



An
Bord
Pleanála

Inspector's Report ABP-306998-20

Development	The construction of a residential development of 31 apartments and 9 dwelling houses and all ancillary site development works.
Location	Mariner's View, Maulbaun, Passage West, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	20/4037
Applicant(s)	Montip Horizon Ltd
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party -v- Decision
Appellant(s)	Montip Horizon Ltd
Observer(s)	(1) Noelle Baxter (2) John Scott (3) Michael O'Hegarty (4) Michael Corcoran (5) Councillor Seamus McGrath

Date of Site Inspection

22nd July 2020

Inspector

Fergal Ó Bric

1.0 Site Location and Description

- 1.1. The subject site is located approximately 0.85 kilometres south-west of the town centre of Passage West, approximately 10km to the south-east of Cork City. The site is elevated above the town, with views to the east over the River Lee and Cork Harbour. The site is located between two residential developments, Highlands to the north and Mariner's View to the south, from where the appeal site would be accessed, off the L-6731.
- 1.2. The site itself comprises a stated area of 0.7 hectares. The ground slopes steeply downwards in a south – north / north east direction, with a drop in levels of approximately eleven metres on the site, over a distance of approximately one hundred and ten metres. The site is overgrown with dense vegetation along boundaries and throughout the site. There are walled boundaries to the north, south and west and a low-level bank with some trees to the east. It is stated that the site once comprised part of the curtilage of Water View House (National Inventory of Architectural Heritage (NIAH) reference number 20854075), located to the west of the site.

2.0 Proposed Development

- 2.1. The proposed development would comprise the construction of thirty-one apartments and nine terraced dwelling houses. A total floor area of 1,973 square metres is proposed. The apartments would be set out in two blocks ranging in height from three to five storeys. Seventeen two bed roomed and fourteen one bed roomed apartments are proposed. Fifty car parking spaces are also proposed, Existing walls and ruins of outbuildings on site are to be demolished. Ancillary works would include the construction of a pumping station, a viewing area over the River Lee/Cork Harbour area and access is to be provided via a relocated access within the Mariner's View development, with associated bin and bicycle storage facilities.
- 2.2. The appellants have submitted revised proposals to the Board for consideration whereby one storey would be removed from the proposed five storey apartment block which would reduce the number of apartment units from thirty-one to twenty-three apartment units. A reduction in the level of car parking is also proposed as is

an increase in public open space. Photomontages of the revisions have also been submitted to aid an assessment.

3.0 Planning Authority Decision

3.1. Decision

The Planning authority refused planning permission for the following reason:

Notwithstanding the siting of this site within the existing built up area of Passage West, and the general national policy support for promoting increased residential densities within existing urban areas, and having regard to the pattern of development in the vicinity, and the planning history of the site, it is considered that the proposed development, by reason of its layout, scale, design, form and density, would fail to provide an appropriate design response to the sites context and topography on an elevated, exposed hillside location in Passage West, within an area of High Landscape Value and affording extensive views over the River Lee/Cork Harbour and the wider urban and rural landscape. The proposed development would seriously detract from the visual and scenic amenities of the area, would give rise to an incongruous feature, would break the skyline and not fit appropriately into the landscape.

Furthermore, the Planning Authority considers that the proposed development would seriously injure the residential amenities of existing occupiers in the vicinity and of future occupants of the scheme, would depreciate the value of neighbouring properties and would result in inadequate quality green open space for future occupiers. 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 accepted the principle of development on the site but acknowledged the development in its current form, on an elevated and exposed site, with affords extensive views over the River Lee and Cork Harbour area. located within a highly sensitive landscape, by virtue of its layout, height and scale would be out of character with the existing pattern of development in the area, with many single storey residential properties to the north and south of the site, would give rise

to an incongruous feature within the landscape and detract from the visual and scenic amenities of the area, would adversely impact upon the residential amenities of existing neighbouring residential properties and not result in the creation of a high quality residential development. The proposals would not be considered to represent a satisfactory design response to the refusal of planning permission, issued by the Board under PL 04.247399

3.2.2. Other Technical Reports

- Cork County Council
 - Housing: No objection to Part V proposal.
 - Public Lighting: Further information requested with respect to the submission of a public lighting scheme for the development.
 - Environment: No objection, subject to standard conditions.
 - Area Engineer: Further information requested with respect to sightlines at the proposed access point, seeking the provision of additional car parking spaces, and an alternative surface water drainage system which would connect to the existing storm line.
 - Estates: Further information requested with respect to the on-site access road, e.g. bin lorry turning and traffic calming, footpaths, seeking the elimination of nose-in parking spaces along Mariner's View, boundary treatments, greater detail of proposed surface water drainage system and details of proposed management company.
 - Conservation: Concerns expressed, stating that the apartment blocks would be incongruous with the character of the surrounding designed historic landscape and they would dominate a visually sensitive ridge. The apartment blocks should be omitted and regarding the impact upon the neighbouring Water View House (listed within the NIAH).

4.0 Planning History

- Planning Authority reference number 05/8074: In 2006, planning permission was granted for the development of twenty-two residential units comprising of:

1 block of 6 townhouses and 6 duplexes, and 1 block of 6 townhouses and 4 duplexes:

- Planning Authority reference number 11/4970, in 2011 Planning permission was granted for the development of twenty residential units in 2 blocks. This planning permission expired in 2016,
- Planning Authority reference number 16/6285 and An Bord Pleanála reference number PL 04.2473999: Planning permission was sought for the development of twenty six residential units: 3-storey building comprising 10 duplexes over 10 apartments and 6 townhouses: In 2017, a third party appeal PL04.247399 led to a refusal on the grounds that the layout, scale and design would conflict with the Development Plan and minimum standards in relevant national planning guidelines, inadequate usable private open space for the duplexes especially, and sub-standard residential amenity for future occupiers.
- Pre-application consultation occurred on 18th October 2019: Key issues – overcome previous grounds for refusal and impact upon visual amenity.

5.0 Policy and Context

5.1. Development Plan

Under the Ballincollig Carrigaline Municipal District Local Area Plan 2017 (LAP), the site is shown as lying within the settlement boundary and within an existing built up area.

Objective ZU 3-1 of the Cork County Development Plan 2014 – 2020 (CDP) states: “Normally encourage through the Local Area Plans development that supports in general the primary land use of the surrounding existing built up area. Development that does not support or threatens the vitality or integrity of the primary use of these built up areas will be resisted.”

Passage West is one of the settlements identified within the Cork Metropolitan Area. One of the objectives for the Cork Harbour Area (which would include Passage

West) is to protect and enhance the built and natural heritage of the area and establish and appropriate balance between competing land uses)

The Cork County Development Plan shows the site as lying within an area of High Value Landscape.

5.2. **National Guidance**

- National Planning Framework 2018-2040
- Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities (2018),
- Urban Development and Building Heights – Guidelines for Planning Authorities (DHPLG 2018).
- Design Manual for Urban Roads and Streets (DTTAS & DoECLG 2013),
- Sustainable Residential Development in Urban Areas-Urban Design Manual, A Best Practice (DOEHLG, 2009).
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (DoEHLG 2009).

5.3. **National Planning Framework**

The relevant policies of the National Planning Framework (NPF) which relate to creating high quality urban places and increasing residential densities in appropriate locations are set out below.

- Policy Objective 4: Attractive, liveable well-designed high-quality urban places.
- Policy Objective 6: Regenerate and rejuvenate cities.
- Policy Objective 11: Encourage more people and generate more jobs and activity within cities.
- Policy Objective 33: Prioritise new homes at locations that can support sustainable development.
- Policy Objective 35: Increase residential density through a range of measures including reductions in vacancy and infill development schemes.
- Among the National Strategic Outcomes for Cork is the realisation of compact growth and a strong economy.

- A key growth enabler for Cork is: Identifying infill and regeneration opportunities to intensify housing development in inner city and inner suburban areas.
- Section 4.5 Achieving Urban Infill/Brownfield Development.

5.4. Natural Heritage Designations

- Great Island Channel pNHA (001058)
- Great Island Channel SAC (001058)
- Cork Harbour SPA (004030)

5.5. EIA Screening-Preliminary Examination

Under Items 10(b)(i) & (iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2019, where more than 500 dwelling units would be constructed and where 10 hectare-urban sites would be developed, the need for a mandatory EIA arises. The proposal is for the development of a 0.7-hectare site to provide for forty residential units. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall below the relevant thresholds, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an Environmental Impact Assessment Report is not required.

6.0 The Appeal

6.1. This application is subject to a first party appeal by the applicants against the decision of Cork County Council to refuse planning permission for the proposed residential development. The main issues raised within the grounds of appeal are as follows:

- The appeal site is in a location which is suitable for higher density development and the proposed development represents an appropriate design response.

Under PL04.247399, the inspector stated that the proposed 26 dwelling houses for the site (the equivalent of 37 dwellings per hectare) was at the lower end of the range of densities envisaged by the Sustainable Residential Development in Urban Areas (SRDUA) Guidelines.

Since the aforementioned appeal was determined, further national planning guidelines have come into force, i.e. Sustainable Urban Housing: Design Standards for New Apartments (SUH:DSNA) Guidelines and Urban Development and Building Heights (UDBH) Guidelines.

- Under the former Guidelines, as the site is located approximately 850 metres from Passage West town centre (10 – 15 minute walk), it can be categorised as being in an “intermediate urban area” wherein densities in excess of 45 residential units per hectare are encouraged. To achieve such densities, would require the inclusion of apartments. Under the current proposal, 40 residential units would be provided, which would equate to 57 residential units per hectare.
- Under the latter Guidelines, building heights in suburban areas should include townhouses of 2-3 storeys, duplexes of 3-4 storeys and apartments of 4 storeys and upwards in order to ensure the achievement of the aforementioned densities. The current proposal would do so by means of the provision of a mix of apartments and townhouses.
- The proposed development would not detract from the visual and scenic amenities of the area.

The site lies within a High Value Landscape, as does the entirety of the Cork Harbour area, including the built-up areas within it. Previously, planning permission has been granted on this site for a scheme that incorporated apartments within its layout.

Exception is taken to the Planning Authority’s critique that the proposal would be incongruous within this landscape setting. Instead the view is expressed that the site would be capable of absorbing the proposed development without detriment to visual amenity.

Nevertheless, should the Board have concerns regarding the development proposals, these could be met by omitting one floor from the taller apartment block, i.e. the development would become a 3 – 4 storey one, and 8 apartments would be lost. The resulting reduction in building height would ensure that the proposal would not break the skyline.

- The proposed development would not be injurious to the amenities of existing residential properties.

Under PL04.247399, the northern portion of the site adjacent to the bungalows within the neighbouring Highlands residential development was identified for public open space provision. However, this was deemed to be unsatisfactory and so under the current proposals, the northern portion of the site would be laid out to provide for split-level townhouses with stepped down rear gardens, which would facilitate the retention of the existing boundary wall.

The resulting separation distances would be approximately 25 metres from the nearest of the Highlands dwellings and so, notwithstanding differences in levels, the proposal would be compatible with the residential amenities of the area in terms of overlooking and overbearance.

- The proposed layout provides for adequate quality public open space in accordance with the Development Plan standards and would provide for an attractive residential environment for future residents.

Of the 1876 square metres (sq. m) of public open space proposed (26.5% of the area of the site), 998 sqm (14.1%) would be usable, including a 75 sq. m viewing area overlooking the River Lee/Cork Harbour and a 100 sq. m neighbourhood play area. This level of provision would accord with the Planning Authority's Interim Recreational and Amenity Policy.

The Planning Authority have conducted a critique of the quality of the proposed usable public open space. As the usable public space would be centrally located within the site, overlooked and accessible, this critique is considered to be mis-placed.

If the Board deems the reduction of 8 apartments, discussed above, to be appropriate, ten fewer car parking spaces would be needed (including the omission of six spaces proposed off the Mariner's View access road), allowing for the usable public open space to be increased to 1,042 sqm (14.7% of total site area).

- The proposed development would have minimal impact on the cultural heritage of the area.

While the site formed part of the curtilage of Water View House at one stage, it has not done so for some time and there is now no visual connection between the two. An Architectural Conservation Report has been submitted by the applicants and states that a number of structures which formed part of the original walled garden of Water View House, in the form of an old glasshouse, , garden shed, garden walls and stone gate exist to the north of the appeal site, albeit all are in a poor state of repair, and that care should be taken to conserve and /or re-use the existing natural stone boundary walls as part of any re-development proposals.

- Other Matters
 - The land edged blue as part of the applicant's land holding was also edged blue under PL04.247399. The inspector recognised its potential role in contributing to the assimilation of the proposal into the landscape and its incorporation into the adjoining lands zoned for open space. The applicant thus invites a condition requiring that this piece of land be ceded to the Planning Authority for amenity purposes.
 - The parking standards as set out within the County Development Plan would be met.
 - The applicant's engineer addresses outstanding issues relating to water supply and foul and surface water drainage.
 - The applicant has commented on the question of a management company to the effect that the proposal would provide for a social housing scheme that would be managed by either the Housing Authority of an approved housing body.

6.2. Planning Authority Response

The Planning Authority did not issue a response in relation to the appeal.

6.3. Observations

Five observations were received, and the issues raised relate to the following:

Noelle Baxter, Number 10 Mariner's View

- The NPF emphasises the need for design-led and performance-based outcomes rather than simply density of development.
- Regardless of tenure, there are no examples of comparable housing developments in the Cork Lower Harbour area that provide successful long-term residential environments.
- Objective 35 of the NPF does not refer to the location in question, i.e. the former grounds of a historic house, on the edge of a small coastal town, and with the current proposal located at the top of a steep hill, would militate against walking and cycling.

John Scott, Number 18 Highlands

- The proposed five-storey high apartment blocks would block natural light and cast shadows over neighbouring single storey housing.
- The proposed apartment blocks would result in overlooking of neighbouring residential units.
- The development is not in keeping with the surrounding area where single storey units predominate.
- Overlooking of the bungalows in Highlands would arise from the proposed townhouses due to the difference in ground levels.
- Car parking proposals are deficient.
- The development would result in the creation of a traffic hazard by virtue of the additional traffic that it would generate.

- The Mariners View access road has inadequate capacity to cater for the additional traffic that the proposed development would generate.
- Excessive noise and disturbance would be created in the area, with no natural type devices to block out any such noise.
- Is there adequate capacity available within the foul and storm sewers to cater for the loading generated by the proposed development.
- Noise from the pumping station could be of concern in this quiet locality.

Michael O'Hegarty, secretary of Highlands resident's association, Number 31 Highlands c/o John McCarthy, Chartered Engineers

- That there is a previous Board refusal of planning permission pertaining to this site.
- The Area Engineer has raised concerns regarding drainage and flood prevention on the site.
- That regard be had to the report prepared by the Senior Planner where the site is described as being: Peripheral, would not warrant a high density proposal, would not be suitable for social housing given it would be detached from local services, with poor connectivity to the town and would likely isolate less mobile and vulnerable members of society. A number of the montages illustrate viewing points not pertinent to a visual impact assessment, in that they do not represent the truly obtainable views from street level or adjoining residences; The public open space is lacking in qualitative terms and is considered to be broken up and piecemeal; The proposed development would seriously injure the residential amenities and visual amenities of the area.
- The tweaking of the design, by omitting a single floor would not address the numerous planning deficits set out within the planning reports.
- It is acknowledged that the site is at a location where densities greater than those permitted in the past might be considered acceptable in principle, but that is only subject to satisfying all other normal planning considerations
- The Conservation Officer outlines serious concerns with regard to the proposed development, describing the development as: Incongruous with the

surrounding environment; The proposed apartments blocks sit on a very visually sensitive ridge area and will completely dominate and later the surrounding landscape; The proposed development does nothing to work with the existing landscape and everything to work against it.

- The observer would support the stated concerns set out by the Conservation Officer.
- The Area Planner similarly outlined concerns as follows: The layout does not represent an appropriate design response on this sensitive hillside site; Would be out of character with the pattern of development in the area: Proposed five storey apartment block would block natural light and cast shadows over neighbouring single storey housing.
- The proposed development would be injurious to neighbouring residential amenities by virtue of overlooking, over shadowing and visual overbearance.
- The form, height and siting of the terrace of houses and the impacts arising from same are considered detrimental.
- The split-level approach to the terrace of houses will have a detrimental impact upon the houses within the Highlands, by virtue of the steep pitched roof configuration.
- The public open space is lacking in qualitative terms, having regard to the topographical challenges that exist on site.
- The Area Engineer has raised concerns regarding the surface water proposals. A cut and fill approach to the provision of soakaways could be dangerous. The design of the soakaway is based on out-dated site investigations carried out in 2006.
- The development is not in keeping with the surrounding area where single storey units predominate.
- Car parking proposals are deficient.

Michael Corcoran, Number 22 Highlands

- By virtue of the height and scale of the proposed development, daylight into neighbouring residential properties would be impacted upon. No shadow

analysis has been submitted by the applicants detailing potential, impacts upon neighbouring residential properties.

- The privacy of neighbouring dwellings would be unduly impacted upon and affect the values of those same properties.
- The photomontages submitted are not an accurate representation of the proposed visual impact. Even with the proposed lowering of the apartment building from five to four storey's, the proposals would have a greater visual impact than those depicted within the montages.
- The proposals would result in the creation of increased traffic volumes and increase the risk to local pedestrians.
- The developers have cleared and levelled the site in the last six months impacting upon local flora and fauna. Retention planning permission should be sought for the site clearance works.

Councillor Seamus McGrath.

- The scale, form and height would be inappropriate on this elevated site and the adverse visual impact that would arise would be unacceptable.
- The potential overbearing impact upon neighbouring residences would be unacceptable and should not be permitted.
- The development is out of character with existing development in this area.

7.0 **Assessment**

7.1. The main issues in this appeal relate to design, layout and scale of development, potential impact upon the neighbouring residential amenities, open space provision, traffic, and car parking. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Residential Design, layout and scale of development
- Residential Amenity
- Traffic car parking Arrangements
- Appropriate Assessment

7.2. Residential Design, layout and scale of development

- 7.2.1. It is an objective of the National Planning Framework to increase residential densities in appropriate locations (Policy objective 35) to avoid the trend towards predominantly low-density commuter-driven developments. The 2009 Sustainable Residential Development in Urban Areas guidance sets out the following in terms of residential density: Density should be considered in the context of achieving acceptable and appropriate building height, the appeal site being a peripheral one, on the edge of the development boundary, a visually prominent one due to the topography, with long views over the River Lee and Cork Harbour area, it is important that the layout, scale and design is of a high standard in order to integrate any proposed development within this designated highly sensitive landscape..
- 7.2.2. Section 3.48 of the Development Plan states that residential density in certain parts of the Metropolitan area/southern environs of Cork city can be increased especially where the frequency of the bus service during peak hours achieve a fifteen minute frequency, but it is considered that in many other locations, the frequency of services, particularly during peak hours is below the level appropriate to the general application of higher densities. It is considered that Passage West would fall into the latter category, where high frequency public transport connectivity during peak hour is not currently achieved, a fact acknowledged by the Senior Planner within his report. Therefore, I consider that higher densities, would not be supported by National or local policy in this instance.
- 7.2.3. However, higher density should not be considered in isolation, it must be delivered in tandem with high quality urban design and layout. A residential density of fifty-seven units per hectare is proposed in this instance. This single quantitative tool must be considered in the context of other qualitative and quantitative criteria. The Development Plan does not set out standards for site coverage, however, in my opinion having regard to the location of the appeal site on the periphery of the town centre, approximately eight hundred and fifty metres removed from the town centre (a ten to fifteen minute walk as stated within the appellants submission to the Board), that the principle of the density could be acceptable, however that would only be subject to all other planning considerations being met in terms of quality of design, layout, quality open space provision, traffic considerations, impact upon the

landscape, connectivity with town centre and services. Proximity to public transport and that neighbouring residential amenities would not be unduly impacted upon are other considerations to be borne in mind.

- 7.2.4. The National Planning Framework supports re-development of infill and brownfield sites, and this particular site could not be described as being within either category, by virtue of its location on the periphery of Passage West, a ten to fifteen minute walk from the town centre and again would not identify the site as being appropriate for higher density development.
- 7.2.5. The appeal site is located within the existing built-up area, therefore, I am of the opinion that the principle of a higher density development (than currently exists within the area) is acceptable at this location. Within section 14.3.3.3 of the Development Plan, the following is set out in relation to existing built-up areas: Development proposals normally involve infill developments, redevelopment or refurbishment or changes of use. It is important to recognise that that this is part of the cycle of development or redevelopment in settlements that contribute to the character of towns. In many ways, this is more sustainable than continually encouraging growth to concentrate only towards undeveloped areas.
- 7.2.6. The Design Standards for New Apartments - Guidelines for Planning Authorities (March 2018) state that: Analysis of urban housing need points to the fact that into the future, a majority of households will comprise 1-2 persons (Section 2.8). The relevant Specific Planning Policy Requirement (SPPR) in this instance is SPPR 1 where it states: Apartment developments may include up to 50% one bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirements for apartments with three or more bedrooms. Statutory Development Plans may specify a mix for apartments and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).
- 7.2.7. The proposed scheme provides for 14(35%) one-bedroom apartments and 17 (42.5%) two-bedroom apartments and the remainder of 9 units (22.5%) are three-bedroomed townhouses. It is apparent that the mix proposed has had regard to the Design Standards Guidelines in terms of unit mix. In accordance with the Ministerial Guidelines for Apartment Development 2018, it is noted that the floor areas of the

apartment units reach and exceed the minimum requirements as set out in the guidelines.

- 7.2.8. Public open space on site is provided at a rate of 26.1%. The usable public open space is 14/1%. This is an increase from 10.7% from what was previously proposed under the 2017 proposals on this site. Therefore, the quantity of public open space is in accordance with the Development Plan standards. In qualitative terms, I would have concerns given that significant change in gradients across the site, with a drop in levels of approximately 1:10 from the south-west to the north-east of the site. The proposed viewing area would be constructed on raised support structures to account for the change in levels on site. A formal play area of 100 square metres is proposed. The public open space layout is very much roads dominated, where the internal access roads have dictated the layout of the public open space. Much of the public open space is to the east of the site where site levels vary greatly, with small pockets of public open space in the centre of the site, Levels to the east of the site are considerably below those of the proposed residential units, and therefore are not considered particularly usable or functional.
- 7.2.9. In terms of private open space, the townhouses have rear garden spaces amounting to approximately seventy two square metres each. The proposed apartments would have balcony spaces which range in size from a stated 5.2 metres to 12.2 square metres (as per the floor plan submitted). However, some of the larger balconies do not scale to their stated size. The schedule of accommodation details submitted by the appellants fails to specifically quantify the precise private open space and storage provision for each of the residential units.
- 7.2.10. In conclusion, having regard to the fact that the layout and design is dominated by the internal roads network, the substandard quality of the public open space provision has resulted in a development which is at variance with National policy, in terms of the NPF, where compact, infill and brownfield development is promoted. The development would also be considered to be contrary to local Development Plan policy provision in terms of providing for higher density development at locations served by high frequency public transport modes, especially during peak hours and also seeks for the development high quality residential neighbourhoods which would not unduly impact upon neighbouring or visual amenities guidance

7.3. Residential Amenity

- 7.3.1. The 2009 guidance set out within the Sustainable Residential Development in Urban Areas-Urban Design Manual acknowledges that overlooking and overshadowing should be avoided. The proposed development is surrounded to the south and north predominantly by single storey dwellings. The dwellings to the north within the Highlands residential development are at a considerably lower level than those on the appeal site, this is apparent from the photomontages submitted. No finished floor levels of the adjacent Highlands development have been provided by the appellants. However, given that the proposed development would comprise of a two, three and five storey development, all of the proposed development would be at least one storey taller than the neighbouring single storey residential properties to the north and south.
- 7.3.2. Concerns have been raised that the height and scale of the proposed development is out of character with the area and would have a negative impact on the amenity of existing neighbouring residential properties to the north and south of the appeal site. The UDBH Heights Guidelines outline the following in this regard: The UDBH Guidelines sets out the following in Section 3.1: that building heights must be generally increased in appropriate urban locations. In terms of Development management criteria, the following is set out within Section 3.2: Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views.
- 7.3.3. The proposed development would comprise a mixture of two, three and five storeys in height. I would have concerns regarding the proposed scale and height at this particular location on the periphery of the town centre. This concern is also acknowledged by the appellants within their appeal submission, where they propose that one storey could be omitted from the five-storey block, in order to make the proposals more acceptable to the Board and neighbouring residents.
- 7.3.4. I would have concerns regarding the height and scale of the proposed development, having regard to the topography of the site in this instance, where levels drop by approximately eleven metres from the south-west to the north-east of the site, a

distance of approximately one hundred and ten metres. The extent of cutting and filling work required to complete the development would be significant as illustrated within the sections submitted by the appellants. Notwithstanding the separation distances proposed between the proposed development and the existing residential development to the north would be approximately twenty two metres, the impact in terms of overlooking, particularly upon numbers 19 and 20, Highlands, would be significant and would be considered to adversely impact upon their residential amenities.

- 7.3.5. The neighbouring residents have raised concerns regarding the potential for overbearing and blocking of light into their properties. The residential properties to the north and south of the appeal site are single storey. In my view, having regard to the sun path, that there is sufficient separation distance, approximately twenty two metres separation to the nearest residential property, (between the proposed terraced dwellings and the residential properties numbers 19 and 20, Highlands to its north) would ensure that undue over-blocking of light would not occur. However, given the variation in ground levels, between the proposed development and the Highlands, I would have concerns that over-bearing would arise in this instance, this is apparent from the site sections submitted.
- 7.3.6. The residential amenities afforded to future residents on the site is also of concern. The rear garden spaces of the proposed terrace units are all north facing, and I would have concerns that the proposed five-storey apartment block would overbear the proposed terrace units given, the apartments would be three storey's higher than the houses and the finished floor levels of the apartments would be significantly more elevated than the levels of the proposed houses.
- 7.3.7. Concerns were also raised regarding the potential noise disturbance generated by the construction of the proposed development. Having regard to the location of the development within an urban context and the nature of the proposed uses, I am satisfied that these matters could be addressed by means of a Construction Management Plan, which could be conditioned, as appropriate if necessary. .
- 7.3.8. In conclusion, it is considered that having regard to the elevated topography of the site, removed from the town centre, that the height, scale and layout as presented would have an adverse impact upon the existing neighbouring residential dwellings,

particularly to the north, by reason of overlooking and overbearance. The visual impact of the proposed five-storey element is also considered to be significant and at variance with the established pattern of development in this area of high landscape value. This is evident from the photomontages and site sections submitted which clearly illustrate the extent of cut and fill required to construct the development.

7.4. Access and parking Arrangements

- 7.4.1. There is an existing vehicular access to the site from the neighbouring Mariners View development. A new upgraded vehicular access is proposed, west of the existing site vehicular access. In principle the access would be acceptable,
- 7.4.2. Concerns have been raised that traffic congestion can be experienced at the proposed vehicular access at peak times which would obstruct access/egress from the appeal site. Further concerns have been raised that forty car parking spaces would be provided to serve the proposed residential units.
- 7.4.3. The Area Engineer has raised concerns regarding the availability of sightlines at the proposed access point, onto the Mariners View access road.
- 7.4.4. In conclusion, having regard to the location of the site within the settlement of Passage West, it is my opinion that the redevelopment of an underutilised site would be acceptable from a traffic and parking perspective, subject to the issue of sightlines being addressed.

7.5. Appropriate Assessment

The subject site is located approximately fourteen kilometres south-west of Cork Harbour SPA (Site Code. 004030). Having regard to the nature and scale of the proposed development within a serviced urban area and the distance from the nearest 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

- 8.1. I recommend that planning permission be refused for the following reasons.

9.0 Reasons and Considerations

10.0 Having regard to the periphery location of the site, together with the elevated topography of the site and the layout of the overall development as proposed, it is considered that the proposed scheme would:

be out of character with the pattern of development in the area,

be inappropriate in the context of adjoining development, would

provide for a roads dominated layout which would not be conducive to pedestrian safety therefore not complying with the requirements of Design Manual for Urban Roads and Streets (DMURS), DoTTS, March 2013 (as amended),

conflict with the provisions of the current Development Plan for the area and with the minimum standards recommended in the "Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities" published by the Department of the Environment, Heritage and Local Government in December, 2008, and with the Urban Development and Building Heights Guidelines, published by the Department of Housing, Planning and Local Government, December 2018,

result in an inadequate amount of quality public open space to serve the proposed development, and

give rise to substandard residential amenity for future occupiers.

The proposed development would thereby constitute a substandard form of development which would seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

2. Notwithstanding the zoning objective afforded to the subject site, it is located within an area which is described as having a High Value Landscape Area. Having regard to the topography of the site, the elevated positioning of the proposed apartment development, together with its height and scale, the resulting extensive road and the extensive cutting and filling required to accommodate the proposed

development, it is considered that the proposed development would form a discordant and incongruous feature on the landscape at this location and would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Fergal Ó Bric
Planning Inspectorate

18th August 2020