to the vision for Old Chapel as set out in the LAP.

- **Layout of development inappropriate** – the layout is more in keeping with a housing development for a larger settlement, and reference is made to the Area Planner's report, which had made a comment to this effect.
- **Removal of trees** – the proposal to remove a row of trees along the western boundary which will make the development more visible on the approach from the west and from the entrance to Castlewoods Estate.
- **Construction impacts on local residents** - The proposed construction hours of 8am – 7pm Mon to Sat is unacceptable, particularly over an extended period of time. Permitting construction activity to take place on a Saturday is especially objectionable due to the fact that many residents work and Saturday is the only time they have to spend with their children.

6.2. Applicant Response

The submission from the applicant (11/10/18) is mainly in the form of a rebuttal of the grounds of appeal. The submission can be summarised as follows:

(1) Planning policy

- The appellant has not made reference to any of the national policies which would support this development. The National Planning Framework seeks to “deliver at least 40% of new homes nationally within the built-up footprint of existing settlements” with a general presumption in favour of development on brownfield sites. The Sustainable Residential Development Guidelines in Urban Areas also supports plan-led development which would contribute to compact towns and villages with higher densities in certain locations. The view that the previous commercial use of the site endures is a very narrow interpretation of planning policy and does not preclude its redevelopment for housing based on the current provisions of the CDP and LAP.

- The LAP (2.4.5) does not zone land for development, but each village has a development boundary and is assigned an overall scale of new development. Thus, new proposals should be assessed on their merits and against wider policy objectives. The site is entirely within the Development Boundary and zoned as existing built-up area, which has a presumption of being developed. The proposal is in accordance with the Council's objective to deliver sustainable residential communities in order to address the current housing crisis, as it is in an appropriate and sustainable within the village, where it is an objective to increase the number of housing units by 80.
- The site is not currently in active employment use. It was formerly used as a depot and has been vacant for years. It was put up for sale in 2015 and there has been no interest in developing the site for employment use. Obj. ZU 4-1 does not explicitly promote employment use over other uses on brownfield lands.

(2) Scale of development

- The selective quotation from the planner's report does not accurately reflect the assessment of the issues. It was also pointed out that there are existing housing developments in the village which contribute to its character. It was further stated that these housing schemes, coupled with the significant concentration of commercial development along the N71 means that there is an "urban connotation to the settlement rather than a rural one". It is submitted that the proposed development is compatible with the scale and grain of the existing development within the village.
- A blanket 10-unit cap disregards national and local policy governing the use of brownfield sites. Individual schemes of greater than 10 units are allowed for with appropriate phasing and layout. The proposal complies with the LAP in terms of location, scale and density. The 18dw/ha density proposed is in accordance with the Sustainable Residential Development in Urban Areas Guidelines in terms of Small Towns and Villages which allows for densities of less than 15-20 dw/ha along or inside the edge of small towns to counteract the demand for one-off houses in the countryside. Given the brownfield nature

of the site, it is logical to plan for its development at this time to avoid a piecemeal approach to the delivery of housing and infrastructure.

- The proposed development would not lead to coalescence between Bandon and Old Chapel due to several reasons including the presence of a greenbelt between the settlements where there is a presumption against development, the fact that Old Chapel is strongly recognised locally as having its own identity, and due to the presence of significant mature tree planting between the settlements. Furthermore, the site is not located at the edge, but rather in the centre of the settlement.
- The proposed development would contribute to the national objectives to ensure a sufficient, stable and sustained provision of housing in appropriate locations, as set out in Rebuilding Ireland – Action Plan for Housing and Homelessness.

(3) Prematurity of development in respect of capacity of infrastructure

- A letter attached from IW confirms that a pre-connection appraisal has taken place and that a connection can be facilitated. It also states that it is intended to upgrade the wastewater treatment capacity which is scheduled for completion by 2020. It is submitted that the proposed development will be connected as soon as practicable thereafter and that this timeframe coincides with the determination of the appeal by the Board, which would be followed by detailed design and tendering (in the event of a grant).
- The issues relating to the pumping station on the Castlewoods Estate and the proposed pumping station are not related to this issue. The IFI has no standing objection in principle to the proposed development, and has noted the proposal to upgrade the sewer network, which is to be completed by 2020.
- **Construction impacts**
- The exclusion of Saturdays would be unfair as it is standard practice to allow such hours on construction sites across the county. The applicant is committed to good practice construction management procedures and the maintenance of a positive working relationship with neighbouring occupiers.

- There are other conditions attached to the P.A. decision which will also regulate the construction activities on site.

6.3. **Planning Authority Response**

The P.A. has not responded to the grounds of appeal.

7.0 **Assessment**

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

- Principle of Development
- Appropriateness of density and scale of development
- Adequacy of water and wastewater infrastructure
- Traffic impact
- Construction impacts
- Environmental Impact Assessment
- Appropriate Assessment

7.1. **Principle of Development**

- 7.1.1. Old Chapel is a designated 'Village' with a good level of services and facilities for a village of its size with a number of shops, commercial premises and pubs as well as a church and sports facilities. It is a long-established settlement with a number of small housing estates located to the north and the south of the main road. It is somewhat unusual, however, in that the commercial premises include several large car dealerships, which front onto the N71 (Clonakilty Road), and form a dominant presence in the settlement. It does, however, include several other commercial outlets including a small supermarket and a petrol filling station on the N71 and other premises such as DIY, tool hire, animal feedstuffs, furniture sales etc. which are located on the streets to the south. Bandon Grammar School, (a private secondary school), is located to the south-east of the settlement. However, there are no other schools within the village.

- 7.1.2. The village is described in the planner's report as being 2.5km from Bandon and the LAP specifies that it should maintain a separate identity, independent from Bandon. The 'Vision' is to encourage development, improve residential amenity and maintain a separate identity. The settlement is separated from Bandon by a 'greenbelt', but in reality, the built-up area of Bandon extends to within a kilometre of the village. It would appear that the settlement has, in the past, been subsumed into the larger Ring town of Bandon, as evidenced by the dominant presence of the large commercial car sales outlets to the east of the appeal site. The former Eircom depot would have consolidated the line of commercial premises along this stretch of the N71, but has been vacant for a number of years.
- 7.1.3. It is considered that the nature, scale and extent of these commercial premises on the approach to, and in such close proximity to Bandon, have contributed to the coalescence of the two settlements. In visual terms, the village appears to be part of the main town. It is likely that the proximity to Bandon, where many services and facilities are available, would also have resulted in a poorer level of services in the village, despite the development of a number of small housing estates. It is considered that the replacement of a commercial premises, such as the depot, with a housing development is likely to improve the balance of uses within the settlement, and facilitate the achievement of the vision as set out in the LAP to improve residential amenity and to maintain its separate identity.
- 7.1.4. The Specific Objective is to increase the housing stock by 80 units during the life of the LAP, from 112 to 202. It is considered that the location of the site within the development boundary for the village, with good pedestrian connectivity to the village amenities, makes it a suitable location for a residential development. The village is earmarked for additional housing development with a substantial increase in the number of units envisaged. There is a well-established nationwide shortage of housing units and the Housing Section of the L.A. has identified a high demand for social housing units in the area. It is acknowledged that there is a problem with the capacity of the water and waste water infrastructure, which needs to be addressed.
- 7.1.5. The proposal would also result in the development of brownfield land in the centre of a village, close to the existing facilities and help to create a more compact settlement, and encourage the provision of further facilities and services within the village. I would agree with the first party that there is no presumption in favour of

developing the site for commercial purposes, and in my view, this would be likely to reinforce the dominance of large scale commercial units, which detract from the character of the village and would be more likely to result in coalescence. It is considered, therefore, that the proposed development is in accordance with the objectives of the National Planning Framework and the Sustainable Residential Development in Urban Areas Guidelines, would facilitate the achievement of the objectives of the CDP and the LAP for the area, and is acceptable in principle.

7.2. Appropriateness of Density, Scale, Design and Layout of development

- 7.2.1. The guidance in the national and local policy framework (as summarised at Section 5.0 above), seeks to achieve higher densities in general. This would result in a density of 35-50 dwellings per hectare in centrally located sites and 20-35 units/ha in edge of town locations. However, it is noted that in the review of the Cork County Development Plan, it was recognised that where required densities in urban developments were too high, there was a tendency for a corresponding increased demand for one-off houses in the countryside. For this reason, the current CDP makes provision for lower densities of 15-20dw/ha in an effort to counteract this demand. Medium Density B is 12-25 dwellings per hectare. It is considered that the location of the site in an area which would have a high demand for one-off housing, given its proximity to Cork City and to Bandon, the proposed density of 18dw/ha on this village site is appropriate.
- 7.2.2. The scale of a single development in a 'Village' is recommended as up to 10 dwellings for an individual scheme. However, where it is considered that the development would reinforce the existing character of the village and the layout and phasing is appropriate, a more flexible approach can be taken. The existing density, character and grain of the village is quite varied. The main road (N71) is characterised by mainly large scale commercial development but there is also a small housing development on the opposite side of the road. There are several developments which appear to be of a similar scale and density to that currently proposed, such as Castlewoods, Castle Bernard and Woodfield.
- 7.2.3. It is considered that the proposed development, which borrows elements of design from the existing vernacular, responds well to the character of the existing

development in the village. The scale and density of the development are therefore considered to be appropriate in this context.

- 7.2.4. The configuration of the site combined with the presence of the river alongside the northern boundary and the N71 alongside the southern boundary have strongly influenced the layout and design of the development. The location of the main public open space area along the banks of the river, where the gradient falls steeply towards the watercourse is considered to be appropriate. This layout facilitates the retention of the dense mature woodland trees along the riverside, which provides an attractive backdrop and enhances the amenity of the open space. It also provides for effective screening and separation between the existing development at Castlewoods and the proposed scheme, as the POS for the estate to the north also adjoins the river. The open space area is overlooked by most of the houses in the northern section of the site and there is a further POS on the southern side of the site. This provides visual relief and a pleasant outlook from the southern houses, and also creates a buffer between the dwelling units and the N71, which is a heavily trafficked road.
- 7.2.5. A main element of the landscaping plan for the site is to retain the existing boundary screening as far as possible and to build up and enhance this screen planting with native woodland trees, particularly on the northern and eastern boundaries. It is proposed to remove the trees on the western boundary, however, which is a source of objection for the appellants. I would agree with the third parties that the replacement of trees along this boundary would help the development to blend into the surroundings. Should the Board be minded to grant permission, it is considered that a condition to this effect should be attached to any permission. Overall, it is considered that the layout, landscape and open space strategy would facilitate the integration of the development into the character of the village.
- 7.2.6. The gardens generally meet or exceed the minimum standards and the upper floor windows meet the 22m separation distances. It is considered, based on the layout combined with the proposed landscaping scheme, that issues of overlooking and/or loss of privacy are unlikely to be of material concern. There is a variety of house types provided, although they are generally semi-detached or detached. There are five types with different floor areas. Five of the houses are at the larger scale of

c.183m², fourteen are at the smaller scale of c.100m² - 111m² and eleven are mid-range with floor areas of c.131m² to c.140m².

7.2.7. On balance, it is considered that the proposed development would not detract from the character of the village, would not adversely affect the residential amenities of the surrounding area and is responsive to the conditions on site and in the vicinity with an appropriate density, whilst providing for adequate amenity for prospective occupants.

7.3. Adequacy of water and wastewater infrastructure

7.3.1. Irish Water advised the applicant (29/11/17) in response to a pre-connection enquiry regarding the proposed development that on the basis of the information provided and the capacity currently available as assessed by IW, subject to a valid connection agreement being put in place, the proposed connection to the IW network can be facilitated. However, it pointed out that upgrade works would be required to the WWTP, which would be resolved once completed and that the upgrade works are scheduled for completion in 2020.

7.3.2. The P.A. had raised concerns regarding possible prematurity but was satisfied with the FI response and attached conditions to its decision to address the matter. Condition 6 prohibits the occupation of any dwelling until the water and sewage services serving the dwellings are installed and functioning in accordance with the IW connection agreement. Condition 9 requires that the developer enters into a connection agreement with IW prior to the commencement of development. It is considered that this is satisfactory and should the Board be minded to grant permission, that similar conditions be attached to any such permission.

7.4. Traffic impact

7.4.1. The site is located on a national secondary route, the N71 which links Bandon with Clonakilty, which is a busy route. The TII Spatial Planning and National Roads Guidelines 2012 (Section 2.5), state that in the case of lands adjoining national roads to which speed limits of greater than 60kph apply, additional accesses or the generation of increased traffic from existing accesses should be avoided. In respect of 'Transitional Zones', (i.e. sections of national roads on the approaches to or exit from urban centres that are subject to 60kph limits), a limited level of direct access may be permitted to facilitate orderly development. Any such proposals, however,

must be subject to a Road Safety Audit carried out in accordance with NRA requirements and a proliferation of such entrances, which would undermine the role of such zones must be avoided. The appeal site is located in such a Transitional Zone (60kph).

7.4.2. Following a request for FI, the applicant submitted a Traffic Impact assessment of the proposed development as well as a Road Safety Audit, with particular emphasis on the junction of the N71 with the road serving the Castlewoods Estate (L6138). It was found that there would be no significant queues in either the opening year or the design year at either the junction of the L6138 and the N71 or the junction of the proposed entrance and the L6138. The proposals were amended to ensure that sightlines appropriate for a 50kph limit on the L6138 and for an 80kph limit on the N71 could be achieved. It is further stated that once the existing entrance (which is directly onto the N71) is no longer required, (following construction), this entrance will be closed and a new area of hatching in the central reservation of the N71 will be introduced. The proposed development also includes the provision of space for a bus stop bay on the N71. The revised proposals include alterations to the existing public footpaths to bring them up to standard and the front boundary wall would be curved and set back to improve visibility at the corner.

7.4.3. It is considered that the proposed development would not result in any significant traffic impact and would not adversely affect the carrying capacity of the national road. The proposed development would also result in improved conditions for motorists, cyclists and pedestrians.

7.5. **Construction impacts**

7.5.1. The main objection relating to construction is the hours permitted by the P.A. which had placed a restriction of 0800 to 1900 hours, six days a week, including Saturdays. The concern focussed on the construction activity on a Saturday, which it was considered would have an unduly adverse impact on the residential amenities of Castlewoods Estate. The remedy requested was to prohibit construction activity on Saturdays. However, the first party has objected to this amendment on the grounds that Saturday working is standard practice. The Board generally attaches a condition to planning permissions which restricts construction hours to 0800 – 1900, Mon to

Friday and 0800 – 1400 on Saturdays. It is considered that this would be a reasonable approach, should permission be granted.

7.6. Environmental Impact Assessment

Having regard to the nature and scale of the proposed development within the development boundary of Old Chapel village on serviced lands, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.7. Appropriate Assessment

- 7.7.1. The site is located approx. 12km to the north of two European sites, Courtmacsharry Bay SAC (001230) and Courtmacsharry Bay SPA (004219). There are no known hydrological links to the protected sites. Given the scale and nature of the development, the distances involved, that the site is located in an established urban area, on serviced lands, it is considered that no appropriate assessment issues are likely to arise.

8.0 Recommendation

Having regard to the foregoing I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

9.0 Reasons and Considerations

Having regard to the location of the site within the development boundary for Old chapel and to the specific objective as set out in the Bandon Kinsale Municipal District Local Area Plan 2017 to encourage the development of up to 80 additional dwelling units within the development boundary during the plan period, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would not adversely impact the character of the village and would be acceptable in terms of traffic safety and convenience. The proposed development

would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted to the planning authority on the 24th day of May 2018 and 23rd day of July 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:-
 - (a) The child proof fencing shall be provided along the river bank of a height, location and materials to be agreed with the planning authority.
 - (b) The trees to be felled on the western boundary shall be replaced with a similar row of trees to screen the development prior to the first occupation of any dwelling on the site.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the residential and visual amenity of the area.

3. Prior to the commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water. No dwelling shall be occupied until water and sewerage services serving the development have been installed and functioning in accordance with the connection agreements made with Irish Water.

Reason: To ensure that satisfactory water and wastewater arrangements are in place to serve the development.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the details standards of the planning authority for such road works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

7. No vegetation or structure shall exceed 1 metre in height within the sight distance triangle.

Reason: In the interest of road and public safety and visual amenity.

8. A minimum of two parking spaces shall be provided and maintained within the curtilage of each dwelling unit.

Reason: To ensure adequate off-street parking provision is available to serve the proposed development.

9. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interest of amenity and public safety.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the

provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

11. (a) All screen walls and boundary walls within the proposed development shall be constructed and finished in accordance with the details submitted to the planning authority.
- (b) Details of the location, design and construction method of any retaining walls, including those between plots, shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of visual amenity and public safety.

12. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than 1:500 showing –

- (i) Existing trees, hedgerows, stone walls, specifying which are proposed for retention as features of the site landscaping
- (ii) The measures to be put in place for the protection of these landscape features during the construction period
- (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder
- (iv) Details of screen planting which shall not include *cupressocyparis x leylandii*
- (v) Details of roadside/street planting
- (vi) Hard landscaping works, specifying surfacing materials, furniture play equipment and finished levels.

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.

(c) A timescale for implementation

All planting shall be adequately protected from damage until established.

Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the

development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

13. Proposals for an estate/street name, housing numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

14. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the planning authority on the 24th day of May 2018. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

15. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted

under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

16. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials within each house plot shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

17. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

18. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise

management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

19. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

20. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Mary Kennelly
Senior Planning Inspector

4th April, 2019