



An  
Bord  
Pleanála

## Inspector's Report ABP-309994-21

<b>Development</b>	Construction of 15 apartments.
<b>Location</b>	Junction of local road serving, Glenmont Crest and the District Health & Fitness Centre, Silversprings, Tivoli Cork.
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	2139852
<b>Applicant(s)</b>	Tivoli Investments Limited.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Tivoli Investments Limited.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	30 <sup>th</sup> November 2021
<b>Inspector</b>	Bríd Maxwell

## **1.0 Site Location and Description**

- 1.1. This appeal relates to a site of 0.987 hectares located on the Montenotte Tivoli Ridge circa 150m due north of the Silver Springs Hotel circa 3.5km north-east of Cork City Centre and north of the Lower Glanmire Road N8. The site is accessed via a local distributor road serving the Silversprings Hotel Complex which includes Fortwilliam House (Protected Structure PS 725) and the Silversprings Conference Centre as well as Glenmont, a residential apartment complex. The appeal site and is located at the junction of the local road serving Glenmont Crest and The District Health and Leisure Centre. Glenmont Crest was subject of permission for 9 individual houses in 2016. While the houses were not constructed the road access was and enabling works carried out. A recent permission 2039689 granted on 22/6/2021 for 21 dwellings at Glenmont Crest and associated site works.
- 1.2. The site occupies a prominent corner at the entrance to the District Health and Fitness Centre which is located within a walled garden which historically formed part of the Fort William Demesne. The appeal site is bounded to the northwest by a metal fence with Ashmount a large residential development dating from early 2000s beyond. Beyond the high stone wall to the north is the District Health and Leisure Centre car park. The appeal site is currently grassed and has a cross fall from north to south in line with the prevailing topography.

## **2.0 Proposed Development**

- 2.1 The proposed development involves the construction of 15 no apartments in a single 4 storey block (lower ground and 3 above ground levels) comprising 4 no 1 bed apartments, 7 no 2 bed apartments and 4 no 3 bed apartments. The proposal also includes the provision of 13 no car parking spaces, 10 no bicycle spaces, bin storage, drainage, 2 no pedestrian crossings and landscaping as well as associated site development works. External finishes to include local stone, cedar and metal cladding.

2.2 The application is accompanied by a Planning Statement Butler O Neill Total Planning Solutions and a Landscaping Plan and Visual Impact Assessment by Cunnane Stratton Reynolds which in conjunction with the other drawings and documentation set out the nature of the proposal in its detail. I note that the appeal submission also includes additional drawings including 4 additional photomontage viewpoints and shadow study drawings.

### 3.0 Planning Authority Decision

#### 3.1. Decision

By order dated 24<sup>th</sup> March 2021 Cork City Council issued notification of the decision to refuse permission for the following reasons:

*“Having regard to the location of the proposed development on lands designated ‘Areas of High Landscape Value’ (AHLV) in the Cork City Development Plan 2016-2021, and to the scale and design of the proposed development on the Montenotte / Tivoli Ridge, it is considered that the proposed development would result in an unacceptable and negative visual impact on the intrinsic character of the designated AHLV and its important landscape assets and features and would cause undue visual intrusion in the landscape. The proposed development would, therefore, materially contravene Objective 10.4 and Objective 10.10 of the Cork City Development Plan 2015-2021 and would be contrary to the proper planning and sustainable development of the area.*

*Having regard to the number of apartment units (including bedrooms) proposed, the poor quality of communal open space, the height and massing and scale of the development and overbearing impact viz a vis its immediate context, and potential overshadowing of the amenity space to the rear from existing stone walls the proposed development would represent overdevelopment of a restricted site and would seriously injure the residential amenities of future residents, contrary to the proper planning and sustainable development of the area.”*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

Planner's report notes that the site and lands to the south were cleared of vegetation prior to the lodgement of the application. Landscaping plan is considered optimistic in terms of screening achievable given the spatial function as communal amenity space. The proposal will exacerbate and accentuate the break in the Montenotte Tivoli ridge already made by the District Fitness Centre. It will also set a negative precedent for possible future development of the District Fitness site. The proposed development of an apartment block does not accord with the high landscape value designation associated with the site at the ridge location. Density is well above the established character and that envisaged in the development plan and does not meet the exceptional circumstances as envisaged in Section 16.41 of the Development Plan. Proposed housing mix does not accord with the requirements of Cork City Development Plan. Public open space is not usable or attractive. Lack of nearby direct public transport is noted. Refusal was recommended.

### **3.2.2. Other Technical Reports**

3.2.2.1 Housing Report – As the site is exempt from Part V obligations - no submissions and no objection.

3.2.2.2. Traffic Regulation and safety report - further information is required in relation to location and quantum of disabled parking, Electric Vehicle (EV) parking and motorcycle parking in accordance with development plan standards. Bicycle parking to be increased to 38 spaces. Outline Construction traffic management plan to be submitted. Detail of how the development supports the promotion of sustainable and active travel modes.

3.2.2.3 Environment report – photomontages are very unclear and it is difficult to determine the impact. No tree survey provided. Further information required.

3.2.2.4 Urban Roads and Street Design report – Further information required in relation to measures to support pedestrians with mobility impairments. Details of pedestrian priority and priority for drivers approaching from all arms of Glenmont Crescent Junction.

3.2.2.5 Contribution's report - General Development Contribution €35,118.97.

Supplementary contribution €6,649.41.

3.2.2.6 Drainage report – Further information required. Stormwater attenuation is required.

Cork City Council has no record of public foul and storm sewer shown at the location proposed for connection. Investigations to be carried out and amendments accordingly.

### **3.3. Prescribed Bodies**

3.3.1 Inland fisheries Ireland IFI submission asserts that Irish Water should signify that there is sufficient capacity in existence to ensure no overloading either hydraulically or organically of existing treatment facilities or result in polluting matter entering waters.

3.3.2 Transport Infrastructure Ireland TII- No observations.

3.3.3 Irish Water. No objection subject to connection agreement, in compliance with Irish Water standards codes and practices. Any proposals to build over existing water or wastewater to be submitted to Irish water for written approval. Separation distances to be in accordance with codes or practice and standard details.

### **3.4. Third Party Observations**

No third-party submissions

## **4.0 Planning History**

### **On this site**

**20/39186** Refusal of permission for construction of apartment building containing 18 residential units. Refusal grounds on basis of unacceptable and negative visual impact on the intrinsic character of the Montenotte Tivoli ridge a designated Area of High Landscape Value. Material contravention of Objective 10.4 and 10.10 of the Cork City Development Plan 2015-2021. Second reason on basis of lack of proper

pedestrian connection and level of traffic arising would endanger public safety by reason of traffic hazard.

#### **Site to the southeast Glenmont Crest**

**2039689** Permission granted 22/6/2021 for a residential development consisting of 19 no. dwelling houses and all ancillary site works.

## **5.0 Policy Context**

### **5.1 Project Ireland 2040 - National Planning Framework**

5.1.1. The NPF includes a Chapter, No. 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life. National Policy Objective 33 seeks to "prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location".

5.1.2. National Policy Objective 35 seeks "to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights".

5.1.3. National Planning Objective 13 also provides that "In urban areas, planning and related standards, including in particular height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected".

### **5.2 Section 28 Ministerial Guidelines**

- **The 'Urban Development and Building Heights, Guidelines for Planning Authorities, 2018'** are intended to set out national planning policy guidance on building heights in relation to urban areas, as defined by the census, building from

the strategic policy framework set out in Project Ireland 2040 and the National Planning Framework. They aim to put into practice key National Policy Objectives contained in the NPF in order to move away from unsustainable “business as usual” development patterns and towards a more compact and sustainable model of urban development. Greatly increased levels of residential development in urban centres and significant increases in the building height and overall density of development are not only to be facilitated, but are to be actively sought out and brought forward by the planning processes and particularly so at local authority and An Bord Pleanála levels. In this regard, the Guidelines require that the scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must be supported in principle at development plan and development management levels.

- **‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)** note that, in general, increased densities should be encouraged on residentially zoned lands and that the provision of additional dwellings within inner suburban areas of towns or cities, proximate to existing or due to be improved public transport corridors, has the potential to revitalise areas by utilising the capacity of existing social and physical infrastructure. Such developments can be provided either by infill or by sub-division. In respect of infill residential development, potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and the privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill.
- **The ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020’** provide detailed guidance and policy requirements in respect of the design of new apartment developments. Where specific planning policy requirements are stated in the document these are to take precedence over any conflicting policies and objectives of development plans, local

area plans and strategic development zone planning schemes. Furthermore, these Guidelines apply to all housing developments that include apartments that may be made available for sale, whether for owner occupation or for individual lease. They also apply to housing developments that include apartments that are built specifically for rental purposes, whether as ‘build to rent’ or as ‘shared accommodation’. Unless stated otherwise, they apply to both private and public schemes. These updated guidelines aim to uphold proper standards for apartment design to meet the accommodation needs of a variety of household types. They also seek to ensure that, through the application of a nationally consistent approach, new apartment developments will be affordable to construct, and that supply will be forthcoming to meet the housing needs of citizens.

### **5.3 Development Plan**

**5.3.1 The Cork City Development Plan 2015-2021** refers.

**5.3.2** The site is zoned for Residential Local Services and Institutional Uses. The objective is to protect and provide for residential uses, local services, institutional uses and civic uses having regard to employment policies outlined in Chapter 3.

**5.3.3** The site also is within an area designated as an Area of High Landscape Value such areas were identified in the Cork Landscape Study 2008 and typically, combine one of the primary landscape assets (Topography, River Corridor, Tree Cover) with other landscape assets.

Objective 10.4 areas of High Landscape Value. *“To Conserve and enhance the character and visual amenity of Areas of High Landscape Value through the appropriate management of development in order to retain the existing characteristics of the landscapes and its primary landscape assets. Development will be considered only where it safeguards to the value and sensitivity of the particular landscape. There will be a presumption against development where it causes significant harm or injury to the intrinsic character of the Area of High Landscape Value and its primary landscape assets, the visual amenity of the landscape; protected views; breaks the existing ridge silhouette; the character and setting of*



*buildings, structures and landmarks; and the ecological and habitat value of the landscape.”*

Section 10.15 states that *“Planning applications within areas / sites benefiting from such landscape protection must demonstrate that there is no resulting adverse impact on the landscape assets and character of the area, by means of a design statement that includes a landscape assessment and visual impact assessment of the impact.”*

5.3.4 Landscape preservation zones NE 13 Ennismore to the west & NE 14 Lota Ridge to the east.

5.3.5 There are a number of Protected Views towards the Montenotte Tivoli Ridge as identified on Map 16 and Map 17.

Objective 10.6 Views and Prospects *“To protect and enhance views and prospects of special amenity value or special interest and contribute to the character of the City’s landscape from inappropriate development, in particular those listed in the development plan. There will be a presumption against development that would harm, obstruct or compromise the quality or setting of linear views of landmark buildings, panoramic views, rivers prospects, townscape and landscape views and approach road views.”*

5.3.6 Development Management Standards are set out in Chapter 16 and include detailed quantitative and qualitative standards and requirements.

Objective 16.9 Sustainable Residential Development

*“Residential developments shall be sustainable and create high quality places and spaces which:*

*a. Deliver a quality of life which residents and visitors are entitled to expect in terms of amenity, safety and convenience;*

*b. Provide adequate open space which are practical in terms of scale and layout and naturally supervised by the aspect of the dwellings it serves;*

- c. Provide a good range of suitable facilities;*
- d. Prioritise walking, cycling and public transport and minimise the need to use cars*
- e. Present an attractive appearance with a distinct sense of place;*
- f. Are easy to access and navigate;*
- g. Promote the efficient use of land in terms of density and plot ratio;*
- h. Promote social integration and provides accommodation for a diverse range of household types and age groups;*
- i. Enhance and protect the built and natural heritage.”*

5.3.7 Regarding Residential Density at 16.41 it is stated “*Within the city minimum residential density in Suburban areas should be 35-50 dwellings per hectare. Densities of greater than 50 dwellings per hectare will normally require a mix of houses and apartments. Densities higher than this baseline level will be appropriate in other types of location:*

- Along bus routes densities should be to a minimum density of 50 dwellings per hectare (subject to constraints imposed by the character of the surrounding area);*
- At larger development sites (>0.5 hectares in size, the size of a residential block) capable of generating and accommodating their own character;*
- Major development areas and mixed-use areas (including the central areas, District, Neighbourhood and Local centres)*

5.3.8` Apartments 16.50 “*The quality of an apartment / duplexes in qualitative terms will be a function of the following key requirements:*

- Dual aspect;*
- Apartment size and key floor area dimensions;*
- Floor-to-ceiling height;*
- Private space provision.”*

**Table 16.4 Indicative Targets for Dwelling Size and Distribution**

<i>Existing Household mix</i>		<i>Dwelling size distribution targets</i>	
Household size	House size	Zones*	
		Zone 1 and Zone 2 and all Apartment / Duplex schemes	Zone 3 (Suburbs) (mixed house / apartment schemes)
1 Person	1 Bed	Max 15%	Max 20%
2 Person	2 Bed	Max 50%	Min 30%
3 Person	3 / 3+ Bed	Min 35%	Min 50%
4 Person			
5 Person			
Total		100%	100%

\* Zones defined in Figure 16.1 and on Map 12 of Volume 2.

**5.3.9** In terms of parking the site is located within Car parking zone 3 as governed by Table 16.8 of the Cork City Development Plan 2015-2021.

## 5.4 Natural Heritage Designations

5.4.1 The site is not within a designated area.

## 5.1. EIA Screening

- 5.1.1. An Environmental Impact Assessment Screening report was not submitted with the application.
- 5.1.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units,
  - Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)
- 5.1.3. It is proposed to construct a residential apartment building comprising of 15 apartments. The number of dwellings proposed is well below the threshold of 500 dwelling units noted above. The site has an overall area of .987 hectares and is located within an existing built up area but not in a business district. The site area is

therefore well below the applicable threshold of 10 ha. The site is located adjacent to established residential and mixed-use development within the north eastern urban area of Cork City. The introduction of a residential development will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site and there is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site/or other). The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Cork City Council, upon which its effects would be marginal.

5.1.4. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands that are zoned for Residential Local Services and Institutional Uses under the provisions of the Cork City Development Plan, and the results of the strategic environmental assessment of the Cork City Development Plan, undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of residential development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and

- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case (See Preliminary Examination EIAR Screening Form).

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1 The appeal is submitted by Butler O'Neill, Total Planning Solutions on behalf of the first party, Tivoli Investments Limited, and also includes representations from Architects Sean Dockry Associates. Grounds of appeal are summarised as follows:

- The scheme is a modest development of 15 apartments and there is scope to reduce the scale of the building by one storey to bring the proposal down to 12 units if deemed necessary by the Board.
- Scale is in keeping with the type of development being granted by the Planning Authority and An Bord Pleanála and is in accordance with National and Regional policy targets for growth and housing provision for Cork City and for higher density along areas of high public transport provision.
- Site does not serve any amenity purpose and is not a visible part of the Tivoli Ridge. It is not overlooked by any residential properties and is underutilised.
- Proposal would represent an appropriate response to densify urban areas and provide a modest number of residential units.
- Following previous refusal the number of units was reduced from 18 to 15 and the unit mix was altered to include 4 no 3 bed units and a greater number of 2 bed 4 person units. Two pedestrian crossings are provided to improve connectivity. Materials seek to integrate the proposal into the landscape and additional screening is proposed. Revised photomontages illustrate the more sympathetic approach.

- Landscape visual impact assessment predicts a low neutral impact on Area of High Landscape Value. 4 viewpoints submitted with the application and 4 additional viewpoints outlined in appeal however it is difficult to find areas from which the site is visible.
- Photomontage viewpoint 5 demonstrates that the proposal will result in minimal impact visually. Viewpoint 6 from approach avenue where existing foliage acts as a barrier visually as will proposed landscaping. Viewpoint 7 shows no negative visual impact. Photomontage 8 from District Health and Leisure Centre Car park demonstrates the positive contribution aesthetically.
- Proposal is within 7 minutes of bus stops to north and south and is serviced by national roads infrastructure within 1km of N25.
- Just over one km from, the scheme at Arbutus Middle, Glanmire, where a development was permitted in the Area of High Landscape Value which projects into the ridge and visible from locations nearby. The adjacent site Glanmont is far more visible on the ridge than the proposed development.
- Regarding potential for precedent for future development of District Fitness Centre – it is not intended to develop this site further. Applicant is willing to sign a sterilisation agreement for a period of 20 years.
- Having regard to the NPF which endorses compact development and places a target for 50% development to be facilitated within brownfield infill sites it is suggested that a more flexible approach be taken that promotes protection of important landscape assets as opposed to the preservation of these sites in their entirety.
- Regarding refusal reason no 2 it is noted that significant amendments were made following the previous refusal. A request for additional information to reduce the proposal by one storey would have been preferable to an outright refusal.
- Shadow study accompanying the appeal demonstrates that the rear amenity courtyard gets good direct sunlight from 3pm onwards. Over 35% of the site is designated open space is usable. Car parking area to the south of the wall across the road to the east of the scheme in the ownership of the applicant and a small play area could be provide here.

- Public open space far exceeds recommended level equating to 36.35% of the site, far in excess of minimum requirement. There is a large park to the south of Ashmount adjacent. The applicant owns and operates the District Health Centre and intends to build and retain ownership of the development as a rental investment and would be more than willing to offer membership at a significantly discounted rate to future residents of the scheme as outlined in accompanying letter from Tivoli Investments Ltd.
- Urban Development Building Heights Guidelines 2018 outline set out the rationale for consolidation and densification in meeting accommodation needs into the future, National Planning Framework and Regional Spatial and Economic Strategies seek to secure compact and sustainable urban growth.
- Scale and massing of the scheme was devised following a consideration of all the key elements. Should the Board feel concerned about the potential visual impact the applicant would accept the reduction by one storey and additional screening.

## 6.2 Planning Authority Response

The Planning Authority did not respond to the grounds of appeal.

## 7.0 Assessment

- 7.1. Having considered the grounds of appeal it is appropriate in my view that the focus for assessment of this appeal is structured around the issues raised within the grounds of refusal regarding landscape and visual impact and quality of the design and layout. The issue of appropriate assessment also needs to be addressed.

## 7.2 Landscape and Visual Impact

- 7.2.1 The first reason for refusal stated that *““Having regard to the location of the proposed development on lands designated ‘Areas of High Landscape Value’ (AHLV) in the Cork City Development Plan 2016-2021, and to the scale and design of the proposed development on the Montenotte / Tivoli Ridge, it is considered that the*

*proposed development would result in an unacceptable and negative visual impact on the intrinsic character of the designated AHLV and its important landscape assets and features and would cause undue visual intrusion in the landscape. The proposed development would, therefore, materially contravene Objective 10.4 and Objective 10.10 of the Cork City Development Plan 2015-2021 and would be contrary to the proper planning and sustainable development of the area.”*

7.2.2 The first party refers to the visual impact report by Cunane Stratton Reynolds predicting that the proposed development will incur localised change however semi mature tree planting to the south and east of the building will significantly soften the building elevations. It is asserted that the proposed building will not significantly impact the wider landscaping setting given the mitigating effect of the mature tree planting and careful selection of material finishes in buildings which combine to successfully integrate the development in the distant views of the site. It is asserted that the design strategy ensures that a high-quality residential intervention will be experienced in the immediate vicinity of the site while the overall perception of the Montenotte / Tivoli Ridge as an Area of High Landscape Value will remain unaffected.

7.2.3 The Visual Impact assessment document depicts four viewpoints from the south along the Marina all within 0.5 – 0.75km of the site. It is asserted that while the upper portion of the building will be visible it will not incur any significant visual impact by virtue of the careful selection of material finishing in elevations and the proposed tree screening which combine to integrate in the landscape setting. It is contended that the impact from all selected locations is low and neutral in all cases. The significance of change is also categorised as low to neutral on the basis of the existing sylvan setting, proposed semi mature tree planting and the careful selection of materials in building elevations which recede against the backdrop of the ridge. I note that the submitted photomontage views are unclear and not in accordance with best practice. I would concur with the views expressed by the Local Authority Planner that they are optimistic regarding the extent of screening available particularly within the confines of the site (and under the control of the applicant). I note that no account is taken by



the first party within the visual impact assessment of visibility in autumn and winter when screening is not available. Having reviewed the site context and views to and from the site I consider that the impact would be significant, and the proposed development would be particularly obtrusive when viewed from the Marina. The current visibility of the Health and Fitness Centre clearly illustrates the prominence of the site in views from the south towards the Montenotte Tivoli Ridge. As regards the additional viewpoints depicted within the appeal submission, they clearly demonstrate that the proposed building would constitute a significant visual intervention locally but also within the wider context. Having considered the visual impact arising I would concur with the local authority that the proposed development would result in an unacceptable and negative visual impact on the intrinsic character of the designated Area of High Landscape Value and its important landscape assets and features and would cause undue visual intrusion in the landscape. As regards the assertions that the Planning Authority has set a precedent in terms of permissions granted on the adjacent Glanmont and at Arbutus Middle, I note that in relation to the latter it presents an entirely different context and is not directly comparable. As regards the development at the adjacent Glanmont I note that this site had been partially developed in accordance with a previous permission and by reason of its nature and scale is also not directly comparable. In assessing the current proposal on its own merit, I have concluded that the proposed development would be visually obtrusive and would materially contravene Objective 10.4 of the Cork City Development Plan 2015-2021 relating to designated Areas of High Landscape Value and would be contrary to the proper planning and sustainable development of the area.

### **7.3 Density, Quality of Design & Layout**

- 7.3.1 A key objective of the National Planning Framework: 'Project Ireland 2040' is the achievement of more compact and sustainable urban growth and in this regard greatly increased levels of residential development in urban centres and significant increases in building heights and the overall density of development are not only to be facilitated but actively sought out and brought forward by the planning process and particularly so at local authority and An Bord Pleanála levels. Moreover, at least half of the future housing growth of the main cities is to be delivered within their

existing built-up areas with a focus on reusing previously developed 'brownfield' land, building up infill sites, and either reusing or redeveloping existing sites and buildings, in well serviced urban locations, particularly those served by good public transport and supporting services, including employment opportunities.

7.3.2. With a view to achieving the objectives of the NPF, the 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009' encourage more sustainable urban development through the avoidance of excessive suburbanisation and the promotion of higher densities in appropriate locations such as along public transport corridors and within the inner suburban areas of towns or cities, proximate to existing or due to be improved public transport corridors, where there is the potential to revitalise areas by utilising the capacity of existing social and physical infrastructure. The 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020' also state that intermediate urban locations (e.g. sites within principal town or suburban centres or those well served by urban public transport) will generally be considered suitable for smaller scale higher density developments that may wholly comprise apartments.

7.3.3 As regards the City Council's second reason for refusal it was as follows:

*"Having regard to the number of apartment units (including bedrooms) proposed, the poor quality of communal open space, the height and massing and scale of the development and overbearing impact vis a vis its immediate context, and potential overshadowing of the amenity space to the rear from existing stone walls the proposed development would represent overdevelopment of a restricted site and would seriously injure the residential amenities of future residents, contrary to the proper planning and sustainable development of the area."*

7.3.4 Regarding the proposed density which equates to 152 units per hectare this is clearly well above the established suburban character of development in the vicinity. The development plan suggests a minimum density of 35-50 dwellings per hectare in suburban areas. Higher densities will be appropriate in other types of location. Along

bus routes developments should be subject to a minimum of 50 units per hectare. At larger development sites  $\geq 5\text{ha}$  capable of generating its own character and major development areas and mixed-use areas.

- 7.3.5 The first party refers to the Urban Development and Building Heights Guidelines for Planning Authorities 2018 in seeking to justify the proposed development and asserts that the scheme is appropriate as it has excellent public transport provision. Two bus stops within 7-minute walking distance from the site are identified. I consider that based on the submitted detail the site is not a highly accessible location and I noted poor pedestrian permeability locally and an apparent high car dependency. I note that little detail is provided in relation to sustainable transport opportunities and the Council's traffic regulation and safety report sought additional information on how the proposal supports the promotion of sustainable and active travel modes on the basis of a dearth of information in this regard.
- 7.3.6 I consider that the application has not provided the justification for the site's potential for increased building heights in terms of the development management criteria as set out in Section 3.0 of the guidelines relating to proximity to high quality public transport or being part of comprehensive urban development. I consider that based on the location, context and nature of the site the density and its landscape sensitivity the proposed scale and height has not been justified.
- 7.3.7 On the matter of design and layout I note that the individual apartment designs generally achieve and in cases exceed the minimum floor area requirements as set out in the Sustainable Urban Housing Design Standards for New Apartment Guidelines 2020. In terms of mix they comprise a mix of 1-bed, 2 bed (3 person and 4 person) and 3 bed apartments. I note that the City Council planner raised concern with regard to the under provision of larger units in the context of Table 16.4 targets of the Development Plan.

7.3.8 As regards aspect and outlook there is only one single aspect unit which is south facing at upper ground floor level (Unit no 2 one bed) therefore exceeding the 33% minimum requirement for dual aspect apartments as set out in Specific Planning Policy Requirement 4 of the Design Standards for New Apartments Guidelines 2020. Floor to ceiling height of 2.7m is provided at all levels. Private open space is provided to units at ground floor level and in the form of balconies at upper levels in accordance with minimum and in many cases exceed minimum standards. As regards the level of public open space provided open incidental open space is provided around the building.

7.3.9 I note the location of the proposed communal open space courtyard to the rear north of the building and I would concur with the view of the City Council Planner that the location between the building and the high historic stone wall would provide limited amenity and as demonstrated in the submitted shadow study would be overshadowed for much of the day and is also poorly overlooked. I note that within the response to the appeal it is submitted that the applicant owns the adjacent District Health and Leisure Club and would be willing to offer reduced membership access to future residents. It is also submitted that a small play area could be provided on lands owned by the applicant opposite the entrance to the health and leisure club which would be outside the site boundary. I consider that such proposals which are disjointed and piecemeal and do not overcome the concerns with regard to the standard of residential amenity. The proposal is poorly integrated in terms of its context and I consider that the decision of the City Council to refuse permission should be upheld.

7.3.10 As regards light and shadow impacts on established residential amenity I note that that little information is provided in terms of the depiction of the interrelationship between the proposal and the nearest adjacent dwellings at Ashmount Mews to the north-west in terms of overlooking and overshadowing assessment or a loss of sunlight / daylight consequent on the proposed development. I note that section 3.2 of the 'Urban Development and Building Height Guidelines, 2018' states that the form, massing and height of proposed developments should be carefully modulated

so as to maximise access to natural daylight, ventilation and views, and to minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. The 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020' also state that regard should be had to foregoing publications and further assessment would be required to enable the thorough assessment of impact on the residential amenity of neighbouring properties by reason of overshadowing or a loss of sunlight / daylight. I acknowledge that the topography of the area (significant height differential with Ashmount Mews) and the orientation and character of established development mitigates the amenity impacts arising however this would require further review.

7.3.11 On the basis of my assessment of density, layout and design I consider that the proposal does not respond appropriately to its context, does not integrate well with adjacent development and would lead to a poor standard of residential amenity. The decision of the City Council to refuse permission should therefore be upheld.

## **7.4 Appropriate Assessment**

7.4.1 As regards appropriate assessment the site is not located within or directly adjacent to any Natura 2000 sites. The nearest such sites are the Cork Harbour SPA (Site Code 004030) circa 1.6km to the east and the Great Island Channel SAC (Site Code 001058) which occurs circa 5.5km to the east. Having regard to location of the proposed development within the urban area which is served by public infrastructure, the nature of the receiving environment and proximity to nearest European Sites, it is concluded that no appropriate assessment issues arise as the proposed

development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

## **8.0 Recommendation**

8.1. Refuse Permission for the following reasons.

## **9.0 Reasons and Considerations**

Objective 10.4 of the Cork City Development Plan 2016-2021 Areas of High Landscape Value is to conserve and enhance the character and visual amenity of Areas of High Landscape Value (AHLV) through the appropriate management of development, in order to retain the existing characteristics of the landscape, and its primary landscape assets. Development will be considered only where it safeguards the value and sensitivity of the particular landscape. There will be a presumption against development where it causes significant harm or injury to the intrinsic character of the Area of High Landscape Value and its primary landscape assets, the visual amenity of the landscape; protected views; breaks the existing ridge silhouette; the character and setting of buildings, structures and landmarks; and the ecological and habitat value of the landscape.

Having regard to the location of the proposed development on lands designated 'Areas of High Landscape Value' in the Cork City Development Plan 2016-2021, and to the scale and design of the proposed development on the Montenotte / Tivoli Ridge, it is considered that the proposed development would result in an unacceptable and negative visual impact on the intrinsic character of the designated Area of High Landscape Value and its important landscape assets and features and would cause undue visual intrusion in the landscape. The proposed development would, therefore, materially contravene Objective 10.4 of the Cork City Development Plan 2015-2021 and would be contrary to the proper planning and sustainable development of the area.

Having regard to the scale, density and design of the proposed development which is poorly integrated in terms of its context and to the location and layout of proposed open space it is considered that the proposed development would fail to respond to the unique characteristics of the site, would achieve poor connection with adjacent development and would lead to a poor form of residential amenity for the intended occupants. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Bríd Maxwell  
Planning Inspector

**7th December 2021**