



An
Bord
Pleanála

Inspector's Report

ABP-313824-22

Development	Construction of 6 houses
Location	Reenrou West, Bantry, Co Cork
Planning Authority	West Cork County Council
Planning Authority Reg. Ref.	22215
Applicant(s)	Liam Harnedy
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Liam Harnedy
Date of Site Inspection	6 th October 2022
Inspector	Liam Bowe

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1.0 Site Location and Description

- 1.1. The site, which has a stated area of 0.608 hectares, is located approximately 550 metres to the north of Bantry town centre. The site is roughly rectangular in shape and is west of / opposite the mature Reenrou East housing estate which comprises a mix of semi-detached and terraced dwelling units. The site is accessed from Cove Road off the N71 via Old Barrack Road to the east and Farmer's Lane and George's Row to the south-east.
- 1.1.1. The site is currently under grass and the field that it forms part of appeared to be in agricultural use on the day of my site inspection. The site falls gently from north to south, away from the public road along its eastern boundary. The eastern, northern and southern boundaries are comprised of hedgerows with some mature trees. The western boundary is open to the remainder of the grass field. There is a field entrance on the northern boundary. A detached dwelling bounds the site to the southeast and there is a residential estate (St. Cainirs Place) further to the southeast. The lands to the west are in agricultural use.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of 6 no. single storey, semi-detached, two-bedroom houses at Reenrou, Bantry, County Cork.
- 2.2. The proposed development takes the form of a three pairs of semi-detached single storey houses addressing an internal street. The houses would have a ridge height of 5.12m and there is a 500mm step down between the southeasternmost most (house no.'s 1 & 2) and the other two pairs of houses with the slight fall in ground levels from west-east. The houses are proposed to be sited parallel to the public road with their rear boundaries comprising a 1.8m high block wall and associated footpath running along Cove Road. Public open space is proposed to the northwest, southwest and southwest parts of the site. 12 no. car parking spaces are to be provided on the appeal site.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. By order dated 20th May 2022 Cork County Council issued a Notification of Decision to Refuse Permission for the proposed development for the following reason:

As stated in the Cork County Development Plan 2014 it is the Council's stated policy, as defined by Objectives TM 3-2 and TM 3-3 to improve local roads, to ensure the safety of other road users and to protect the carrying capacity of the road network with safety considerations of paramount importance. It is also stated policy in Objectives TM 2-1 and TM 2-2 to promote walking and cycling routes and proper network linkages to the wider area including that of Bantry Town Centre. The L-4738-0 road and including George's Row and Farmer's Lane, has a "road network in the area generally narrow, of poor vertical and horizontal alignment, with intermittent footpaths" (ABP Ref-306555-20) and pending preparation of a Traffic and Transport Assessment of the needs of the area, further intensified use of the local road network would be premature given the deficiencies in the road network serving the area of the proposed development that would be contrary to the optimum management of traffic, pedestrian and cycling movements integrating the area with the town of Bantry. Accordingly, the proposed development would contravene materially stated objectives of the Cork County Development Plan 2014, that would not be in the interest of road and pedestrian safety and would endanger public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. **Planning Reports**

The Planning Officer in the report dated 20th May 2022 stated the relevant development plan policies, planning history, pre-planning, summarised the third-party submission and the responses from the internal and statutory consultees. The Planning Officer stated that the principle of the proposed development was not acceptable, as advised at pre-planning, and highlighted issues in relation to the sub-standard nature of the road network and pedestrian / cycling infrastructure in the

vicinity of the site. The report recommended that permission should be refused, which is reflected in the decision of the Planning Authority.

Screening for AA was carried out and concluded that there is no likely potential for significant effects to any Natura 2000 site.

3.2.2. **Other Technical Reports**

Area Engineer – The Area Engineer’s report dated 16th May 2022 recommended that the application be refused on the grounds that it is premature pending the preparation of a Transportation Assessment for the road network in the vicinity of the application site and stated that Cork County Council are not in a position to carry out such an assessment.

Liaison Officer – No comments to make.

Estates Engineer – The engineer’s report dated 10th May 2022 states no objection in principle and seeks further details in relation to surface water drainage.

Environment – No objection. Condition recommended.

Public Lighting – The engineer’s report dated 16th April 2022 seeks further details in relation to public lighting.

3.3. **Prescribed Bodies**

Irish Water – No objections. Conditions recommended.

TII – No observations to make.

IFI – Request that Irish Water confirm that there is sufficient capacity in the public sewer.

3.4. **Third Party Observations**

A submission was received Orla Edgeworth, Cove Cottage, Cove Road, Bantry Co. Cork who outlined concerns in relation to traffic safety and connectivity to the town, the imminent change of zoning to Residential Reserve, and the lack of a Traffic Impact Assessment.

4.0 Planning History

4.1. Appeal site:

PL 88.234419 (P.A. Ref. No. 09/232): Permission refused for 22 houses for the following reasons:

1. Development of the kind proposed would be premature pending the determination of an overall traffic and transport assessment of the needs of the area, in the context of an overall management of traffic and pedestrian movements integrating the area into the town of Bantry, and by reference to the existing deficiencies in the local road network. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development, which backs onto an established road and does not provide for a public footpath along its entire road frontage, would result in a substandard form of layout with poor pedestrian connectivity and would seriously injure the amenities of the area and of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4.2. Adjacent sites:

ABP-306555-20 (P.A. Ref. No. 19/284): Permission granted for 5 no. houses c.110m to the northeast.

PL 88.230714 (P.A. Ref. No. 08/1172): Permission refused for road widening to include footpath and public lighting c.100m to the northeast for the following reason:

Whilst the proposed development is considered to be acceptable in principle, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that it has been satisfactorily demonstrated that the development would not seriously injure the amenities of the area or property in the vicinity or that it would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. National Planning Framework

5.1.1. The site is located within the Southern Regional Assembly Area identified in the NPF. The NPF projects that around 2 million people will live in this region by 2040.

5.1.2. National Policy Objective 11a.

Support the proportionate growth of and appropriately designed development in rural towns that will contribute to their regeneration and renewal, including interventions in the public realm, the provision of amenities, the acquisition of sites and the provision of services.

5.2. Regional Spatial and Economic Strategy

5.2.1. The Regional Spatial and Economic Strategy for the Southern Region 2019-2031 is the relevant RSES for Cork.

5.3. Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) – Guidelines for Planning Authorities (2009) and Best Practice Urban Design Manual

5.3.1. Edge of centre sites:

“The emphasis will be on achieving successful transition from central areas to areas at the edge of the smaller town or village concerned. Development of such sites tend to be predominantly residential in character and given the transitional nature of such sites, densities to a range of 20-35 dwellings per hectare will be appropriate including a wide variety of housing types from detached dwellings to terraced and apartment style accommodation.”

5.4. Cork County Development Plan 2022-2028

5.4.1. I draw the Board’s attention to the adoption of the Cork County Development Plan on 25th April 2022, which came into effect as the statutory plan for the county on 6th June 2022.

5.4.2. Under Section 2.9 Sustainable Settlement Framework for County Cork, Bantry is designated as a County Town within ‘Towns and Key Villages > 1500’.¹ This

¹ P.29, Table 2.6: RSES Settlement Typology, Cork County Development Plan 2022-2028

category includes: “Main Towns and Villages which provide a housing, employment or service function. The category is broad and ranges from large commuter towns to more remote towns and villages.”

5.4.3. The site is within an area which is designated as ‘Residential Reserve’.

Objective ZU 18-12: Residential Reserve

Provide a land reserve for the long term orderly development of the Metropolitan towns of Carrigaline, Carrigwohill, Cobh and Midleton and the Key Towns of Mallow and Clonakilty and some County Towns where appropriate. Such lands will not generally be required for development over the period of the Plan to 2028. From the beginning of year four of the Plan (May 2025), consideration may be given to the development of some ‘Residential Reserve’ lands where the Planning Authority is satisfied that:

- a) Delivery of housing on zoned lands is proceeding faster than anticipated and additional land is required for the remaining Plan period, or
- b) It can be clearly demonstrated, to the satisfaction of the planning authority, that a zoned parcel of land will not come forward for development due to infrastructural or other demonstrable constraints during the remaining period of the Plan, and the proposed residential lands can be serviced and offer a reasonable substitute in terms of capacity, sequential development, connectivity, access to services and amenity etc., to secure the population and housing targets for the settlement.
- c) The Planning Authority is satisfied that delivery of the development can reasonably commence before the end of the Plan period, and infrastructure is in place or can be provided to facilitate same.
- d) Where development is considered under (b) above the scale of development shall not generally exceed the capacity of the zoned lands it is replacing.
- e) Objective ZU 18-11 will also apply to lands identified as Residential Reserve.
- f) It can be demonstrated that the housing target for the area set out in the Core Strategy cannot otherwise be achieved within the Plan period.

g) The development would not result in the Core Strategy targets being exceeded, or unduly prejudice the development of new 'Residential' zoned land within those targets.

5.4.4. Bantry is designated as a main town and the appeal site has a land use zoning of Residential Reserve with a specific objective:

Objective BT-RR-01: Residential Reserve

“Medium B Density Residential Development with provision for link road connecting the site with BT-AG-02 to the south. Provision for pedestrian/cycling linkages to the town centre to be included in any proposal. In general, no buildings should be visible on the skyline and in-depth planting should be provided along the entire southern and western boundaries. All existing hedgerows/trees retained and augmented. Any proposals for development of the site to be accompanied by a detailed visual analysis and landscaping plan for the entire site in order to protect the visual setting of the town.”

5.5. Natural Heritage Designations

5.5.1. The site is not located within any designated site. The closest Natura 2000 site is Glengarriff Harbour and Woodland SAC (Site Code: 000090) which is located approximately 7.5km to the northwest of the appeal site.

5.5.2. The Cusroe, Whiddy Island pNHA (Site Code: 000110) is located approximately 2.9km to the west of the site.

5.6. EIA Screening

5.6.1. The project falls under Class 15, Schedule 7 of the Planning and Development Regulations 2001, as amended. The project is below the threshold for triggering the need to submit an EIAR and having regard to the nature of the development comprising a significantly sub-threshold residential development on appropriately zoned lands where public piped services are available 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 Appeal

6.1.1. The grounds of appeal are submitted by Crocon Engineers Ltd., 4 Main St., Bantry, Co. Cork on behalf of the First Party, Liam Harnedy. The main points made can be summarised as follows:

- States that there is a shortage of one and two bedroom houses in Bantry Town and contends there is general support in the local area for this type of house and small development.
- Contends that the proposal would assist in achieving the target population for Bantry Town set out in Objective BT-GO-01.
- Contends that the proposal is consistent with existing development in the area and will allow for future development within the BT-R-06 zoned lands.
- States that the First Party intends to apply for permission to widen the road to improve access in the area per Objective BT-U-03.
- Includes provision for a future link road with pedestrian and cycling linkages to lands to the southwest of the appeal site per Objective BT-R-06.

6.2. Planning Authority Response

The Planning Authority has stated that the zoning under the new County Development Plan has changed and that reference to BT-R-06 is no longer relevant. It confirms that zoning BT-U-03 is still relevant and that proposals contained within the appeal will not improve direct access from the site to Bantry Town centre.

6.3. Observations

6.3.1. An observation was submitted by Orla Edgeworth, Cove Cottage, Cove Road, Bantry Co. Cork. The main points made can be summarised as follows:

- Queries what has changed since the previous application on the site was refused permission under PL 88.234419.
- Highlights that the lands to the south of the appeal site are not zoned under the new County Development Plan and, therefore, the connection to these lands proposed by the First Party comes into question.

- Highlights that permission for a proposed relief road (BT-U-03) was refused under PL 88.230714.
- Contends that the appeal has to be examined under the new County Development Plan and the zoning of the land has changed to Residential Reserve.

7.0 Assessment

I consider that the main issues in the assessment of this appeal are as follows:

- Principle of Development
- Traffic Safety
- Other Issues
- Appropriate Assessment

7.1. Principle of Development

- 7.1.1. The site is in an area zoned 'Residential Reserve' under the Cork County Development Plan 2022-2028. As stated earlier in this report, it is an objective (**Objective ZU 18-12: Residential Reserve**) of Cork County Council to 'provide a land reserve for the long-term orderly development of the Metropolitan towns of Carrigaline, Carrigtwohill, Cobh and Midleton and the Key Towns of Mallow and Clonakilty and some County Towns where appropriate.' Bantry is designated as one such county town.
- 7.1.2. However, it is further stated in the Plan that 'such lands will not generally be required for development over the period of the Plan to 2028.' It includes a caveat that from the beginning of year four of the Plan (May 2025), consideration may be given to the development of some 'Residential Reserve' lands before this time where the Planning Authority considers it appropriate (provisos a – g listed in section 5.4.3 above).
- 7.1.3. The First Party contends that the proposal would assist in achieving the target population for Bantry Town set out in Objective BT-GO-01. I also note that the First Party contends that the proposal will allow for future development within the BT-R-06

zoned lands to the southwest of the appeal site. The observer on the appeal contends that the proposed development has to be examined under the new County Development Plan and the zoning of the land changed to Residential Reserve when the new plan came into effect on 6th June 2022.

- 7.1.4. The population of Bantry was 2,722 in 2016 and the target population to 2028 is 3,622. In order to achieve this population target, an additional 344 new residential units are required. The Plan aims to provide these 344 units on lands zoned both for 'Residential' and 'Mixed Use'² i.e., 257 housing units can be delivered on residentially zoned land and the balance of 87 units can be delivered within the built footprint of the town. There are further areas where land has been designated for additional housing provision (90 residential units) and residential reserve sites (81 residential units).
- 7.1.5. I have reviewed the planning history on the land presently zoned 'Residential' and 'Existing Residential / Mixed Residential and Other Uses' in Bantry Town. In so doing, I identified 3 no. extant permissions³ on the lands zoned with specific objectives for Bantry namely, Objective No.'s BT-R-01, BT-R-02, BT-RAP-03, BT-R-04 and BT-R-05. These permissions comprise proposals for a total of 144 residential units. I am, therefore, satisfied that there is headroom for a further c.200 residential units to be provided on the remaining residential and mixed use zoned land during the life of the Plan.
- 7.1.6. In conclusion, I consider that there is no evidence to suggest at this early stage of the life of the new County Development Plan that there would be a requirement under any of the criteria outlined in the Plan to permit the development of lands designated as Residential Reserve. I, therefore, recommend to the Board that permission be refused on the basis that the proposed development would conflict with policy Objective ZU 18-12, which requires new housing units to be provided from residential and mixed use zoned lands.

² P.126, Table 5.2.7: Bantry Population, and Housing Supply, Volume 5 West Cork, Cork County Development Plan 2022-2028.

³ P.A. Ref. No.'s 21/833, 20/527 & 18/651.

7.2. Traffic Safety

- 7.2.1. The kernel of the Planning Authority's reason for refusal of the proposed development of 6 no. houses on the appeal site was that 'further intensified use of the local road network would be premature given the deficiencies in the road network serving the area of the proposed development and would be contrary to the optimum management of traffic, pedestrian and cycling movements integrating the area with the town of Bantry.'
- 7.2.2. The First Party states that he intends to apply for permission to widen the road to improve access to part of Old Barrack Road per Objective BT-U-03 and that he includes provision for a future link road with pedestrian and cycling linkages to lands to the southwest of the appeal site per Objective BT-R-06.
- 7.2.3. The Third Party highlights that permission for a proposed relief road (BT-U-03) was previously refused under PL 88.230714 and queries what has changed since the previous application for residential development on the appeal site was refused permission under PL 88.234419. The Third Party also highlights that the lands to the southwest of the appeal site are not zoned under the new County Development Plan and, therefore, the connection to these lands proposed by the First Party comes into question. The Planning Authority state, in their response to the appeal, that reference to Objective BT-R-06 for linkage to the lands to the south-west of the appeal site is no longer relevant.
- 7.2.4. Access to the estate is from Cove Road which is narrow and without the benefit of continuous footpaths. Both vehicular movements and speeds are low along Cove Road with on-street parking noted to be prevalent. On the day of my site inspection, I noted that the appeal site abuts a relatively straight section of the road / street. I have examined the proposed works to achieve 70m sightlines, which are demonstrated on Drawing No.03500 submitted to the Planning Authority on 28th March 2022. These works include the removal of the north-eastern boundary and replacing it with a new footpath and block wall back set back by 2.4m.
- 7.2.5. I note the previous Board decision on file ref. PL 88.234419 in 2009 which refers to a proposal for 22 dwellings on the appeal site lands to the south-west of the site which was to be accessed from Cove Road. I agree with the Inspector in his assessment of that appeal in stating that there are difficulties in developing this area of the town

with the road network in the area generally narrow, of poor vertical and horizontal alignment, with intermittent footpaths. I also note the road Objective BT-U-03 to widen the road to improve access in the area and the First Parties stated intention to seek permission to carry out these road improvement works / road widening along the Old Barrack Road. Although such works would undoubtedly improve access issues along Old Barrack Road, I consider that the achievement of this objective would not provide any benefit to present / future occupiers of houses on Cove Road who wish to access the town centre. In this regard, the Board should note that the area of the road network referenced for Objective BT-U-03 is located to the north-east of the appeal site and the town centre is located to the south-west. Consequently, the roads between the appeal site and the town centre would remain narrow, with intermittent footpaths and poor surface conditions in places.

- 7.2.6. Overall, I consider that the additional vehicular movements that would be generated by the 6 no. dwellings would be small and could possibly be accommodated on the road network both on Cove Road and in the vicinity of the appeal site without undue impact on existing road users. However within the context of the appeal site having a land use zoning of Residential Reserve and being associated with other adjacent similarly zoned lands, I consider that a Traffic & Transportation Assessment carried out by Cork County Council would identify all upgrade works required and identify all connections / linkages possible with a view to developing this area of Bantry in a plan-led fashion rather than the piecemeal type of development that is prevalent in this area of the town.
- 7.2.7. On the basis of the above and my observations, I consider that the form and scale of development proposed would be premature pending the determination of an overall traffic and transport assessment of the needs of the area, in the context of an overall management of traffic and pedestrian movements integrating the area into the town of Bantry, and by reference to the existing deficiencies in the local road network. I, therefore, consider that the proposed development would lead to a traffic safety issue at this location.

7.3. Other Issues

Design and Layout – New Issue

- 7.3.1. The proposed development seeks to accommodate three pairs of semi-detached single storey houses with ridge heights of 5.12m and there is a 500mm step down between the southeasternmost most houses (house no.'s 1 & 2) and the other two pairs of houses with the slight fall in ground levels from west-east. The houses are proposed to be sited parallel to the public road with their rear boundaries comprising a 1.8m high block wall and associated footpath running along Cove Road. The houses would have their backs / rear elevation to the public road and, therefore, only address the internal road / street.
- 7.3.2. The First Party has stated within the details accompanying the application that the houses are intended for occupancy by older persons with the units each stated as 66m². Whilst there are a number of smaller units within the Reenrou Estate it largely provides for what are traditionally considered to be family sized dwellings. In this regard and per the previous nearby permission issued under ABP-306555-20, this proposal would assist somewhat in increasing the diversity in the housing stock in the area and would generally accord with prevailing policy to provide for a mix of dwelling types and sizes to meet varying housing needs.
- 7.3.3. As recognised by the Guidelines for Sustainable Residential Development in Urban Areas (2009), the design of roads often results in an environment that is hostile for pedestrians (especially after dark).⁴ Blank walls and fences restrict surveillance and movement. If pedestrians feel isolated within a street because of its characteristics, they are unlikely to use it as a lack of activity and surveillance on streets is one of the key factors that discourage people from walking.
- 7.3.4. On the basis of the above, I consider that the proposed layout would not be an acceptable form of housing at this location, and I am not satisfied that the proposed houses have been specifically designed to address both the constraints of the site and the standards set out in the Cork County Development Plan and the Guidelines for Sustainable Residential Development in Urban Areas (2009). Although I have serious concerns about design and layout of the proposed development, I do not

⁴ P.22, Section 3.18 of the Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities (2009).

recommend including it as a reason for refusal due to the substantive issues highlighted earlier in this report.

Water Services

- 7.3.5. The proposed development would be connected to the existing public water and foul water mains. No significant concerns have been raised by the Area Planner, Estates Engineer or Area Engineer regarding capacity constraints within the public water or sewer systems. I also note that Irish Water in their statutory consultation with the planning authority state that a Confirmation of Feasibility for connection to the public water / wastewater infrastructure is required. As there are no capacity issues evident and a connection to the public sewer already exists at this location, I am satisfied that a suitable condition requiring a connection agreement with Irish Water, prior to commencement of any development on the appeal site, would be appropriate.
- 7.3.6. The site falls generally from the north to south, but not to such a degree that prevents surface water being directed to the western end of the site. However, the concerns of the Planning Authority in relation to an existing surface water drainage infrastructure is outlined in the Estates Engineer Report dated 10th May 2022. It is stated that a new 450mm diameter pipe is required in lieu of the 300mm diameter pipe (Drawing No.03201 refers) proposed by the First Party. I am satisfied that this can be required by means of an appropriate condition, if the Board is minded to grant permission for the proposed development.
- 7.3.7. In conclusion, I consider the proposals for the collection and disposal of surface water from the proposed development to be an acceptable approach and, consequently, the proposed development would be unlikely to give rise to any surface water ingress / issues to proposed houses or neighbouring properties.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, an urban and fully serviced location remote from any European site and the absence of any direct or indirect pathway between the appeal site and any European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

I recommend that permission be refused for the reasons stated below.

9.0 Reasons and Considerations

1. Having regard to policy 'Objective ZU 18-12: Residential Reserve' under the Cork County Development Plan 2022-2028 where it is policy to provide a land reserve for the long-term orderly development of the designated Metropolitan towns, the Key Towns and some County Towns, including Bantry Town, and that such lands will not generally be required for development over the period of the Plan, and in the absence of any immediate identifiable need for residential development on these lands in Bantry Town, it is considered that the proposed development would directly conflict with this objective and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development would be premature pending the determination of an overall traffic and transport assessment of the needs of the area, in the context of an overall management of traffic and pedestrian movements integrating the area into the town of Bantry, and by reference to the existing deficiencies in the local road network. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Liam Bowe
Planning Inspector

20th February 2023