



An
Bord
Pleanála

Inspector's Report ABP-303990-19

Development	10-year permission for the demolition of an existing shed and the construction of 99 dwelling units, internal roads and paths, access from the Dunmanway Road and Upper Convent Hill Road, 2 sub-stations, landscaping, boundary treatments, car parking, and ancillary site works.
Location	Coolfadda, Bandon, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	18/4606
Applicant(s)	Compass Homes Ltd
Type of Application	Permission
Planning Authority Decision	Grant, subject to 48 conditions
Type of Appeal	Third Party -v- Decision
Appellant(s)	Frank & Rita O'Driscoll
Observer(s)	Kevin & Fiona McCarthy & Others Joe Burke & Concerned Citizens

John Donegan

Date of Site Inspection

30th May 2019

Inspector

Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located 1.4 km to the west of Bandon town centre and in a position on the northern valley slopes to the Bandon River. This site lies between two east/west routes: to the north, Upper Convent Hill (L2011), and, to the south, Dunmanway Road (R586). The former higher-level route serves older ribbon development and newer housing schemes. The latter lower-level route serves predominantly established residential properties. Farm gate access to the site presently exists at two points on Upper Convent Road (80 kmph) and at one point on Dunmanway Road (50 kmph), via the driveway to the dwelling house adjacent to the south western corner of the southern portion of the site.
- 1.2. The site forms a stubby “T” shape in plan-view and it is composed of two fields: a north western field and an inverted “L” shaped field that extends across the north central, north eastern, and southern portions of the site. The former field is the subject of downward gradients from its north western corner to its southern boundary and the latter field is the subject of downward gradients, generally, from the northern to the southern boundaries. The latter field also has localised raised areas in its north western and north eastern corners and gradients across its southern portion are consistently steeper than elsewhere in the site.
- 1.3. The site extends over an area of 6.48 hectares. It is down to grass and presently in agricultural use. A farm building is sited in the south eastern corner of the southern portion of the site. The site abuts the aforementioned Upper Convent Road, to the north, and an embankment to Dunmanway Road, along its southern most boundary. The eastern boundary abuts the residential cul-de-sac off Upper Convent Road known as Castleheights. House plots off the northern portion of this cul-de-sac have been completed and a footpath link via steps has been constructed between it and Dunmanway Road. The south western and south eastern corners of the southern portion of the site abuts existing residential properties. Elsewhere the site abuts other fields. All boundaries are denoted by hedgerows except for the rear boundary to the south western residential property, where a rear retaining wall rises above the upper ground level to form a boundary wall, too.

2.0 Proposed Development

2.1. The applicant seeks a 10-year permission for a proposal, which would comprise the following elements:

- The demolition of an existing farm building (232 sqm),
- The construction of 99 dwelling units (35 detached, 54 semi-detached, and 10 terraced) with a total floorspace of 13,915.5 sqm,
- The northern and central portions of the site would be accessed off Upper Convent Hill and the southern-most portion would be accessed off Dunmanway Road. Both access points would be sited in the same position as existing ones. (A wayleave that utilises an existing farm gate to the north western portion from Upper Convent Hill would be retained),
- An internal road network would be laid out within the site. This network would include a footpath link via steps with Dunmanway Road and supplementary visitor parking spaces,
- Public open space with play areas would be laid out within the site,
- Existing external boundary treatments would, for the most part, be retained, and in places strengthened, and
- Two sub-stations (232 sqm) would serve the proposal.

2.2. Twenty-six dwelling units would be designed for active retired households.

2.3. The design of the internal road network was revised during the life of the application and as a result the quantum of public open space reduced slightly from 11,886.1 sqm to 11,092.5 sqm.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information and clarification of that information, permission was granted, subject to 48 conditions, including one that requires the omission of dwelling houses nos. 19 and 20 and the development of a

creche/childcare facility on the land thus vacated. A further planning permission concerning the same is to be obtained before the construction of the final 30 dwelling houses commences.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information was requested with respect to the following:

- An Appropriate Assessment Screening Report,
- A revised Part V proposal,
- Inclusion of a childcare facility,
- Compliance with the Recreation and Amenity Policy,
- Details of retaining structures and additional cross sections,
- Further details of aspects of the proposed landscaping,
- Preparation of a TIA for the L2011
- Details pertaining to the three proposed accesses from the public road network,
- Details and amendments to the proposed internal road network,
- Details of traffic calming measures,
- Details of pedestrian/cycling facilities, including the provision of a public footpath along the southern side of the L2011,
- Confirmation of feasibility of connection to be obtained from Irish Water and corrections to submitted foul water drainage plans,
- Details and amendments to the proposed storm water drainage system, including the attenuation tank and petrol interceptor,
- Preparation of public lighting scheme,
- Preparation of a Construction Management Plan, with a phasing plan, and a Construction Environmental Management Plan, and
- Details of servicing cables.

Clarification of this information was requested with respect to the following:

- Revisions and additions to the internal road network and public lighting,
- Confirmation and expansion of aspects of the TIA, and
- Elaboration upon sightlines for the proposed access points and confirmation of agreement with house owner, whose driveway would be affected by the Dunmanway Road access.

Further clarification was requested with respect to the following:

- Clarification and amendment of the sightlines at the proposed access points, and
- Confirmation of agreement with house owner, whose driveway would be affected by the Dunmanway Road access.

3.2.2. Other Technical Reports

- Estates: Following clarification of further information, no objection, subject to conditions.
- Public Lighting: Following clarification of further information, no objection, subject to conditions.
- Environment: Following clarification of further information, no objection, subject to conditions. Following further clarification, an additional condition requested.
- Housing Officer: Following receipt of further information, no objection.
- Ecologist: Following clarification of further information, no objection, subject to a condition.
- Area Engineer: Following further clarification, no objection, subject to conditions.
- IFI: No objection, subject to Irish Water's confirmation of capacity.
- Irish Water: Confirms that confirmation of feasibility of connection has been issued.

4.0 Planning History

Site:

- Pre-consultation occurred on 26th October 2017.

5.0 Policy and Context

5.1. Development Plan

Under the Cork County Development Plan 2014 – 2020 (CDP), Bandon is identified as a Ring Town.

Under the Bandon Kinsale Municipal District Local Area Plan 2017, the site is shown as lying inside the settlement boundary and zoned residential. It is denoted as being subject to Bandon Residential Objective 07 (BD-R-07), which pertains to an area of 6.1 hectares and states the following:

Medium B Residential Development. Proposals to include provision of a landscaping plan including high quality boundary treatments particularly along the western boundary.

Under HOU 4-1 of the CDP, Medium B Residential Development can have a density of between 12 and 25 residential units per hectare.

The route of the Northern Relief Road is shown as running to the north west (BD-U-02). The LAP comments that this Road would link the N71 and the Crossbarry Road (R589), by means of a new bridge across the Bandon River, and in the longer term a link would be created between the R589 and the Dunmanway Road (R586).

5.2. Natural Heritage Designations

- Bandon River SAC (site code 002171)

5.3. EIA Screening

Under Items 10(b)(i) & (iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2018, where more than 500 dwelling units would be constructed and where 10 hectare-urban sites would be developed, the need for

a mandatory EIA arises. The proposal is for the development of a 6.48-hectare site to provide 99 dwelling units. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall below the relevant thresholds, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

Rita & Frank O'Driscoll, who reside in the dwelling house off Dunmanway Road, which is adjacent to the south westernmost corner of the site.

While the appellants have no objection to the number of residential units proposed for the site, they do have the following site-specific concerns with respect to their residential property:

- Attention is drawn to proposed dwelling house no. 78 and the correspondence that would arise between this dwelling house and the rear bedroom windows of the appellants' dwelling house, due to the intervening downwards slope. The resulting overlooking would be mitigated if the proposed dwelling house were to be pivoted at 45 degrees.
- Attention is drawn to the entrance and lane to the appellants' dwelling house, which crosses the southern extremity of the site and over which they have a legal right of way. They state that they have not agreed with the applicant to the proposed alterations to this entrance and lane, which would be made under the proposal.

Attention is also drawn to the portion of the proposed on-site access road, which would run to the east of the appellants' dwelling house. They express concern over the environmental impact of the use of this portion on their residential amenities, in terms of light spillage and noise, and so they request that it be re-sited further to the east.

- Attention is drawn to draft condition 20, which relates to the proposed attenuation tank and its siting in the southern portion of the site. The appellants request that this tank be fully completed in conjunction with the initial construction of housing to avoid the risk that it be left in a partially completed state for the duration of the construction period. (Regrettably, this very scenario did pertain in a neighbouring construction site to the east).

6.2. Applicant Response

The applicant has responded to the grounds of appeal as follows:

- With respect to overlooking, the site to the rear of the appellants' dwelling house would be a private garden rather than a communal area of open space. Under further information, the relationship in question was elucidated by means of a cross section. Thus, a separation distance of in excess of 22m would arise and planting to the common boundary would be undertaken.
- The applicant draws attention to three meetings which it had with the appellants. As a result of the first meeting, the said portion of the access road was set back as far as possible from the eastern side elevation of the dwelling house, consistent with DMURS gradient standards. Furthermore, the intervening strip of land would be landscaped. These changes were shown to the appellants at a second meeting. A third meeting concerning the appellants' legal right of way was inconclusive. Nevertheless, the applicant considers that the proposed site access and accompanying road would provide a safer means of access to the appellants' residential property than that which pertains at present. During any construction period, dual use of the access point would be maintained.
- The appellants concern over the attenuation tank stems from their observation of what happened on a neighbouring site. Draft condition 20 requires that full details of this tank should be agreed with the Planning Authority prior to the commencement of development.

The applicant requests that the Board review draft condition 2, on the grounds that 26 of the 99 dwelling houses would be designed with the needs of elderly/less mobile in mind and so fewer than 75 dwellings would be designed for families, and

feedback from existing creches indicates that viability requires 60 – 80 places. Alternatively, if the condition is to be retained, then it should be subject to an updated childcare assessment at the relevant time.

The applicant also requests that the Board review the Planning Authority's insistence that the entire internal road network be laid out to a consistent width of 5.5m, as it considers that DMURS would promote/facilitate variation in keeping with the road hierarchy shown on the originally submitted plans. Reversion in this respect could be conditioned.

6.3. Planning Authority Response

None

6.4. Observations

Kevin & Fiona McCarthy & Others: Residents of Castleheights:

- Health and safety: Concern is expressed over the traffic that would be generated by the proposal and the addition to existing congestion on Convent Hill and Kilbrogan Hill, particularly at school opening and closing times. The main access point to the site would be on a 80 kmph portion of the L2011 opposite an existing family home.
- Noise from traffic generated by the construction and operational phases of the proposal.
- The L2011 lacks footpaths and public lighting along much of its length between the existing town and the site.
- The residential amenities of dwelling houses at Castleheights would be adversely affected by the size, proximity, and orientation of dwelling houses on the site, as a result of the ensuing loss of light and privacy.

The observers request that development on the site should exhibit a lower density, include bungalows, ensure a greater separation distance between dwelling houses on the site and existing ones at Castleheights, and relocate the main access to the site.

Joe Burke & Concerned Citizens of Coolfadda:

- Three residential properties adjacent to the northern boundary of the site would suffer a loss of light and privacy.
- The main access would be opposite an existing family home, resulting in safety and noise issues.
- Existing traffic congestion, due to schools and other housing developments, would be exacerbated.

John Donegan of Coolfadda:

Personal impact:

- The proposal would remove existing views and the privacy that the observer enjoys at his residential property.
- A rock breaker on a neighbouring site is causing concern over the risk of structural damage to existing dwelling houses. Such risk could be replicated under the proposal.
- The observer's existing water supply could be placed at risk.

Safety:

- There is no footpath or public lighting on the L2011 over the 785m between the town and the site.
- The exacerbation of traffic congestion, as identified above, and also on a connecting road to the west between the L2011 and the R586.
- The existing speed limit on the L2011 as it passes the site needs to be reduced.

Environmental/socio-economic:

- The Planning Authority's estimate that 892 dwellings are needed in Bandon by 2022 is questioned and attention is drawn to extant permissions for housing.
- The applicability of the SEA for the LAP is questioned on the basis that recent flood relief works in Bandon mean that a new assessment is necessary.

- The availability of a satisfactory water supply is questioned on foot of the experience at Castleheights where, due to the housing estates higher level than the neighbouring reservoir, interruptions in supply occur. The proposal would be higher again.
- Attention is drawn to a neighbouring housing site and the run-off of surface water from it onto Dunmanway Road with adverse repercussions for the road surface.
- Speeding on Dunmanway Road needs to be addressed before another access from it is opened up.
- The public footpath on Dunmanway Road is overgrown in places and it does not afford the most direct access to schools within Bandon. Thus, pedestrian movements generated by the proposal may still occur on the L2011, which lacks public footpaths.
- The maintenance regime for the L2011 is critiqued.
- The visibility of the proposal within the landscape would continue a trend of despoliation.

6.5. Further Responses

None

7.0 Assessment

7.1. I have reviewed the proposal in the light of national planning guidelines, the CDP, the LAP, the submissions of the parties and the observers, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use and density,
- (ii) Development standards,
- (iii) Amenity,
- (iv) Traffic, access, and parking,

(v) Water, and

(vi) Screening for Appropriate Assessment.

(i) Land use and density

- 7.2. Under the CDP, Bandon is identified as a Ring Town, which lies within the Greater Cork Ring Strategic Planning Area. Objective CS 4-2(b) of this Plan envisages an acceleration in the rate of growth of the Ring Towns so that they “achieve a critical mass of population to enable them to maximise their potential to attract new investment in employment, services and public transport.” And yet Bandon is 30 km from Cork and so it lies within the city’s commuter belt.
- 7.3. Under the LAP, the site is shown as lying within the settlement boundary and in an area zoned residential, which is subject to Objective BD-R-07, i.e. Medium B density of between 12 and 25 residential units.
- 7.4. Given the zoning of the site, there is no in principle land use objection to the current proposal for its development for residential use. This proposal is for 99 dwelling units on a 6.4-hectare site. While public open space is proposed, I do not consider that it would be designed to serve an area wider than the site and so, Under Appendix A of the Sustainable Residential Development in Urban Areas Guidelines, the gross and net densities would equate with one another, i.e. the proposal would exhibit an overall density of 15.47 dwelling units to the hectare, which would come within the range of densities cited by the LAP for the site.
- 7.5. The proposal would comprise two distinguishable elements: In the western portion of the site 16 dwelling houses would be laid out on more spacious plots¹ and on the remainder of the site 83 dwelling houses would be laid out on smaller plots. The respective densities of these two areas would be 8.82 dwelling units to the hectare and 18.10 dwelling units to the hectare.
- 7.6. Under the aforementioned Guidelines, larger towns are defined as having populations in excess of 5000. In 2016, Bandon had a population of 6957 and so it comes within this definition. The site is a greenfield one on the outskirts of Bandon. These Guidelines advise on appropriate locations for increased densities in such

¹ The applicant indicates that the 16 house plots would be marketed as serviced sites, something which the cited Guidelines envisage as being appropriate in the case of smaller towns and villages as an alternative to one-off dwelling houses in the countryside.

areas to the effect that they generally should have net residential densities between 35 – 50 dwellings to the hectare. Densities below 30 dwellings should be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares. They also advise that lower densities may occur on a limited basis in situations where in the wider locality average densities would come within the aforementioned range.

7.7. Under SPPR 4 of the Urban Development and Building Heights Guidelines, the aforementioned Guidelines are cited. Thus,

It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:

- 1. The minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “Sustainable Residential Development in Urban Areas (2007)” or any amending or replacement Guidelines;*
- 2. A greater mix of building heights and typologies in planning for the future development of suburban locations; and*
- 3. Avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.*

I note that Special Planning Policy Requirements are mandatory and that SPPR 4 addresses not only density but building typologies, too. I note, too, that, while the site is on the lands identified for Bandon’s westernmost expansion and thus on the far side of the town from Cork, proposals exist in the LAP to construct a Northern Relief Road (BD-U-02), which would improve the accessibility of the N71 and thus Cork City itself. I, therefore, take the view that the application of the SPPR 4 to the development of the subject site would *prima facie* prompt a higher density than that envisaged under the current proposal and a greater variety of building typology.

7.8. During my site visit I observed that the surrounding locality is composed of a variety of housing areas. Thus, along Upper Convent Hill, there are examples of new housing schemes with higher and lower densities than that proposed, e.g. The Tannery and Castleheights, respectively, and of ribbon development with low densities. Along Dunmanway Road, there are established residential properties,

which, likewise, have low densities. Accordingly, I have not confident that, with the inclusion of the proposal, the average density within the locality would meet the aforementioned absolute minimum of 30 dwellings to the hectare.

- 7.9. The topography of the site poses challenges insofar as, particularly over its southern portion, significant gradients feature. Resulting slopes are generally downwards from north to south. The proposed site layout reflects these slopes insofar as rows of dwelling houses would be sited on east/west axis. Over the southern portion, the site would be terraced with the introduction of retaining measures. Likewise, public open space would extend across the site.
- 7.10. The proposal would comprise a mix of three-bed and four-bed dwelling houses, i.e. 42 of the former and 57 of the latter. These dwelling houses would be composed of 35 detached, 54 semi-detached, and 10 terraced. Essentially nine different designs of dwelling house would feature and floorspaces would range between 101.2 and 208 sqm. All the dwelling houses would be of two-storey form with some being of split-level form to capitalise on the site's slopes.
- 7.11. Given the site's topography, the scope for revising the layout to achieve a higher density would be relatively inelastic. There maybe some scope to increase the height of dwelling houses, but this would be limited by the landscape and visual sensitivities attendant upon the site's valley side location. Densification could thus be mainly achieved by a combination of fewer detached dwelling houses and the specification of some smaller dwellings, such as townhouses, duplexes and/or apartments. The resulting greater variety of dwellings would serve to supply a greater range of residential need and so it would be more likely to promote the fulfilment of Objective CS 4-2(b) of the CDP, thereby limiting the incidence of commuting.
- 7.12. The appellant raises no objection to the proposed number of dwelling units. Observer (a) requests a lower density and the specification of bungalows set back from site boundaries.
- 7.13. I conclude that there would be no in principle objection to the development of the site for residential use. I conclude, too, that, while the proposal would accord with LAP density standards, it would not accord with the relevant advice of the Sustainable Residential Development in Urban Areas Guidelines, the application of which is mandatory under SPPR 4 of the Urban Development and Building Heights

Guidelines. Notwithstanding constraints pertaining to the site there is scope for densification on the site, in the interests of greater land efficiency and sustainability. There is also scope for a great variety of building typology, which would promote the realisation of Objective CS 4-2(b) of the CDP rather than the suburbanisation of Bandon, as a result of housing that is taken up mainly by commuters.

(ii) Development standards

- 7.14. The proposal is for 99 dwelling houses. The applicant draws attention to the fact that 26 of these dwelling houses have been designed for active retirement households rather than families. Thus, the remaining 73 dwelling houses would fall below the threshold of 75 dwelling houses, cited in the Childcare Facilities Guidelines, beyond which a crèche would be required.
- 7.15. Under further information, the applicant submitted a Childcare Facilities Assessment, which provides information upon existing childcare facilities within a 6 km radius of the site, extant permissions in Bandon for housing schemes that would incorporate crèches, and demographic trends. It concludes that there would only be a minimal need for childcare arising from the proposal and that this could be provided for by means of existing childcare facilities. Notwithstanding this conclusion, house plots nos. 13 and 14 adjacent to the site entrance were identified as a possible site for a crèche.
- 7.16. The Planning Authority did not accept that the proposal could be disaggregated as stated or that there was no need for a childcare facility. Accordingly, condition 2 was attached to the draft permission, which requires that house plots nos. 19 and 20 be omitted and that full planning permission be obtained for a crèche on this site prior to the commencement of construction of the final 30 dwelling houses on the site.
- 7.17. At the appeal stage, the applicant has requested that the Board review condition 2 on the grounds that increasingly for crèches to be viable they need to be able to accommodate between 60 and 80 children. The omission of this condition is sought or the insertion of a review of the need for it at the stated time.
- 7.18. I note that all of the proposed dwelling houses would be of a size that they could readily accommodate families and that, while the stated 26 would be designed with the needs of the elderly/mobility impaired in mind, this would not exclude them from being occupied by families. I note, too, the requirement of the aforementioned

Guidelines for the provision of a crèche and the absence of restriction therein upon its maximum size. To waive this requirement on the basis that extant permissions are likely to proceed, and thus meet the emerging need for additional childcare places, would entail relying unduly upon their implementation. Clearly, if, in time, over provision arises, then matters could be reviewed, e.g. an application could be made to omit any condition requiring the provision of a crèche.

- 7.19. It is unclear why the Planning Authority chose house plots nos. 19 and 20 rather than the applicant's house plots nos. 13 and 14. Size wise, these sites would be comparable. However, the former would be further from the site entrance than the latter, which would be adjacent to this entrance. I, therefore, consider that this latter site would be preferable. If the Board is minded to permit the current proposal, then a revised condition could be attached to safeguard this site.
- 7.20. The applicant has identified 9 dwelling houses, which would be the subject of a Part V agreement. Seven of these dwelling houses would be terraced ones in the north eastern corner of the site and two would be a pair of semi-detached dwelling houses sited centrally within the site. The Housing Officer has signalled his acceptance of these dwelling houses as a basis for the said agreement.
- 7.21. Under Table 5.1 of the Quality Housing for Sustainable Communities Best Practice Guidelines, the individual floorspaces of each design of dwelling house would exceed the minimum floorspace advice set out therein. Accompanying private open space provision would be satisfactory and conventional separation distances between corresponding dwelling houses would be adhered to.
- 7.22. The proposed dwelling houses would exhibit attractive designs internally and externally and so, in addition to being satisfactory from a quantifiable perspective, they would be satisfactory from a qualitative one, too.
- 7.23. Under drawing no. L101 revision B, the applicant has engaged with Appendix A of the Planning Authority's Recreation and Amenity Policy 2006. It thus demonstrates that 13% of the site area would comprise useable public open space and, of the 16 points that the 99 dwelling units would attract, 12 would be met on-site by elements of the proposed public open space provision. Complementary elements would also be provided, which, while not attracting "points" would nevertheless make a positive contribution to the overall development.

7.24. The proposal would incorporate landscaping throughout the site and, in particular, an 8m wide belt of tree planting would be undertaken along the westernmost boundary in accordance with Objective BD-R-07 of the LAP.

7.25. I conclude that, provided house plots nos. 13 and 14 are reserved for a future creche, the proposal would accord with relevant development standards.

(iii) Amenity

7.26. The appellants reside in the dwelling house that is sited in a position adjacent to the south western corner of the southern portion of the site. They draw attention to the dwelling house proposed for plot no. 78, which would be sited to the rear of their own dwelling house and at a higher level. Concern is expressed that dormer windows in the rear roof plane of this dwelling house would correspond with the proposed dwelling house leading to overlooking and a loss of privacy. They also draw attention to the proximity of the proposed access road from Dunmanway Road to the eastern side of the dwelling house. Concern is expressed that the use of this access road would lead to a range of environmental impacts that would adversely affect the amenities of this dwelling house.

7.27. The applicant has responded to these concerns.

- In relation to the first, it draws attention to the conventional separation distance that would be achieved and to a landscaped strip that would abut the rear wall to the appellants' residential property. This strip would be enclosed on the site side by a 1.8m high weld mesh fence and 4 maple trees would be planted within it. These measures would serve to screen views between existing and proposed dwelling houses.
- In relation to the second, it draws attention to a setback of the access road, which was brought forward under further information. While the need to achieve acceptable gradients on the access road exists, within this constraint the setback has been maximised and a landscaped area across the same would be formed by means of a continuation of the aforementioned fence and holly, viburnum, and cherry tree planting.

7.28. I have reviewed the above measures. I consider that, while the setting of the appellants' dwelling house would undergo a radical change, such change is implicit

in the zoning of the site for residential use. I consider, too, that the mitigation measures proposed by the applicant would alleviate the impact upon the residential amenity of this dwelling house of the proposal.

7.29. The observers draw attention to the proximity of other residential properties within the vicinity of the site and to the impact upon their amenities that would arise from the proposal. In these respects, I note that existing boundary treatments would be retained, wherever possible, i.e. along the frontage with Upper Convent Hill there would be some inevitable loss in order to ensure satisfactory sightlines at the site entrance. Such retention would do much to alleviate the impact of development.

7.30. I conclude that, given the zoning of the site for residential use, the proposal would be compatible with the amenities of existing residential properties in the vicinity of the site.

(iv) Traffic, access, and parking

7.31. The applicant has prepared a Traffic and Transport Assessment Report, which examines the performance of junctions that would be affected by traffic generated by the proposal in the north western quadrant of Bandon. Performance is examined for the projected opening year of 2022 and 5 and 15 years on from this baseline year. The subject junctions are as follows:

- R586 and R589,
- R589 and L2011,
- L2011 and L2039,
- L2011 and L2033,
- R586 and L2022,
- Access from L2011 (Upper Convent Hill), and
- Access from R586 (Dunmanway Road).

7.32. The Report identifies a capacity issue at the first of these junctions, which would arise in 2037, and it recommends that this uncontrolled junction be upgraded to a signalled one with two right hand turning lanes. This Report does not identify capacity issues at any of the other junctions, but it does make a series of recommendations with respect to signage and road markings at these junctions.

- 7.33. The Planning Authority identified the need for a public footpath connection and accompanying public lighting between the site and where the existing projected provision in these respects would terminate on Upper Convent Road. Accordingly, condition 47 has been attached to the draft permission, which requires the payment of a special development contribution to cover the cost of these works and a portion of the cost of the works that would be entailed in meeting the above cited recommendations. The applicant has not raised any objection to this condition.
- 7.34. Under the proposal, a public footpath would be laid out to link the site with Dunmanway Road. This footpath would incorporate steps and it would connect with the existing public footpath, which runs along the entirety of the northern (nearside) of this Road into the existing town of Bandon. While observers acknowledge the presence of the public footpath, they draw attention to its relative inconvenience and to the need for one along Upper Convent Road. I note in this respect that the provision of the proposed public footpath may be delayed insofar as it passes through the southern portion of the site which would be developed as the final phase of the proposal. I note, too, that the incorporation of steps would limit its usability. In these circumstances, the Planning Authority's insistence upon a new public footpath along Upper Convent Road is justified.
- 7.35. The proposal would be accessed off Upper Convent Road (L2011 – 80 kmph) to the north and Dunmanway Road (R586 – 50 kmph) to the south. At the application stage, the sightlines that would accompany these two site entrances were the subject of attention. Accordingly, the requisite sightlines of $x = 3\text{m}$ and $y = 160\text{m}$ would be available in the former case and $x = 3\text{m}$ and $y = 45\text{m}$ would be available in the latter case.
- In the former case, the western sightline would include within it an attractive row of ash trees, which parallel a corresponding row on the opposite side the Road. The applicant proposes to maximise the retention of these trees by means of the trimming of lower branches and the removal of low-level vegetation. Some filtering of the sightline through retained trees would result.
 - In the latter case, the sightlines would accompany a site entrance that would entail the reworking of the existing access point to the driveway, which serves the appellants' residential property. This access meets Dunmanway Road at

an acute angle and, as the reconfigured site entrance would be perpendicular to this Road, it would be inherently safer. The accompanying access road would provide a spur off it to serve the said property. The appellants draw attention to the absence of an agreement between the applicant's and themselves as to these revised arrangements, which would affect their legal right of way to their property. The applicant has confirmed that, while agreement remains outstanding, this is a civil matter between themselves and the appellants.

- 7.36. Turning to the internal road layout, this was the subject of revision at the application stage to incorporate traffic calming measures. The applicant requests that the Board considers whether these revisions would be necessary, as the original layout complied with the advice of the Design Manual for Urban Roads and Streets (DMURS).
- 7.37. The Planning Authority sought the aforementioned revision, as the Area Engineer expressed concern over long straights which are conducive to high speeds and the need for pedestrian priority crossings. The applicant responded by introducing pinch points, where the road would narrow to a single lane, as a means of reducing speeds on stretches of road that are the subject of appreciable gradients. Likewise, raised tables were introduced at points where it could be anticipated that pedestrians would cross roadways.
- 7.38. I have considered the aforementioned revisions and, while the pinch points would not be required under DMURS, they do appear to be prudent measures. The raised tables would be standard features.
- 7.39. The applicant also raises the question of road width. As revised, a consistent width of 5.5m has been specified. It seeks some variation on the basis of road hierarchy. DMURS specifies widths of between 5 and 5.5m for local streets. As there would be no obvious hierarchy to the road network, I do not consider that a variation in width would be necessary.
- 7.40. Each dwelling house would be accompanied by two off-street car parking spaces and, in the case of the 16 serviced plots, accompanying turning facilities would be provided, too. These spaces would be supplemented by a total of 24 visitor parking spaces, which would be grouped in fours throughout the northern portions of the site.

7.41. I conclude that the traffic generated by the proposal would, subject to certain specified works, be capable of being accommodated on the public road network, that the need for a lit public footpath link along Upper Convent Road exists, that the visibility which would be made available at the proposed site entrances would be adequate, that the internal road layout would be appropriate, and that parking provision would be satisfactory.

(v) Water

7.42. The proposal would be served by the public water mains and the public sewerage system.

7.43. Observers express concern over existing water pressure levels from the local reservoir on Upper Convent Road. Under further information, Irish Water stated that the applicant would be required to upgrade the booster pump in this reservoir. It also stated that the existing water main would need to be upgraded over an c. 250m run from being 100 mm in diameter to 150 mm.

7.44. The applicant has addressed waste and surface water drainage networks for the site in its Engineering Report. Both networks would discharge by gravity to Irish Water and Local Authority systems in the Dunmanway Road. SuDS methodologies would be incorporated within the surface water drainage network, e.g. attenuation tanks and accompanying hydro brakes. Other measures such as permeable surfaces and domestic soakaways maybe capable of being incorporated. If the Board is minded to grant permission, then these could be conditioned.

7.45. Bandon town centre is the subject of significant flood risk, which is presently being addressed by means of flood relief measures. The current site is on higher land than the town centre, extending as it does over northern slopes to the valley of the River Bandon. Under the OPW's Flood Maps, no identified flood risk pertains to the site and there are no flood events recorded within its vicinity.

7.46. I conclude that the proposal would be capable of being supplied with water and drained in a satisfactory manner. I conclude, too, that the site is not the subject of any identified flood risk.

(vi) Screening for Appropriate Assessment

- 7.47. The applicant has submitted a Screening for Appropriate Assessment, which I will draw upon in my own screening exercise below.
- 7.48. The site is neither in nor near to a Natura 2000 site. The River Bandon flows to the south of the site on the far side of the Dunmanway Road from the site. A wooded area lies between this River and this Road. Approximately 22 km upstream at Dunmanway, this River is designated Bandon River SAC (site code 002171).
- 7.49. During the construction phase of the proposal, surface water run-off would be subject to controls under a Construction Management Plan. During the operational phase, surface water run-off from the site would be attenuated and its flow into the Local Authority stormwater sewer in Dunmanway would be controlled. Accordingly, standard construction methodologies and permanent infrastructure would ensure that the risk of surface water from the site entering the River Bandon is minimised. The aforementioned wooded area would assist further in this respect.
- 7.50. Given that the aforementioned SAC is a considerable distance upstream of the site, there is in practise no source/pathway/receptor route between this site and this Natura 2000 site. Likewise, there are no routes between it and other such sites in the wider area.
- 7.51. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 002171, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

That permission be refused.

9.0 Reasons and Considerations

Having regard to:

- SPPR 4 of the Urban and Building Heights Guidelines,
- Sections 5.0 & 5.11 of the Sustainable Residential Development in Urban Areas,
- Objective CS 4-2(b) of the Cork County Development Plan 2014 – 2020, and
- The residential zoning of the site in the Bandon Kinsale Municipal District Local Area Plan 2017,

It is considered that the proposal would fail to achieve a density of residential development commensurate with the mandatory requirement of the said Guidelines and so it would represent an inefficient use of this zoned urban site. Furthermore, the limited building typology proposed would frustrate the quest to both limit the incidence of suburban commuter orientated development in Bandon and to provide a wider range of accommodation in this designated Ring Town, where greater self-sufficiency is being sought. The proposal would thus contravene the above cited relevant advice and requirements set out in the aforementioned Guidelines and it would contravene Objective CS 4-2(b) of the County Development Plan. This proposal would thus be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

18th June 2019