



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319926-24

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<b>Development</b>	Construction of a dwelling and associated site works
<b>Location</b>	Clancool More, Bandon, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	23/5853
<b>Applicant(s)</b>	Martin Plachetka
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with conditions
<b>Type of Appeal</b>	Third Party v. Grant
<b>Appellant(s)</b>	Maria Tang and Jesus Subiers
<b>Observer(s)</b>	John Hayes
<b>Date of Site Inspection</b>	22 November 2024
<b>Inspector</b>	Cáit Ryan

## 1.0 Site Location and Description

- 1.1. The site is located in Bandon, approx. 25km south west of Cork city. It is a backland site, situated in an established residential area near the south western outskirts of the town. The site is located on L-2027-0, which is accessed from the N71 (Clonakilty Road), approx. 130m to the north west. This local road rises steeply from north west to south east, such that the subject site's entrance is not easily visible on approach. The site area is 0.096ha.
- 1.2. Access to the site is at the northern side of 1 Clancool Terrace. The rear of the site is roughly rectangular-shaped and comprises the former rear gardens of the pair of semi-detached houses at 1-2 Clancool Terrace. No. 3 Clancool Terrace is an end of terrace dwelling house located south east of No.s 1-2 Clancool Terrace. Much of the subject site's south eastern boundary adjoins the rear garden of No. 3.
- 1.3. Terraced houses are located further to the south on the eastern side of the road, and 2no. bungalows are located on the opposite (western) side of the road at this location. Local road L-2027-0 continues approx. 120m further south to a T-junction, whereby the lands at this location have a rural character. Roads at this T-junction access Bandon Grammer secondary school further to the south west and an established residential area and the N71 (Bandon by-pass) to the north east.
- 1.4. Bandonbridge National School adjoins the subject site to the north. The school grounds are at a much lower level than the subject site. The roadside boundary of the school grounds is set back from the road and a bus parking area is delineated directly in front of same.

## 2.0 Proposed Development

- 2.1. Permission is sought to construct a single-storey dwelling and associated site works. The proposed dwelling has a mono-pitch design, and an overall ridge height of 4m and comprises 116sqm. The dwelling contains 3no. bedrooms.
- 2.2. The rear building line of the dwelling house is shown to be 1.5m from the south eastern site boundary, where it bounds No. 3 Clancool Terrace. 3no. parking spaces

are shown to south west of the proposed dwelling.

2.3. Documentation submitted with the application includes

- A letter of consent from Bandonbridge National School Board of Management relating to proposed modifications to existing metal security in order to improve sightlines at proposed entrance.
- A letter from ESB Networks stating that once planning permission has been obtained, they will engage with regard to ESB Networks crossing the site.

2.4. Amendments proposed at Further Information (FI) stage are reduction in length of the proposed dwelling house by 0.5m, very minor revisions to eaves detailing and the introduction of a canopy at house entrance. FI documentation includes a letter of consent from Bandonbridge NS Board of Management, outlining consent for various works relating to construction access for a retaining wall along the school boundary.

2.5. A revised retaining wall specification was submitted as Clarification of Further Information (CFI).

### 3.0 Planning Authority Decision

#### 3.1. Decision

Following a request for Further Information (FI), and Clarification of Further Information (CFI) the planning authority granted permission subject to 22no. conditions. Conditions of note are as follows:

Condition 1: Development to be carried out in accordance with plans lodged on 12 September 2023, 26 October 2023, 15 March 2024, 15 April 2024 and 29 April 2024.

Condition 2: Development contribution €1787.77

Condition 5: Complete retaining walls and access prior to construction of dwelling

Condition 6: Allow for hydrostatic pressure drainage in retaining wall by weep holes and free draining drainage pipe at back face of retaining wall

Condition 7: Reinforced concrete retaining wall shall be designed to the relevant eurocodes by chartered engineer

Condition 8: Suitably qualified engineer to oversee construction of retaining wall

Condition 10: Height of boundary wall between house no. 1 and the site shall not be more than 1.2m in height for any section in front of building line of house no. 1

### 3.2. **Planning Authority Reports**

#### 3.2.1. Planning Reports

Basis for planning authority's decision

##### ***Executive Planner***

First report (01 November 2023): Recommends FI for reduced length of proposed building and provision of canopy on same, and FI based on Area Engineer's report.

Second report (04 April 2024): Considers 0.5m reduction in dwelling length acceptable, refers to Area Engineer's report (03 April 2024), and notes clarification required on proposed retaining wall. Recommends Clarification of FI (CFI).

Third Report (22 May 2024): Notes the Area Engineer recommends permission subject to conditions. Recommends grant subject to 23no. conditions

#### 3.2.2. Other Technical Reports

##### ***Area Engineer***

First report (01 November 2023): Recommends FI on access road, retaining wall, sight distances, watermain and foul sewer, foundations, storm water, and knotweed.

Second report (03 April 2024): Recommends CFI

Third report (21 May 2024): States no objection subject to 16no. conditions.

### 3.3. **Prescribed Bodies**

Uisce Éireann/Irish Water in a letter dated 11 October 2023 outlines

- UÉ records indicate an existing water and wastewater network traversing N-S and N respectively of the site. Minimum 3m separation distance shall apply between any existing network and proposed development. Should a diversion agreement be proposed, diversion agreement to be entered into with UÉ.

- Where applicant proposes to connect directly or indirectly to public water/wastewater network operated by UÉ, connection agreement to be signed
- UÉ Infrastructure capacity requirements and proposed connections will be subject to constraints of UÉ Capital Investment Programme
- All development to comply with UÉ Standards codes and practices

### 3.4. Observations to Planning Authority

Three observations were received by the planning authority. The main issues raised are similar to those in the grounds of appeal, and include also concerns relating to dwelling height, sunlight blockage on school playground and visual impact.

## 4.0 Planning History

Relevant planning history is outlined as follows:

**P.A Ref. 21/7070:** Planning permission refused in 2022 for a dwelling for 2 no. reasons, summarised as follows:

- By reason of its scale, design, site coverage and relationship and proximity to neighbouring properties, would represent overdevelopment of a small, restricted site, would be overbearing and would seriously injure the amenities of the area and adjoining property
- Planning authority is not satisfied that there is sufficient sight distances at the entrance to provide safe access and egress having regard to its close proximity to a primary school, and would endanger public safety by reason of traffic hazard

**P.A. Ref. 18/6431:** Planning permission granted in 2019 to retain elevational changes to No.s 1 and 2 Clancool Terrace, demolition of extensions and alterations to entrance wall. This retention permission provided for a new vehicular entrance to No. 1 and an amended vehicular entrance to No. 2.

## 5.0 Policy Context

### 5.1. Cork County Development Plan 2022-2028

#### Vol. 1: Main Policy Material

##### Chapter 18: Zoning and Land Use

The site is zoned **Objective ZU 18-9: Existing Residential/Mixed Residential and Other Uses** which includes the scale of new residential and mixed residential developments within this zoning within the settlement network should normally respect the pattern and grain of existing urban development in the surrounding area. Overall increased densities are encouraged.

Appropriate Uses on this land use zoning include residential development.

**Section 18.3.3** outlines the objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. Infill developments will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties.

It states (**at Section 18.3.4**) the Plan generally supports proposals for increased densities within this category to optimise development within the built envelope subject to compliance with appropriate design/amenity standards and protecting residential amenity of the area and normal sustainable planning considerations.

Adjoining lands in the vicinity are similarly zoned Existing Residential/Mixed Residential and Other Uses.

Bandon development boundary is approx. 120m to the south.

##### Chapter 2: Core Strategy

Bandon is identified in the Core Strategy as a Large Town (>5,000 population).

##### Chapter 3: Settlements and Placemaking

**Objective PL 3-2: Encouraging Sustainable and Resilient Places** As part of the Council's commitment to deliver compact growth and resilient places, the Plan supports (d) The development of brownfield, infill and under-utilised lands within the built envelope of the existing settlement network

**Section 3.5.3** states that at a site level, the role of existing building stock, brownfield lands and infill sites are an integral part of delivering sustainable growth within the built envelope of towns and villages.

**Section 3.5.13** includes the planning authority will encourage infill housing on suitable sites, subject to adherence to residential amenity standards and avoiding undue impacts on the established character of an area. The layout and design of infill schemes should respect existing building lines and generally follow established roof profiles, buildings heights and use of materials within the street.

**Section 3.5.15** outlines infill housing should comply with relevant development plan standards. In limited circumstances the planning authority may relax normal planning standards in the interest of developing vacant, derelict and underutilised land.

#### Chapter 11: Water Management

##### **Objective WM 11-10: Surface Water, SuDS and Water Sensitive Urban Design**

includes (a) Require that all new developments incorporate sustainable drainage systems (SuDS). Efforts should be taken to limit the extent of hard surfacing and impermeable paving.

#### Chapter 12: Transport and Mobility

**Objective TM 12-1: Integration of Land Use and Transport** Support and facilitate the integration of land use with transportation infrastructure, through development of diverse, sustainable, compact settlements, to achieve sustainable transport outcomes, with the pattern, location and design of new development to support existing and planned well-functioning, integrated public transport, walking and cycling transport modes, and includes

(i) the design of all roads and streets within the urban areas, including suburbs, towns and villages within the 60 kph zone shall be as per the Design Manual for Urban Roads and Streets, being the designated appropriate road design standards for such locations. DMURS will be implemented in the preparation of all statutory and non-statutory plans and through the development management process.

#### Vol. 5: West Cork

Section 1.4.8 states a new focus is placed on better utilisation of existing building stock, prioritisation of brownfield and under-utilised land and identification of

regeneration and infill opportunities that can contribute positively to Bandon's housing stock and target of 202 units.

## 5.2. **Sustainable Residential Development and Compact Settlements Guidelines (2024)**

These Section 28 Guidelines set out policy and guidance in relation to planning and development of urban and rural settlements. It outlines (at Section 3.3.3) the strategy for Large Towns (identified at county level) is to support consolidation within and close to the existing built-up footprint. Key priorities for growth of these settlements include realising opportunities for reuse of existing buildings and incremental backland, brownfield and infill development.

These Guidelines replace the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities, 2009.

## 5.3. **Other Guidance/Guidelines**

Design Manual for Urban Roads and Streets (DMURS), 2013

## 5.4. **Natural Heritage Designations**

The site is not located in or adjacent to any European sites. The nearest European sites are:

- Courtmacsherry Bay SPA (Site Code 004219) is approx. 8.5km to south
- Courtmacsherry Estuary SAC (Site Code 001230) is approx. 8.5km to south
  
- Bandon Valley West of Bandon pNHA (Site Code 001034) is approx. 1km to north east
- Bandon Valley Above Inishannon pNHA (Site Code 001740) is approx. 3.6km to north east

## 5.5. **EIA Screening**

See Form 1 and 2. Having regard to the nature, size and location of the proposed



development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The third party grounds of appeal on behalf of the residents of 1 Clancool Terrace, the adjoining property to the south, may be summarised as follows:

- Planning authority did not analyse third party's points of objection.
- Planning authority failed to inform third parties of many amendments received. Cites Board Direction on ABP-315209-22. Board considered revised proposal submitted at appeal stage would give rise to material considerations for third parties who have not been afforded opportunity to comment on amendments
- Information regarding Area Engineer's pre-planning meeting not provided. Issues raised in pre-planning notes not addressed in application.
- 2no. refusal reasons on P.A. Ref. 21/7070 are still relevant.
- Site constitutes a green lung surrounded by built environment. No report to address biodiversity, no bat or tree survey carried out. At least 65m of trees/hedgerows to be sacrificed. Condition 22 refers to submitted landscape plan, but none submitted. Request that regard is had to Objective BE 15-8: Trees and Woodlands. Request refusal of permission.
- Subject site surrounds clients' home. 2m high wall would dominate open space. Pedestrian and vehicular traffic will change the use and enjoyment. Residential amenities of adjoining homes will be significantly diminished.
- Cites Maher v An Bord Pleanála in which High Court held that depreciation in value of property in vicinity was valid reason for refusing permission.
- Roadway provides route to national school to north and Bandon Grammar secondary school to south, along with residential development in the area.

- Queries what is meant by Condition 9, which requires fence by public footpath to be considerate of not obstructing visibility for pedestrians.
- No traffic survey, traffic management plan or road safety audit submitted. Set back arrangement and sightlines should be tested against criteria in DMURS.
- Text suggests a 40m long retaining wall type construction along the northern boundary, but no definition, detail or diagrammatic representation.
- Works involve area outside red line boundary. Process precludes works outside defined site.
- No drawing demonstrates fully the section width at pinch point. 2m high wall to be constructed close to 1 Clancool Terrace has not been indicated and will be north of existing boundary. No foundation details submitted. Estimates 5m difference between top and foot of embankment. No Construction Management Plan (CMP) submitted.
- Layout shows sewer line and connection north of boundary with 1 Clancool Terrace. The position, levels and section details of this are not shown.
- No provision for drainage indicated. Uisce Éireann letter indicates no connection for storm water is permitted, and is dated 18 months prior to submission. 2no. soakaways are within 1.2m of public sewer. UÉ states no development to be carried out within 3m of pipe line.
- Design and construction approach altered significantly in CFI response.
- Engineer's report on P.A. Ref. 21/7070 states embankment is partially comprised of imported fill material.
- Condition 4 is unclear. Queries whether it allows for exempted developments such as extensions.
- Request that regard is had to Guidelines for Planning Authorities: Sustainable Residential Development in Urban Areas.

## 6.2. Applicant Response

The applicant's response to the grounds of appeal are as follows:

- It is not true that the application documents are insufficient or inaccurate
- Grounds stating that this is over intensification of use of backlands site is an opinion. Drawings showing reduced length of dwelling was acceptable.
- Submitted drawings clearly indicate boundary treatment
- Dwelling will be located to east of site which creates adequate separation to the existing buildings
- Grounds stating development will result in diminution of value of appellants' home is an opinion
- On-site meeting took place between agent and engineer. The site entrance is located within built-up area of Bandon. Consent from Bandonbridge National School for certain works is outlined. Council consider entrance will be safe
- All services are available. It is an opportunity for applicant to reside near elderly parents. House design, its location on site and all other works have been approved by the Council.

### 6.3. **Planning Authority Response**

The planning authority has confirmed it has no further comment to make.

### 6.4. **Observations**

An observation was received from the resident of 3 Clancool Terrace, whose rear garden is to the south east of the proposed development. The main issues raised are summarised as follows:

- Site is to west of observer's boundary.
- Site has been backfilled with palm trees, blocks and felt roof from buildings
- Knotweed on site entrance
- Site entrance is on brow of hill next to school entrance. No clear line of sight onto main road.
- When No.s 1 and 2 were sold, they were not informed about building in back gardens

## 7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Compliance with County Development Plan
- Access and Traffic Safety
- Retaining Wall and Internal Access Route
- Site Services
- Residential Amenities
- Miscellaneous

### 7.2. Compliance with Cork County Development Plan 2022-2028

7.2.1. The site is located on lands zoned **Objective ZU 18-9: Existing Residential/Mixed Residential and Other Uses** which outlines the scale of new residential and mixed residential developments should normally respect the pattern and grain of existing urban development in the surrounding area. Given that 'residential development' is an Appropriate Use on this land use zoning, I consider that the provision of 1 no. dwelling on the subject site would be acceptable in principle in terms of land use.

7.2.2. While the site has approx. 9m roadside frontage, it is essentially backland in nature. I consider that its location within the former rear gardens of No. s 1 and 2 Clancool Terrace is such that it can also be considered an infill site. In this regard I consider the proposed development would comply with Objective PL 3-2 (d) whereby the Plan supports the development of infill lands within the built envelope of the existing settlement network.

7.2.3. Accordingly, I consider that the provision of a dwelling on the subject site would be acceptable in principle, subject to detailed design.

### 7.3. Access and Traffic Safety

#### Vehicular Entrance

- 7.3.1. The subject site is located on local road L-2027-0, within the built-up area of Bandon, close to the town development boundary. It is an established residential area, with Bandonbridge NS located directly to the north. There is a slight bend in the approach to the site from the south.
- 7.3.2. On site inspection I noted that a bus parking area is delineated along the school's roadside frontage. There is advance 'children crossing' road signage in place on approach from the north west, and road surface markings include Caution/School Ahead. There is a pedestrian entrance to the school approx. 6m to north of the subject site.
- 7.3.3. The proposed vehicular entrance comprises the site's entire roadside frontage of approx. 9m, as measured from plan. There is no existing or proposed roadside elevation on file. A 2m wide footpath is shown, whereby the width of the existing narrow path at this location would be widened. An existing utility pole on the footpath is to be relocated. The proposed access route reduces to 3.3m at its narrowest north of 1 Clancool Terrace, further east of which the site widens at the main backland part of the site. The length of the access route to the nearest part of the proposed dwelling is approx. 50m.
- 7.3.4. The FI site plan indicates section of new wall to be 1m high to facilitate sightline at the southern extent of roadside frontage. However, this site plan does not show the existing pier at northern end of 1 Clancool Terrace's roadside frontage, i.e., the pier and associated wall south of the proposed vehicular entrance. The First Area Engineer's report states that issues previously raised appear to be allowed for in the planning application, and accepts the available sight distance.
- 7.3.5. The letter of consent from Bandonbridge NS lodged with the application states it has no issue with the proposed modifications to the existing galvanised metal security (within school grounds) so as to improve sightlines at the proposed entrance, and refers to attached sketch. These works are outside the subject site's red line boundary. The FI drawing (Drawing No.6) updates this 'sketch' to show a 1.2m high new timber fence, which is proposed to replace the existing hedgerow between the subject site and school grounds, over a distance of approx. 2.3m.
- 7.3.6. On site inspection I noted that the pier at 1 Clancool Terrace was approx. 1.2m high, and as such would be within the sight triangle for the new vehicular entrance. There

are 4no. vehicular entrances to south of site (including 1 Clancool Terrace) on the eastern side of the road with similar boundary/pier heights. On the opposite (western) side of the road, the 2no. bungalows have vehicular entrances. There is no footpath on the western side of road. I estimate that the sight distances to the south are limited to approx. 40m, due to the site's location on the hill.

7.3.7. With regard to the proposed 9m wide vehicular entrance, I consider this width to be excessive on traffic safety grounds.

7.3.8. I note the sight distances are limited in both directions at this location. However, having regard in particular to the site's location within the built-up area of Bandon, the proposals to extend the footpath to 2m wide along the site frontage, to modify the existing northern boundary with the school site, and to re-position part of the school's security fence, I consider that subject to condition, a new vehicular entrance at this location would be acceptable in principle. In the event that the Board was minded to grant, it is recommended that a condition be attached requiring the submission of drawings showing the overall width of the vehicular entrance reduced to maximum 3.5m, and the overall height of new roadside boundary to be maximum 1m. Subject to these conditions, I consider that the proposed development would be acceptable in terms of traffic safety.

#### Access Route

7.3.9. Regarding the overall width of the access route from the new entrance to the location of the proposed dwelling, this matter is discussed in the following section in the context of proposed boundary treatments, including new retaining wall.

### **7.4. Retaining Wall and Internal Access Route**

#### Retaining Wall

7.4.1. I noted on site inspection that there is a substantial difference in ground levels between the subject site and the grounds of the adjoining Bandonbridge NS to the north. The planning drawings lodged with the application and at FI stage show the Finished Floor Level of No.s 1 and 2 Clancool Terrace at 38.24, the proposed dwelling at 38.5 and some spot levels within the subject site. No details of ground levels within the school site are shown on planning drawings, nor are there any contextual elevations on file. The boundary between the subject site and the school

site is heavily planted.

- 7.4.2. The FI site plan shows the length of the proposed retaining wall to be 63m along the northern boundary with the school site. The Second Area Engineer's report considered that the FI proposed Tobermore Secura Grand retaining wall blocks were not acceptable. The Clarification of FI (CFI) response submitted a revised design specification, to which the Area Engineer had no objections.
- 7.4.3. The CFI plans and particulars date-stamped 15 April 2024 show (Appendix B) Retaining Wall, Cross Section. This shows a 2.4m above ground retaining wall, with a further 1.5m high Ibex Ecoplus boundary fence above same. A 415mm high vehicle restraint barrier is shown, which extends to 615mm above ground level within the subject site. Weep holes are shown near the base of the retaining wall. The section suggests that the retaining wall may be set back from the northern site boundary. However, while the corresponding site layout is not easily discernible, it does not indicate this to be the case, as Ibex Ecoplus boundary fence is shown to be proposed over full extent of boundary. I note that this fencing has a mesh panel appearance, and in section is shown to be positioned on the 'outer' side of the retaining wall.
- 7.4.4. The CFI response states the design specifications for the retaining wall have been prepared by a registered member of Engineers Ireland and accords with EN 1997 Eurocode 7: Geotechnical Design.
- 7.4.5. I consider that the provision of a retaining wall along the northern site boundary would be acceptable in principle. I note the content of the letter of consent from Bandonbridge NS, submitted as FI, refers to the proposed construction of a retaining wall along the boundary of their school site, and states the school approves the range of works cited and also that it awaits exact details and programme for works.
- 7.4.6. However, I would have concerns regarding the provision of weep holes at the base of the retaining wall facing the school site, as proposed in the subsequent CFI drawings, and any drainage impacts from same on the adjoining school property. The CFI response outlines allowance for 30mm weep holes at 1.00m centres at base of shutter.
- 7.4.7. In addition, I note that the planning authority's Condition 6 states

*Hydrostatic pressure drainage is to be allowed for in the retaining wall by weep holes and a free draining drainage pipe at the back face of the retaining wall as designed by a civil/structural engineer.*

*Reason: To ensure structure meets all design standards.*

- 7.4.8. On site inspection I noted that the southern part of the school grounds contains a relatively large lawn area with some landscaping, and is currently screened from the subject site by mature planting along its boundary. Notwithstanding that the ground conditions in the area of the school grounds adjoining the subject site are permeable, given that Bandonbridge NS is a separate site, I would have concerns that the design of the retaining wall which incorporates weep holes may result in discharge from the subject site to the adjoining school site.
- 7.4.9. While noting the minimal 30mm weep hole size, I note also that the retaining wall is approx. 63m in length. I consider that the potential impacts of the retaining wall design on the adjoining site in terms of any discharge have not been adequately addressed in the plans and particulars on file.
- 7.4.10. In the event the Board was minded to grant permission for the proposed development, it may wish to consider the attachment of a condition requiring a revised retaining wall specification whereby no weep holes are incorporated into the design, that all water discharge shall be managed within the subject site, with no discharge onto adjoining sites, and all details relating to same to be submitted and agreed prior to commencement. However, on the basis of the information on file, and in noting the absence of detailed drawings such as sections, showing the difference in levels between the subject site and the school grounds, and in noting that a specification for a retaining wall would require detailed design, I am not satisfied that this matter can be adequately addressed by way of condition.
- 7.4.11. In this regard I note that Objective WM 11-10: Surface Water, SuDS and Water Sensitive Urban Design *inter alia* (a) requires all new developments incorporate sustainable drainage systems (SuDS), and efforts should be made to limit the extent of hard surfacing and impermeable paving. On the basis of the information on file, and noting the provision of weep holes in the design of the retaining wall, I consider that it has not been demonstrated that Objective WM 11-10 has been complied with in the proposed development. Refusal of permission on this basis is recommended.



### Internal Access Route

- 7.4.12. As previously outlined, the internal access route is approx. 50m in length from site entrance to the nearest part of the proposed dwelling house, and varies in width. At its narrowest point, it is annotated at 3.3m wide. I note concerns raised in the grounds of appeal regarding the lack of detailed drawings relating to the provision of boundary treatments to the subject site and bounding 1 Clancool Terrace, and in particular, the implications that the provision of new boundaries would have on achieving this 'pinch point' width on the access route.
- 7.4.13. Based on the FI site plan at 1:250 scale, I consider that the 3.3m wide access point would be further reduced slightly to accommodate a 2m high block wall bounding No. 1 Clancool Terrace and also the separate retaining wall along the northern site boundary. I consider that a minimum 3.1m wide access would be required, having regard to the overall distance of the proposed dwelling from the public road.
- 7.4.14. In this regard I have noted that Design Manual for Urban Roads and Streets (DMURS) references (as a footnote) a minimum of 3.7m, and 3.1m at 'gateways' is required for fire vehicle access as per Table 5.2 of the Building Regulations 2006 (Technical Guidance Document B – Fire Safety). The matter of compliance with Building Regulations will be evaluated under a separate legal code and thus need not concern the Board for the purpose of this appeal.
- 7.4.15. However, having regard to the content of DMURS outlined above, and in noting also that Objective TM 12-1: Integration of Land Use and Transport (i) states that DMURS will be implemented *inter alia* through the development management process, and the minimum 3.1m wide requirement referenced in DMURS, I would have concerns based on the plans and particulars on file that the provision of a 2m high concrete block wall and the provision of a retaining wall would reduce this 3.3m wide pinch point to less than 3.1m.
- 7.4.16. In addition, while the CFI site layout attached to the proposed retaining wall details is not easily discernible, it would appear to annotate 3m at the pinch point.
- 7.4.17. In terms of detail, the existing site boundary to the side and rear of No. 1 Clancool Terrace comprises a timber post and rail fence. As such I consider that the provision of a new 2m high block wall would be acceptable in principle, in terms of privacy for this existing dwelling.

- 7.4.18. The FI site plan shows 'existing boundary to be retained as is' and indicative trees/planting is shown along the northern boundary with the school site. However, in contrast, the CFI 'elevation facing school' shows a 2.4m high wall with 'Class F3 finish to concrete' with a 1.8m high Ibex Ecoplus boundary fence attached to the outer side (facing school grounds) of this wall. The overall additional height of the boundary fence over the retaining wall is 1.5m. As the FI site plan indicates that the retaining wall extends approx. 63m along the northern site boundary, I consider that it has not been clearly indicated on the plans and particulars on file as to how any existing landscaping would be retained in the context of a proposed 3.9m high retaining wall and fencing along most of the northern site boundary.
- 7.4.19. I note that in the event the Board was minded to grant permission, it may wish to consider the attachment of a condition, requiring the submission of plans and sections at a suitable scale, showing the provision of a minimum 3.1m wide access, to include dimensions of proposed boundary treatments to the south (2m high block wall) and north (retaining wall, inclusive of mesh fence and vehicle restraint barrier) to be clearly annotated thereon, all shown in context of the red line boundary.
- 7.4.20. However, having regard to the absence of a comprehensive site section at the pinch point on file, and in noting the information indicated on the FI site plan and CFI plans and particulars, I consider that it has not been demonstrated that a sufficiently wide access of minimum 3.1m can be accommodated within the subject site. Refusal of permission is recommended on this basis.

## 7.5. **Site Services**

- 7.5.1. The Uisce Éireann/Irish Water letter received (dated 11 October 2023) states their records indicate an existing water and wastewater network traversing N-S and N respectively of the site, and requires a minimum 3m separation distance between any existing network and proposed development. It outlines that if a diversion agreement is proposed, it shall be entered into with UÉ. No mapping is attached to this letter.
- 7.5.2. A separate UÉ letter dated 16 March 2022 regarding a pre-connection enquiry was lodged with the application. Mapping included in this letter indicates pipelines traversing the subject site at approximately the north eastern end of the subject site.
- 7.5.3. A soakaway is proposed in the garden area north east of the dwelling. In the event

the Board was minded to grant permission, I consider that the matter of a minimum 3m separation distance from the proposed development to the existing network being adhered to could be adequately addressed by way of condition.

## **7.6. Residential Amenities**

- 7.6.1. The proposed dwelling house as amended by FI would have an overall length of 19m, set back 1.5m from the adjoining rear boundary to No. 3 Clancool Terrace. The FI site plan indicates that there is a relatively long rear garden to this adjoining dwelling house. The proposed dwelling is approx. 14m north east of the extended dwelling at No. 3 (as measured from site plan)
- 7.6.2. While the overall length of the proposed dwelling is considerable, its overall scale is low-rise, whereby its monopitch roof is 4m high at its north west elevation, reducing to approx. 2.3m to the rear (south). Notwithstanding the proximity of the proposed dwelling house to the boundary with No. 3 Clancool Terrace, having regard to its approx. 14m distance to No. 3, its orientation generally north of this adjoining rear garden and its low rise scale, I consider that the proposed dwelling house would not adversely impact on the residential amenities of No. 3 in terms of overlooking, overshadowing or visual overbearance, and would be acceptable.
- 7.6.3. With regard to No.s 1 and 2 Clancool Terrace, I note that these two houses have relatively short rear gardens, at approx. 7m depth.
- 7.6.4. However, having regard to the limited scale of the proposed dwelling and its distance in the range of approx. 20m-21m north east of these houses, I consider that the proposed dwelling would not adversely impact on the residential amenities of these two properties in terms of overlooking, overshadowing or visual overbearance, and would be acceptable in terms of impacts on residential amenities.
- 7.6.5. For completeness, I note that the revised FI site plan on P.A. Ref. 18/6431, viewed on the planning authority's online planning search, shows No.s 1 and 2 Clancool Terrace to be within both the red and blue line boundary. It shows a new timber fence is proposed a short distance to the rear of these two dwellings. The remainder of the site is indicated as 'grass area', with no access to same shown. This timber fence shown on P.A. Ref. 18/6431 would appear to approximately correspond to the limited rear gardens associated with No.s 1 and 2 Clancool Terrace shown on plans lodged with the current case. Accordingly, it would appear that the matter of site

boundaries, including the limited rear garden depth, to serve this pair of semi-detached houses was addressed in P.A. Ref. 18/6431.

- 7.6.6. With regard to concerns raised in the grounds of appeal that the proposed development would result in an over-intensification of a backlands site, I note that the private amenity space north of the proposed dwelling is 19.9m deep, and in the range of approx. 8m-10m wide. The quantum of private amenity space to serve the proposed development is acceptable. 3no. car parking spaces and peripheral landscaping is proposed south west of the dwelling. Save for the matters discussed elsewhere in this report regarding the pinch point along the internal access route, the overall site configuration at it relates to the position of the low-rise dwelling on site, the private amenity space and parking provision, I consider that the proposed development would not result in overdevelopment.

## 7.7. **Miscellaneous**

### Knotweed

- 7.7.1. The observation received refers to knotweed at the entrance. I note that no reference is made to the type of knotweed, and I note in this regard that Japanese, Himalayan and Giant Knotweed are invasive species. The FI response states that no knotweed was present on site. On site inspection no signage in relation to invasive species was noted. In the event that invasive species are present, I note that such matters are subject to a separate legal code namely European Communities (Birds and Natural Habitats) Regulations 2011.
- 7.7.2. The construction management plan (CMP) lodged with the application does not refer to invasive species. In the event the Board was minded to grant permission, it is considered that this matter could be adequately addressed by way of a revised site-specific CMP which addresses the matter of invasive species, if relevant, on site.

### Pre-Planning Consultation and Planning History

- 7.7.3. The grounds of appeal raise concern regarding matters raised at pre-planning stage were not addressed in the application. In this regard I note that Section 247(3) of the Planning and Development Act 2000, as amended, states 'the carrying out of consultations shall not prejudice the performance of a planning authority of any other of its functions under this Act, or any regulations made under this Act and cannot be

relied upon in the formal planning process or in legal proceedings.’

- 7.7.4. With regard to the appellant’s contention that 2no. refusal reasons on P.A. Ref. 21/7070 are still relevant, this decision of the planning authority has been noted, as set out in Section 4.0. However, each application is assessed on its own merits, and the assessment of the subject case includes having regard to all information lodged with the application and submissions received on file.

## 7.8. Conclusion

- 7.8.1. Having regard to the location of the subject site within the built-up area of Bandon, the surrounding residential and educational land uses, Objective ZU 18-9 and Objective PL 3-2, I consider that development on the subject site may be considered acceptable in principle.
- 7.8.2. However, in the absence of detailed, annotated drawings relating to the width of the internal vehicular route, in the context of proposed boundary treatment to include both a new block wall adjoining 1 Clancool Terrace and the separate retaining wall with fence bounding Bandonbridge NS, I am not satisfied that it has been adequately demonstrated that the proposed development would accommodate a sufficiently wide DMURS-compliant access route.
- 7.8.3. In addition, I am not satisfied that the design of boundary treatments, particularly the retaining wall specification and its relationship to the adjoining Bandonbridge NS to the north have been adequately detailed, and I consider that it has not been demonstrated that the proposed development would be adequately serviced in terms of drainage within its own site.
- 7.8.4. Accordingly, having regard to the matters outlined above, refusal of permission is recommended.

## 8.0 AA Screening

I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is not located within or adjacent to any European site. The closest European sites, part of the Natura 2000 network, are

- Courtmacsherry Bay SPA (Site Code 004219) approx. 8.5km to south
- Courtmacsherry Estuary SAC (Site Code 001230) approx. 8.5km to south

The proposed development comprises the construction of a new dwelling house in an established residential area within Bandon development boundary. It is bound to the north by a primary school and to the south by existing dwelling houses. The N71 (Clonakilty Road) is approx. 130m to the north west.

The BANDON\_090 (EPA\_Name: Bridewell) flows in a south west to north east direction approx. 130m north west of the near, near the N71 (as viewed on [www.catchments.ie](http://www.catchments.ie), accessed 17 January 2025). The river joins the Bandon river in the approximate vicinity of Bridge Place, approx. 1.3km to north east.

Having considered the nature, scale and location of the proposed development, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European site.

The reason for this conclusion is as follows:

- Small scale of the development
- The location of the proposed development in a serviced area, distance from European sites and absence of ecological pathways to any European site.

I consider that the proposed development would not be likely to have a significant effect individually, or in combination with, other plans and projects, on a European site and appropriate assessment is therefore not required.

## 9.0 Recommendation

It is recommended that permission is refused for the reasons set out below.

## 10.0 Reasons and Considerations

1. Having regard to the nature and scale of the proposed development, which includes the provision of an internal access route within the site, and the absence of detailed, annotated drawings demonstrating an adequate route width in the context of proposed boundary treatment, the Board is not satisfied

on the basis of the information on file, that the proposed development would comply with Objective TM 12-1: Integration of Land Use and Transport (i) of the Cork County Development Plan 2022-2028, which states *inter alia* that DMURS will be implemented through the development management process. The proposed development would, if permitted, therefore be contrary to the provisions of the current County Development Plan and to the proper planning and sustainable development of the area.

2. Having regard to the nature and scale of the proposed development, which includes the provision of a retaining wall incorporating weep holes facing onto the adjoining, separate school grounds to the north, the Board is not satisfied on the basis of the information on file that potential discharge from the proposed development to the adjoining lands has been adequately addressed. Furthermore, the Board considers that it has not been adequately demonstrated that the proposed development complies with Objective WM11-10: Surface Water, SuDS and Water Sensitive Urban (a) of the Cork County Development Plan 2022-2028. The proposed development would therefore, if permitted, be contrary to the provisions of the current County Development Plan and to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Cáit Ryan  
Senior Planning Inspector

17 January 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b>	ABP-319926-24		
<b>Case Reference</b>			
<b>Proposed Development Summary</b>	Construction of 1no. dwelling house and associated site works		
<b>Development Address</b>	Clancool More, Bandon, Co. Cork		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>		Class 10(b)(i) Infrastructural Projects	Proceed to Q3.
<b>No</b>			No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	X	Class 10(b) (i) of Part 2 of Schedule 5. Threshold is 500 dwelling units.	Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	X		Preliminary examination required (Form 2)



<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	X	<b>Pre-screening determination conclusion remains as above (Q1 to Q4)</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP-319926-24</b>
<b>Proposed Development Summary</b>	Construction of 1no. dwelling house and associated site works
<b>Development Address</b>	Clancool More, Bandon, Co. Cork
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<p><b>Characteristics of proposed development</b> (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The proposed development comprises the construction of 1no. dwelling house and associated site works. A new vehicular entrance at roadside frontage would be created. It is a backland site, located in the former side/rear garden area of 2no. dwellings. No demolition is proposed. The proposed structure comprises 116sqm. A retaining wall is proposed along much of the northern site boundary, which adjoins school grounds. It is a serviced site located within Bandon development boundary. The provision of the dwelling and associated site works do not require the use of substantial</p>

	<p>natural resources, or give rise to significant risk of pollution or nuisance. The proposed development, by reason of its type, does not pose a risk of major accident and/or disaster, nor is vulnerable to climate change. It presents no risk to human health.</p>
<p><b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The development is situated within the built-up area of Bandon. The site is removed from sensitive natural habitats. The site is not located within the County Development Plan's identified High Value Landscape, nor is it within an architectural conservation area. There are no protected structures in the immediate vicinity of the subject site, the nearest being Oaklands Country House (RPS Ref. 704) approx. 450m to north west.</p> <p>The 1:10,560 OS map lodged with application indicates the route of the former rail line directly north of the subject site, i.e., at the approximate location of the existing Bandonbridge National School.</p> <p>The subject site is not</p>

	considered to be an environmentally sensitive site.	
<b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the modest nature of the proposed development, its location in an established, built-up area of Bandon, an area removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and the absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Planning and Development Act 2000, as amended.	
<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.	No
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	<del>Schedule 7A Information required to enable a Screening Determination to be carried out.</del>	
There is a real likelihood of significant effects on the environment.	<del>EIAR required.</del>	

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)