



An
Bord
Pleanála

Inspector's Report

ABP-304271-19

Development	75 houses and crèche
Location	Courtstown, Little Island, Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	18/6021
Applicant(s)	Ruden Homes Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Ruden Homes Ltd.
Observer(s)	Joe, Margaret & Mark Scally
Date of Site Inspection	25 th July, 2019
Inspector	Kevin Moore

1.0 Site Location and Description

- 1.1. The proposed site is located at the eastern end of Little Island approximately 10km east of Cork City Centre. It forms the northern end of a larger field in arable use that slopes in a southerly direction. It has frontage onto a public road to the north onto which a number of detached houses have frontage and which adjoin the north-western part of the site. There is an established industrial estate to the east of the site which uses include light industry, warehousing, and distribution. The former Harbour Point Golf Club adjoins the southern and western boundaries of the site. There is a public footpath and lighting network at this location linking east back to the commercial core of Little Island.

2.0 Proposed Development

- 2.1. The proposed development would comprise the construction of 75 houses and a crèche. The housing scheme would comprise 23 four bedroom, two-storey, detached houses, 30 four bedroom, two-storey, semi-detached houses, and 22 three bedroom, two-storey, semi-detached units. The crèche would be a two-storey, detached structure located at the south-eastern end of the site with access off a cul-de-sac and with its independent parking and open space / play area.
- 2.2. Details submitted with the application included a Cover Report, a Pre-Connection Enquiry Form to Irish Water, and a letter of consent from the landowner permitting the making of the application.
- 2.3. In response to a further information request, the applicant detailed how the proposal would meet with the requirement of Objective X-02 of the Local Area Plan, submitted a construction management plan, and provided further details on sightlines at the proposed entrance onto the public road and on drainage.

3.0 Planning Authority Decision

3.1. Decision

On 29th March 2019, Cork County Council decided to refuse permission for the proposed development for one reason relating to the proposal not providing a satisfactory solution for the delivery of housing on the site and representing piecemeal development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Area Planner noted planning history associated with the holding, the reports received and third party submissions made.

The Senior Executive Planner noted development plan provisions, reports received and third party submissions. The principal planning issues were stated to be policy context, layout/design/housing mix, connectivity, amenity, impacts on third parties, traffic, childcare, servicing and ecology. A request for further information was recommended relating to meeting the requirement of Objective X-02 of the LAP, redesign of the layout, a modified housing mix, a construction management plan and the issues raised in the other internal reports received.

Following the receipt of further information the following reports were submitted:

The Area Planner considered the applicant did not address the essential planning concern relating to Objective X-02 of the LAP and recommended that permission be refused.

The Senior Executive Planner reiterated the concerns of the Area Planner.

The Senior Planner reiterated the views of the Area Planner and the Senior Executive Planner.

3.2.2. Other Technical Reports

The Public Lighting Engineer requested details on public lighting for the proposed scheme.

The Housing Officer had no objection.

The Area Engineer sought further information on sightlines and surface water drainage provisions.

The Environment Engineer had no objection to the proposal and included a schedule of recommended conditions.

The Estates Report requested further information on sightlines, footpath connectivity, and proof of agreement with the landowner where the storm sewer is connecting.

Following the receipt of further information the following reports were submitted:

The Estates Section had no objection to the proposal and included a schedule of recommended conditions.

The Area Engineer had no objection to the proposal and included a schedule of recommended conditions.

The Public Lighting Engineer requested details on public lighting for the proposed scheme.

3.3 Prescribed Bodies

Inland Fisheries Ireland had no objection to the proposal provided Irish Water signifies there is sufficient capacity in existence so that it does not overload existing sewage treatment facilities or result in polluting matter entering waters.

Health and Safety Authority submitted it had no observations to forward.

3.4 Third Party Observations

An objection to the proposal was received from Joe, Margaret and Mark Scally. The observation reflects the principal concerns raised. A further submission was made by Martin and Siobhan O'Riordan who expressed concerns about adverse impacts on residential amenity relating to their home.

4.0 Planning History

P.A. Ref. 07/6541

Permission was granted by the planning authority site development works incorporating roads, services and ancillary works to facilitate future industrial and/or warehouse and distribution development.

The site incorporated the appeal site and lands to the east and south.

P.A. Ref. 12/06311

This permission extended the above permission to 29th November, 2017.

5.0 Policy and Context

5.1. Cobh Municipal District Local Area Plan 2017

Little Island

Little Island is designated a 'Main Town' in the LAP and is recognised as being one of the principal employment centres in Cork. Although a strategic employment area, it is noted that there is potential for limited residential development to support expansion of employment in the area. The Plan states that up to a maximum of 250 dwellings, at Medium B density, may be provided for within the LI-X-02 site to provide for those who require to live in the area.

General Objectives

LI-GO-02

To secure the development of 250 no. new dwellings in Little Island over the lifetime of the plan. These dwellings will be located primarily within the LI-X-02 lands within the development boundary.

Special Policy Area Objectives

LI-X-02

Medium B density residential development up to a maximum of 250 dwelling units incorporating a landscape buffer between the residential units and other site uses. This objective applies to an area of approximately 19.1 hectares.

The appeal site lies wholly within the area in which Objective LI-X-02 applies.

LI-U-05

There is an objective to provide a 'Distributor Road' immediately east of the appeal site.

5.2. Cork County Development Plan 2014

I note that the approach to housing density in the above LAP is set out in Section 3.4 Housing Density, Chapter 3 Housing in the County Development Plan.

According to the Plan, 'Medium B Residential Development' would have a minimum net density of 12 and a maximum net density of 25. The maximum is extended to 35 dwellings per hectare in smaller towns outside Metropolitan Cork. Densities between 25 and 35 dwellings/ha can be considered where an exceptional market requirement has been identified. Development must connect to public water and wastewater services and a broad housing mix is normally required.

5.3 Appropriate Assessment

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 any designated European Site and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

5.4 EIA Screening

Having regard to the site size falling very substantially below the threshold for triggering mandatory environmental impact assessment, the limited scale of the proposed development, the fully serviced nature of the proposed development, its location within the development boundary of Little Island, and the nature of the receiving environment within that context, 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.

6.0 The Appeal

6.1 Grounds of First Party Appeal

The grounds of the appeal may be synthesised as follows:

- The proposed development is fully consistent with Objective LI-X-02 in that it would make a significant and essential contribution to the achievement of the target of 250 dwellings by 2023.
- Objective LI-X-02 does not require a master plan and it is unreasonable to expect the applicants to submit detailed proposals for the balance of the LI-X-02 zone which is owned by the main third party objectors to the development.
- The planning authority has failed to have due regard to the relevant guidelines on sustainable transport and sustainable residential density.

The appeal submission also refutes the decision of the planning authority that the proposal would “materially” contravene Objective LI-X-012 of the Cobh Municipal District Local Area Plan. It also includes a master plan for the applicant’s overall landholding at this location.

6.2 Planning Authority Response

The planning authority noted that translating a cap of 250 houses across the residentially zoned lands gives a gross density of 13 per hectare. It was submitted that the inclusion of Medium B density is subservient to the cap of 250 and that it

guarantees a certain house typology and prevents a proposal for significantly less than 250 units, which could be at a very low density. It is stated that, in the event the Board considers the cap of 250 could be breached, the planning authority considers that lower density should be in the eastern portion of the X-02 lands in light of the potential conflict with adjoining industrial lands, while higher density is more suited to the west. It is acknowledged that the submitted master plan relates only to the applicant's landholding and does not address future housing to the west nor does it include any potential access route to adjoining zoned lands. It was concluded that the master plan does not give enough reassurance that appropriate access and connectivity through the site and to the remainder of the zoned land is achieved.

6.3 Observations

The observers, owners of the former Harbour Point Golf Course, submit that, whether a master plan is specifically required or not, the logical response to the implementation of shared zoning objective LI-X-02 of the LAP is to prepare a co-ordinated and comprehensive plan for the entire zoning objective.

7.0 Assessment

7.1 Introduction

7.1.1 I consider the principal planning issues in this assessment to be the application of development plan provisions at this location, the need for a master plan, and impact on residential amenity.

7.2 The Proposal and Development Plan Provisions at this Location

7.2.1 I note that Little Island is designated a 'Main Town' in the Cobh Municipal District Local Area Plan 2017. It is acknowledged as being one of the principal employment centres in Cork. The Plan refers to this location as being a 'Strategic Employment Area' and considers that there is potential for limited residential development to support the expansion of employment in the area. The principal area for the expansion of the residential component of Little Island is land that is designated

Special Policy Area Objective LI-X-02. This 19.1 hectare plot includes the 3.8 hectare appeal site. The Plan states that up to a maximum of 250 dwellings, at Medium B density, may be provided for within the LI-X-02 site to provide for those who require to live in the area. Medium B density is defined in the Cork County Development Plan in Section 3.4 Housing Density, Chapter 3 Housing. According to that Plan, 'Medium B Residential Development' would have a minimum net density of 12 and a maximum net density of 25. The maximum is extended to 35 dwellings per hectare in smaller towns outside Metropolitan Cork. Little Island is within the Metropolitan Cork area and, thus, the lower density housing provision would apply.

7.2.2 It is my submission to the Board that the residential density being promoted under the Local Area Plan at this location is completely at odds with national policy and guidance on housing density and is completely contrary to the promotion of sustainable development. The Special Policy Objective for these lands is promoting the sub-utilisation of serviceable lands. This is an important employment location which is 10km from Cork City Centre and one that is served well by a national road network (N25). Furthermore, it is on a suburban rail corridor with its own rail station. The Local Area Plan notes that Little Island has adequate water supply and there are no capacity concerns. This area is served by the waste water treatment plant at Carrigrennan and the LAP states that its modular design allows for expansion if required. The Plan notes that most industries on Little Island have their own treatment plants.

7.2.3 Having regard to the above, I seriously question why one would be promoting wholly unsustainable residential densities on these lands. I note that the assessment by the planning authority placed considerable emphasis on the figure of 250 housing units on the LI-X-02 lands, the density of development being sought on the appeal site (seen as excessive), and effectively expressed concern about the number and density of units that could be provided on the remainder of the LI-X-02 lands. In my opinion, it is extraordinary, and indeed exceptional, that such a low density of residential development is being promoted. Based on the Plan objective and provisions, a density of 13 residential units per hectare on this land is being promoted in the LAP.

7.2.4 The density of development being proposed by the applicant in the current application is less than 20 houses per hectare. This is an excessively low density of development on serviceable land, in a 'Main Town' that is a 'Strategic Employment Area', that has no known infrastructure constraints, and that is served well by road and rail. This density of development should not be facilitated as it is well below minimum densities set out in national guidance. The Board will note that the *Guidelines for Planning Authorities – Sustainable Residential Development in Urban Areas* in Section 5.11 submit that the greatest efficiency in land usage on outer suburban / 'Greenfield' sites will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and states that such densities should be encouraged generally. It is further stated that development at net densities less than 30 dwellings per hectare should generally be discouraged in the interest of land efficiency. The provisions of the LAP for this plot clearly promote land inefficiency and a seriously defective use of public services. The low density of development proposed by the applicant is misplaced in the context of the guidance set out in *Sustainable Residential Development in Urban Areas* and must be discouraged.

7.2.5 In addition to the above concerns on density, I submit to the Board that it is ironic that, in the context of the above, Cork County Development Plan in Chapter 3 'Housing' has the following objective:

HOU 3-1: Sustainable Residential Communities

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

I submit that it is very clear that the LAP provisions associated with Objective LI-X-02 are very far removed from the Guidelines which the County Development Plan purports to pursue in seeking to support "the achievement of sustainable residential communities".

7.2.6 I note that the planning authority has identified the potential conflict between the development of residential units on these lands and the proximity to employment-related uses in this area. Emphasis has been placed on the potential for higher residential densities on that section of land further from established employment-related uses. However, Objective LI-X-02 applies to the whole 19.1 hectare plot and no such distinction is made within the LAP. Therefore, all land within this plot has been similarly designated for residential purposes whether near to or at the furthest point from established employment-related uses.

7.2.7 Overall, it is very clear that the density of development being promoted by the LAP is wholly unacceptable and cannot under any reasonable circumstances be upheld in light of the need to achieve a sustainable density of development on these lands. While the density of development being sought by the applicant is increased over that promoted in the Plan, this density is far below a sustainable density of development for these serviceable lands at this location. Clearly, if one was to be concerned about the potential conflict between residential and employment uses, a rational approach would be to allow for a sustainable density of residential development in the overall plot, with an increased buffer between it and the employment-related uses. Otherwise one should significantly reduce the lands designated for residential purposes to achieve the development of 250 units within a much smaller plot at sustainable densities, while expanding the provisions for employment-related uses if they are the uses taking precedence at this location. One way or the other, one cannot stand over a density of development at 13 units per hectare at this location and maintain that sustainable residential development is being promoted and pursued in Little Island.

7.3 The Need for a Master Plan

7.3.1 I note that the LAP makes no reference to the requirement for a master plan for these lands. The achievement of Objective LI-X-02 is not premised upon the landowners preparing and agreeing a master plan with the planning authority. It is my submission to the Board that, if there is no obligation on the developers of this land designated for residential purposes to prepare a master plan, then, if the planning authority wished for a master plan to be prepared to give indicative

guidance to the development of the lands, the planning authority itself should be preparing such guidance. It is very clear that the developers of these lands are working in isolation and there is no overall plan that forms a guide or gives direction on how development should proceed on this plot. In my opinion, the applicant has done all that is reasonably possible at this stage, i.e. to demonstrate what is proposed for the plot, indicate what could be intended for the remainder of the landowner's holding, and provide details of indicative linkages to adjoining lands.

7.3.2 In the knowledge of how the applicant is expected to plan for future development in isolation of any guidance for the development of the 19.1 hectares, it is evident that the planning authority cannot use the lack of a master plan as an excuse to support a refusal of permission. Furthermore, in the knowledge that one of the principal objectors to the proposal is the other landowner of the remaining land within the plot to which Objective LI-X-02 applies, it is clear that achieving an orderly plan for the overall plot is somewhat inhibited. Based upon what is provided for in the LAP, the applicant could not be seen to do much more in plan terms than is provided for in this application.

7.4 Impact on Residential Amenity

7.4.1 The proposed development is designed and laid out such that there are more than adequate separation distances between established residential properties and the proposed new housing. There are no concerns arising for development of this land in this urban location for established housing in terms of any adverse impact by way of overlooking, overshadowing, overbearing impact or any other effect that could be termed 'adverse' on established residential amenities.

7.5 Conclusion

7.5.1 The planning authority's reason for refusal states that Little Island is identified in the Cork County Development Plan 2014 as a strategic employment location. It is pertinent to note that nowhere in this reason for refusal is it referenced that Little Island is designated a 'Main Town' in the Cobh Municipal District Local Area Plan 2017. The reason for refusal also references the lack of an overall satisfactory master plan for the IX-02 lands. It is again pertinent to note that the LAP does not

require the preparation of, and agreement on, a master plan for these lands. It is acknowledged that the applicant has provided details for the holding and shown potential linkages to adjoining lands. Further to these observations, it is very clear that the density of development being promoted by the planning authority in its LAP is demonstrably unsustainable for a 'Main Town' that is a strategic employment location. It is also very clear that the increased density of development sought by the applicant is demonstrably unsustainable. Such development cannot reasonably be facilitated if one is ultimately pursuing the proper planning and sustainable development of this area.

8.0 Recommendation

- 8.1 It is recommended that permission is refused in accordance with the following reasons and considerations.

9.0 Reasons and Considerations

The site of the proposed development is on serviceable lands within the development boundary of Little Island and is in close proximity to social and community services. It is an objective under the Cork County Development Plan 2014 to ensure that all new development within the County supports the achievement of sustainable residential communities and that the Council will have regard to the provisions of the *Guidelines on Sustainable Residential Development in Urban Areas* and the accompanying *Urban Design Manual*, in assessing applications for development through the development management process (*Objective HOU 3-1: Sustainable Residential Communities*).

Having regard to the proposed density of the development, at less than 20 dwelling units per hectare, it is considered that the proposed development would not be developed at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to the built-up area of Little Island and to established social and community services in the immediate vicinity.

Furthermore, it is considered that such a low density would be contrary to the Ministerial Guidelines, which indicate that net densities less than 30 dwellings per hectare should generally be discouraged in the interest of land efficiency. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Kevin Moore
Planning Inspector

29th July 2019