



An
Bord
Pleanála

Inspector's Report ABP-311305-21

Development	Construction of a new three storey apartment development containing 8 units, new accesses, and on-site parking.
Location	1 Ard Na Laoi, Middle Glanmire Road, Montenotte, Cork.
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	21/40284
Applicant(s)	Garin Murphy & Lyn Kenny
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party -v- Decision
Appellant(s)	Garin Murphy & Lyn Kenny
Observer(s)	Ken Kenny Edel O'Carroll John Donoghue

Date of Site Inspection

13th October 2021

Inspector

Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located 1.4 km to the east north-east of the city centre (St. Patrick's St.) and 0.39 km to the east of St. Luke's Cross Roads (Ballyhooly New Road/ Summerhill North (R614) and Glanmire Road Middle/Wellington Road). This site lies on lands that rise in northerly and easterly directions to form the Montenotte/Tivoli Ridge. It adjoins the entrance to a new housing estate, Ardnalee (or Ard na Laoi), which is accessed off the northern side of Glanmire Road Middle. On the opposite side of this Road from the site lies the Montenotte Hotel, and, along this Road, to the east and west lie terraces of older housing.
- 1.2. The site is continuous with lands to the west, which accommodate the applicants' two-storey dwelling house and a gate lodge, both of which are accessed by means of an entrance and driveway off Glanmire Road Middle. The site itself is bound to the west by this driveway, to the south by Glanmire Road Middle and to the east/north by the estate road to Ardnalee. This site is enclosed along its public boundaries by part retaining/part boundary walls, and it is elevated above the gate lodge and the initial portion of the driveway. Within its north-western portion is a mound and the site is the subject of tree and shrub planting. It is in use as part of the overall garden area to the applicants' dwelling, it is amorphous, and it has an area of 0.099 hectares

2.0 Proposed Development

- 2.1. The proposal would entail the following elements:
 - The Construction of a three-storey apartment building containing 8 units (603.41 sqm), comprising 4 one-bed, 3 two-bed, and 1 three-bed. This building would be sited in the central and southern portions of the site and it would capitalise upon the rising northwards slope of the site by having a partly subterranean ground floor with a smaller footprint than the two upper floors. In plan-view, the building would form a handed "h" and it would be orientated to the south to overlook Glanmire Road Middle.
 - A vehicular entrance would be formed in the northern boundary wall and access would be from the estate road that serves Ardnalee. Two pedestrian

entrances would be formed: One in the southern boundary wall and one in the eastern boundary wall.

- The vehicular entrance would serve a parking area to the rear of the apartment building, which would comprise 4 car parking spaces and an associated manoeuvring area, 8 bicycle parking spaces, and an external bin store.
- The grounds to the apartment building would be landscaped and open space/communal courtyards would be provided.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reasons:

- 1) Proposal would be overdevelopment: It would exhibit an excessive density, inappropriate scale, and urban form. It would seriously injure residential amenity and be contrary to Objective 16.9 and Paragraphs 16.46 & 16.59 of the CDP.
- 2) Due to its height, nature, scale, and siting on an elevated site, the proposal would be highly visible and overly dominant on the Montenotte/Tivoli Ridge and thus contrary to Objective 16.4 of the CDP.
- 3) Due to its layout, massing, scale, height, and proximity to the western boundary of the site, the proposal would be obtrusive and overbearing in relation to an adjacent gate lodge, and it would thus be seriously injurious to the outlook from this lodge.
- 4) The submitted plans fail to demonstrate that the proposal would have communal open space that in quantitative and qualitative terms would comply with Section 4.10 of the CDP.
- 5) The submitted plans fail to demonstrate that the proposed vehicular access off a steep portion of the estate road would have sufficient sightlines in both directions. Furthermore, this access would risk the creation of an adverse precedent.

- 6) Under Table 10.4 of the CDP, the site is the subject of a TPO. The submitted application fails to demonstrate that the proposal would not be detrimental to mature/semi-mature trees on the site and, thus, contrary to Paragraph 10.58 of the CDP.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Se decision.

3.2.2. Other Technical Reports

- IFI: Defers to IW.
- IW: Further information requested with respect to drainage drawings and calculations.
- Cork City Council
 - Environment: No objection, subject to conditions.
 - Drainage: Further information requested with respect to the presence in the south-east corner of the site of a public storm water holding tank. A joint survey of this tank to be undertaken and it is to be allowed for in the design and layout of the proposal.
 - Urban Roads and Street Design: Further information requested with respect to demonstrating that refuse vehicles would be able to turn around on-site, demonstrating that the requisite sightlines would be available in the horizontal and vertical planes, and the provision of improved pedestrian facilities at the junction between Glanmire Road Middle and Ard na Laoi estate road, including tighter corner radii.
 - Traffic – Regulation & Safety: Further information requested with respect to proposed parking levels, adequacy or otherwise of existing public transport and walking/cycling facilities in the locality, a RSA, and a public lighting scheme.

- Parks: Objection raised, and the view is expressed that the site should remain a private garden that complements the elevated public open space to the north.
- Contributions: Development contribution condition requested.

4.0 Planning History

- 93/18589: Boundary wall: Permitted, subject to decorative railing condition.
- 19/38877: Change of use of a portion of lands from public open space to private open space, further to planning permission 93/18589: Permitted at appeal ABP-306654-20.
- 166/20 & 33/21: Pre-application consultations.

5.0 Policy and Context

5.1. National Planning Policies and Guidelines

- National Planning Framework: Project Ireland 2040
- Sustainable Residential Development in Urban Areas
- Sustainable Urban Housing: Design Standards for New Apartments
- Urban Development and Building Heights
- Design Manual for Urban Roads and Streets

5.2. Development Plan

Under the Cork City Development Plan 2015 – 2021 (CDP), the site is shown as lying:

- Within an area that is zoned ZO4, residential, local services and institutional uses, wherein 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.”

- At the western extremity of Montenotte/Tivoli Ridge and on the edge of the Landscape/Townscape View, denoted as No. 6, of this Ridge. Objective 10.6 states:

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.

- Within Zone 3 for the purposes of the provision of car and cycle parking spaces.

Under Table 10.4, the Tree Preservation Order (TPO) for Ardnalee, Glanmire Road Middle is cited. Objective 10.10 states,

- To protect and enhance the city's tree and urban woodlands;*
- To protect, survey and maintain existing important individual and groups of trees;*
- To make use of tree preservation orders to protect important trees or groups of trees which may be at risk;*
- To ensure that new development benefits from adequate landscape structure / tree coverage, particularly in areas of the city with inadequate tree coverage;*
- To develop an urban woodland strategy and to provide a resource to protect trees and tree groups of significance, to manage existing areas with high tree coverage and to plant new urban woodlands in areas deficient in tree coverage;*
- To promote the planting of native deciduous trees and mixed forestry in order to benefit biodiversity.*

5.3. Natural Heritage Designations

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

5.4. EIA Screening

Under Items 10(b)(i) and (iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2021, where more than 500 dwelling units would be constructed or where urban development would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere, the need for a mandatory EIA arises. The proposal is for the development of 8 dwellings on a site with an area of 0.099 hectares. 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 EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The applicants begin by reviewing the planning history of the site, including the pre-application consultations that occurred prior to the submission of the current application which were influential in shaping the proposal. They then proceed to respond to each of the reasons for refusal as follows:

First reason

- The appropriateness of Paragraph 16.46 is questioned as the site is a stand-alone one.
- The design approach adopted was intentionally to emulate the predominantly three-storey terraced housing to the west of the site rather than the Ard na Laoi estate to the north.
- Under Paragraph 19.59, the Planning Authority accepts the principle of infill housing on the site.
- The proposal would “not detract from the built character of the area”, which displays a variety of design styles: Indeed, its simple form, finishes, and window geometry would reflect aspects of these styles.

- The proposal would “not adversely affect the neighbouring residential properties”, in particular, with respect to the adjacent gate lodge the siting of the proposal and the tiering of its upper floors would ensure that sunlight to this lodge is maintained.
- The proposal would “respect the existing building line, heights, materials and roof profiles of surrounding buildings”. In relation to building line, the rear elevation of the proposed building would align with the rear building line of the terrace to the west and its roof pitch would be similar to that exhibited by this terrace. In relation to height, as a three-storey building, it would, under the CDP, not be tall, but a low-rise one.
- The proposal would have “an appropriate plot ratio and density for the site”. In relation to the former, this would be 0.61, which would be low for an inner suburban site, and, in relation to the latter, this would be 80 dwellings per hectare, which is comparable to that of terraced housing in the locality, which is c. 75 dwellings per hectare.

The site is conveniently placed for the city centre, which is c. 1km away, and public transport, which is 400m away.

- The proposal would provide “adequate amenity”. Under the Sustainable Urban Housing: Design Standards for New Apartments Guidelines, a minimum of 46 sqm of communal open space would be required. Under the proposal, 75 sqm would be provided to the north of the proposed building and a further 50 sqm to the south. The former area especially would be highly useable.
- While the case planner acknowledges the submitted Shadow Study, she asks for one that follows BRE methodologies. This was not requested at the pre-application consultation stage and it could have been submitted under any further information stage.

Second reason

- The statement that the proposal would have “a significant and detrimental visual impact upon the Montenotte/Tivoli Ridge” is challenged by reference to View 2 in the submitted Photomontages. In this respect, the proposed building

would have a minimal impact compared to existing elongated buildings at Arbutus and Montenotte.

- Short range views, such as View 5 in the submitted Photomontages, would be more significant. However, these are not protected under the CDP.

Third reason

- With respect to the adjacent gate lodge, the commentary provided above on the siting and design of the proposed building addresses any amenity concerns affecting this lodge.

Fourth reason

- With respect to communal open space, the commentary provided above addresses the quantity and useability of such space. Additionally, the main area would receive good levels of sun lighting from the early afternoon on.

Fifth reason

- The critique of the proposed vehicular access to the site could have been addressed by means of further information. As it is, on the basis of a 30 kmph speed limit, the proposed sightlines of 23m in either direction would comply with Table 4.2 of the Design Manual for Urban Roads and Streets.
- Insofar as speeding may be occurring on the estate road, this is an issue for the Roads Authority to address, e.g. by traffic calming measures.
- The proposal would in any event generated limited traffic as it is designed to be one with limited car dependency, i.e. only 4-spaces.

Sixth reason

- The need for a tree survey was not cited during pre-application consultations.
- The trees, which are the subject of a TPO, lie to the north-west of the site on lands within the retained curtilage to the applicants' dwelling house. These trees would be unaffected by the proposal.
- Two trees adjacent to the gate lodge would be removed. However, these trees have been the subject of requests from the owners of the lodge to have them lowered, as branches and debris have caused damage to the same.

Other items

- **Car parking:** As the site lies within an intermediate urban location, a reduced level of parking provision is required. While the Area Engineer seeks 11 spaces, the applicant proposed 8 at the pre-application stage, only to be advised to reduce this number: Hence the proposal is for 4 spaces, which allows for a greater amount of communal open space.
- **Fire tender access:** The scale and proximity of the proposed building to the estate road would be such that the requisite access would be available.
- **Waste collection access:** The proposed waste collection area would be sited adjacent to the proposed vehicular access to the site and so roadside collection would be facilitated.
- **Drainage connections:** A full presentation of the proposed water supply and drainage arrangements was submitted as part of the application: The reason for Irish Water's request for further information is, therefore, unclear.
- **Existing storm water attenuation tank:** The applicant's engineer has been in discussion with the City Council's drainage engineers over this tank: There is a lack of clarity over whether the tank is in-situ and, if so, where. The applicants have owned the site since 2015: No wayleave has been registered against it and no request received from the City Council to inspect any tank during their ownership to date. In these circumstances, the applicants request that a site investigation be conditioned along with any works that may arise on the foot of such investigation.

6.2. Planning Authority Response

None

6.3. Observations

(a) Ken Kenny of No. 23 Ard-na-Laoi

- The scale of the proposal and the paucity of functional amenity space would lead to excessive development of the site. Any suggestion that the site be

regarded as a “stand-alone” one fails to recognise the importance of the site’s streetscape context.

- The applicants refer to the pre-application advice of the Planning Authority, which they followed. They misconstrue the scope of such advice when they lament that permission was not subsequently forthcoming for its application.
- The applicants acknowledge that, while a shadow study of the proposal was submitted, a study in accordance with the BRE’s “Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice” was not undertaken but could be if requested. However, such a study is too critical to be left to a post-decision condition.
- The provision of only 4 car parking spaces would be woefully inadequate for the proposal, which would afford accommodation to between 13 and 26 residents. The corollary would be overflow parking on the estate road and attendant hazard to existing residents.

Again, the absence of a bus service and the fact that, while the site is relatively close to the city centre, walking and cycling options would be unattractive due to the return journey gradients, means that there is a clear gap between the aspiration for sustainable modes of transport and their realistic use.

Existing sightlines along the estate road are hazardous, as evidenced by the Roads Authority’s recent imposition of a 30 kmph speed limit. The proposed vehicular entrance would add to such hazard and its provision would be at variance with the planning history of the applicants’ dwelling house, which disallowed any such entrance from this road.

- The applicants draw attention to the ridge height of the proposal, which would be similar to that of the terraced housing to the west of the site. However, they fail to draw attention to the fact that this housing is sited 28m away from Glanmire Road Middle, whereas the proposal would be only 6.5m away.

The reduction in the proposed ridge height by 700 mm between the pre-application and application stages would achieve little with respect to the proposal’s visual impact.

- The proposed amenity spaces would be inadequate: The one to the south of the apartment building would be too small and the one to the north would be poorly lit by direct sunlight.
- The need for a tree survey would have been self-evident from viewing the site and inspecting its planning history, e.g. Condition No. 4 attached to permitted application 14,818/89.
- The need for a site investigation to ascertain the presence of an attenuation tank in the site is self-evident, too, given its possible implications for the proposal. A majority of residents recall its installation which is cited in Condition 17(c) of the permitted application 14,818/89. Clearly, making such investigation the subject of a condition would be irresponsible.
- The ultimate tenure of the proposed apartments is unknown: Would they be owner-occupied, tenanted, or holiday lettings?

The four other objectors at the application stage endorse the observer's points raised above and the view is expressed that a larger number of residents would do so too.

(b) Edel O'Carroll of The Lodge at No. 1 Ard-na-Laoi

The observer reiterates the grounds of objection which she cited at the application stage and she adds to them as follows:

- Pre-application advice/excessive density/inappropriate scale and urban form:

The applicants have disregarded the gate lodge as evidenced by their inadequate shadow survey and reference to the housing terrace to the west.

The stated area of the site is queried. The developable area would be reduced by e.g. the attenuation tank. Any resulting plot ratio would be unacceptable for the area.

Car parking provision for a Zone 3 site would be wholly inadequate and it would lead to overflow on-street parking in Ard-na-Laoi.

The design of apartments would be insufficiently adaptable to facilitate life-long residency.

The proposal would not comply with Part M of the Building Regulations: The opportunity to facilitate local residents to downsize would thus be lost.

- Visual impact:

The CDP's Landscape/Townscape Views, denoted as Nos. LT6 and LT26, are referred to either incorrectly or not at all.

Given the site's elevated position, it is critical that the design of the proposal reflects the site's constraints and mitigates impacts on adjacent existing buildings.

- Visually obtrusive and overbearing on the gate lodge:

The gate lodge is directly orientated towards that portion of the site where the proposed apartment building would be sited. Consequently, it would be adversely impacted by this building in terms of visual obtrusion and overbearing.

- Has not demonstrated that the proposal would have sufficient useable and quality communal open space:

The siting and extent of the proposed communal open space is difficult to decipher. The open space to the north would be overshadowed.

- Has not demonstrated that the proposed entrance would achieve sufficient sightlines in both directions:

Attention is drawn to drawing no. JHK365-PA 1-P04 revision A in which the eastern sightline intersects with the stone boundary wall to the site. This drawing alone fails to adequately depict the gradient of the estate road.

No elevation of the proposed vehicular entrance within its roadside context has been submitted. Likewise, no depiction of auto tracking by vehicles accessing/egressing simultaneously this entrance have been submitted.

- Has not demonstrated that proposal would not have a detrimental impact on the mature and semi-mature trees located within the site boundary:

No tree survey was submitted, notwithstanding the fact that trees within the area are the subject of a TPO. Site constraints that could be anticipated would arise from such a survey have not been factored-in to the proposal.

(c) John O'Donoghue of No. 5 Ard-na-Laoi

The observer's submission is endorsed by 61 residents of Ard-na-Laoi.

- Overdevelopment: density and scale:

Attention is drawn to the absence of a Design Statement from the application to elucidate/justify the design approach adopted. Attention is also drawn to the applicants' failure to rebut the Planning Authority's first reason for refusal.

The proposal would exhibit a density of 80.8 dwellings per hectare. The CDP envisages a minimum of 35 – 50 dwellings per hectare. The markedly higher density proposed has not been justified. The CDP indicates that higher densities may be justified in locations served by a bus route, on larger sites or in major development areas/mixed-use areas. None of these scenarios are applicable to the site.

The CDP advises on height to the effect that it should be "in proportion to the space between buildings and, where appropriate, be set back from the road edge or the existing building line...to reduce overlooking or overshadowing of adjoining buildings." However, the proposed building would, along its eastern and western elevations, be sited close to the corresponding site boundaries, thereby accentuating its prominence on a narrow, elevated site and leading to overdevelopment.

- Visual impact: skyline and views:

The applicant submitted a Verified Photomontage Report, which shows under Views 5 & 6 the dominance that the proposal would have within its local context.

The CDP identifies several Landscape/Townscape Views, denoted as LT6, 12, 13 & 25, in conjunction with the Montenotte/Tivoli Ridge protected landscape area. The applicants' report fails to adequately assess the impact of the proposal upon all of these views. Notwithstanding this, concern is expressed that the proposal would have a significant negative impact on these longer-range views.

- Visual impact: overbearing nature:

Attention is drawn to the elevations of the proposal: The northern elevation would be predominantly blank and so of bulky appearance, the eastern and western elevations would be elongated and unduly close to their

corresponding boundaries, and the southern elevation would be set back only c. 6m from its corresponding boundary with Glanmire Road Middle.

Consequently, this proposal would be overbearing and issues of overlooking and overshadowing would arise.

Attention is also drawn to the applicants' contention that the proposal would resemble terraced housing to the west of the site. This contention is challenged insofar as differences would arise in terms of their scale, siting, design, and materials. In particular, the siting of the proposal would contrast dramatically with that of the terraced housing, which has a front building line that is set back much further from Glanmire Road Middle.

While the submitted Shadow Study was not prepared in accordance with relevant BRE standards, it does indicate that the gate lodge would be significantly overshadowed.

- Inadequate open space:

The communal open space to the south would be on sloping ground and so its usability is questioned. The communal open space to the north would be overshadowed for the most part. Satisfactory communal open space would not be forthcoming, further testimony to the overdeveloped nature of the proposal.

- Access and sightlines:

Attention is drawn to the fact that the gate lodge and the applicants' dwelling house at No. 1 Ard-na-Laoi are accessed by means of a vehicular entrance from Glanmire Road Middle. Attention is also drawn to the proposed vehicular entrance for the site, which would be sited on the southern side of the estate road close to a bend and a severe incline in this road. The eastern sightline for this entrance depicted by drawing no. JHK365-PA 1-P04 revision A would be obstructed by the site's boundary wall and so it would be inadequate. Use of the entrance would thus be hazardous.

The site is located in Zone 3 for parking purposes and so a maximum of 11 car parking spaces should be provided. Four are proposed without any

justification for such provision. Overflow on-street parking on the estate road is anticipated with attendant hazard to pedestrians and cyclists especially.

- Tree preservation and landscape:

The application is not accompanied by any tree survey or landscaping scheme. Given that the site is heavily planted at present and given, too, the presence of the Ardnalee, Glanmire Middle Road, TPO, these omissions are serious, especially as the proposal would entail extensive tree loss from the site.

The site lies within the Montenotte/Tivoli Ridge Area of High Landscape Value. Development in such Areas is only considered appropriate where it would have a neutral or positive impact upon the landscape. Insufficient details of how the site would be reworked under the proposal have been submitted and so to grant permission would be premature.

Furthermore, no assessment has been submitted of the proposal's impact upon nearby Landscape Preservation Zones, denoted as NE6 & NE7. Likewise, noise, light, and biodiversity have not been assessed.

- Attenuation tank/drainage issues:

Attention is drawn to the planning history of the site and in particular to the following conditions:

Condition 17 attached to permitted application 14,818/89:

The following drainage requirements shall apply: (c) Surface water shall be disposed of to on-site holding tanks. Full detailed drawing of the proposed holding tanks to be submitted. The discharge control device to be used should be a hydro-brake type or similar. The recommended tank size to be 153 cubic metres and 42 cubic metres, respectively.

Condition attached to permitted application 18,165/93:

A wayleave over sewers and storm tank area shall be provided. Full details shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.

Drainage advice received by the Planning Authority indicates that there is an existing storm water holding tank in the south-eastern portion of the site and

Irish Water's drainage records shows a drainage pipe serving this portion of the site. Clearly, the presence of this infrastructure may have significant implications for the development, as proposed, and vice versa.

- Land ownership:

Land Registry Folio CK62297F does not indicate that the applicants own the site. Notwithstanding Section 34(13) of the Planning and Development Act, 2000 – 2021, the view is expressed that it would be imprudent for permission to be granted in these circumstances.

6.4. Further Responses

None

7.0 Assessment

7.1. I have reviewed the proposal in the light of the National Planning Framework (NPF), relevant national planning guidelines, the Cork City Development Plan 2015 – 2021 (CDP), the planning history of the site, the submissions of the parties and the observers, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Legal and procedural matters,
- (ii) Land use, density, and urban form,
- (iii) Landscape and visual impacts,
- (iv) Residential amenity,
- (v) Development standards,
- (vi) Traffic, access, and parking,
- (vii) Water, and
- (viii) Appropriate Assessment.

(i) Legal and procedural matters

7.2. The applicants refer to the pre-application consultation process throughout their grounds of appeal. By implication, they are critical of the Planning Authority that

matters subsequently highlighted at the application stage were not raised during this process. The observers refer to the legal basis for this process in Section 247 of the Planning and Development Act, 2000 – 2021. In this respect, the key provisions are set out in sub-sections (2) and (3), which are set out below.

(2) In any consultations under subsection (1), the planning authority shall advise the person concerned of the procedures involved in considering a planning application, including any requirements of the permission regulations, and shall, as far as possible, indicate the relevant objectives of the development plan which may have a bearing on the decision of the planning authority.

(3) The carrying out of consultations shall not prejudice the performance by 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.

Clearly, the pre-application consultation process is to be carried out in *bona fides* and without prejudice to the subsequent assessment of any planning application. In the current case, the applicants explain the content of their application by reference to the advice received from the Planning Authority. That gaps in this content were identified by the Planning Authority at the application stage cannot be ruled out as inadmissible simply because they were not flagged up during the pre-application consultation process. That they were not made the subject of a request for further information was a matter for the Planning Authority to decide upon.

- 7.3. Observer (c) draws attention to the Land Registry Folio CK62297F for the site, which does not bear the names of the applicants. He, therefore, considers that Article 22(2)(g) of the Planning and Development Regulations, 2001 – 2021, has not been complied with. This view was expressed at the application stage, too, but it did not prompt the Planning Authority to invalidate the application. While Observer (c) cites Section 34(13) of the Planning and Development Act, 2000 – 2021, only to state that, in his view, the Board should not rely upon it, I consider that it is intended to address situations such as the one that he has flagged.
- 7.4. Observer (a) expresses concern that the ultimate tenure of the proposal has not been made explicit in the application, i.e. would it be owner-occupied, tenanted, or subject to short term letting. The planning system does not distinguish between residential tenures, such as owner-occupied or tenanted, and so there is no onus on the applicants to state the anticipated type of tenure for the proposal. Insofar as short term lettings would not involve any residency, they would be considered a

commercial use and so, as a material change of use, they would be subject to planning control.

- 7.5. I conclude that the legal and procedural matters raised by observers do not prevent the Board from proceeding to assess/determine the application in the normal manner.

(ii) Land use, density, and urban form

- 7.6. The site is located within Montenotte, an inner suburb on the northside of Cork City. It lies on the northern side of Glanmire Road Middle in a position opposite the Montenotte Hotel and beside the entrance to the Ardnalee (or Ard-na-Laoi) housing estate. Older terraced housing is situated to the west of this site on elevated land and in recessed positions with respect to Glanmire Road Middle.
- 7.7. The predominate land use of the area surrounding the site is residential. The CDP zones the site and this surrounding area ZO4, residential, local services and institutional uses, wherein the objective is “To protect and provide for residential uses, local services, institutional uses, and civic uses...” Under the proposal, the site, which is in use as private open space, would be developed to provide an apartment building comprising 8 residential units. Accordingly, the after-use of the site would be residential, a use that would be acceptable in principle under Zone ZO4.
- 7.8. The site has an area of 0.099 hectares, and, under the proposal, it would be developed to provide 8 residential units. A density of c. 80 dwellings to the hectare would thus ensue. The Planning Authority’s first reason for refusal states that this density would be excessive, and the observers concur. Observer (c) cites the CDP, which envisages densities of between 35 – 50 dwellings per hectare for the inner suburbs. Higher densities are envisaged for sites on bus routes or for larger sites, pre-conditions that do not pertain to the current application site. He, therefore, states that the applicant has failed to justify the markedly higher density proposed for the site.
- 7.9. The applicants have responded to the Planning Authority’s first reason for refusal by drawing attention to terraced housing in the surrounding area of the site, which has a comparable density of c. 75 dwellings per hectare. They also draw attention to the plot ratio of the proposal, which would be 0.61 and so low for an inner suburban site.

- 7.10. Under Paragraph 16.41 of the CDP, sites on bus routes should have a minimum density of 50 dwellings per hectare. Under Section 5.8 of the Sustainable Residential Development in Urban Areas Guidelines, public transport corridors are defined as extending 500m on either side of bus stops. The site lies within this distance of St. Luke's Cross, which hosts several bus routes e.g. Nos. 207, 207a, 208 & 209, and so it is a potential site for a minimum density of 50 dwellings per hectare.
- 7.11. Paragraph 16.42 of the CDP states that "The residential density of developments in central and inner suburban (pre-1920) areas of the city will normally be higher than 75 dwellings per hectare responding to the nature of their context, and are more likely to be controlled by other considerations. These will include plot ratios (see Table 16.1), and other planning and design considerations." Table 16.1 states as indicative plot ratios of inner suburban sites (pre-1920 city) 1.0 – 1.5 and so the applicant's description of the 0.61 plot ratio of the proposal as "low" is reasonable.
- 7.12. In the light of the foregoing considerations, I take the view that the proposal in terms of its density and plot ratio would, in principle, be appropriate to the site.
- 7.13. The proposal would entail the construction of a three-storey building on the site. This building would present to the south onto Glanmire Road Middle as being three-storeys on an elevated site and to the north onto the Ardnalee estate road as being two-storeys on a site that is on the lower reaches of the lands developed to provide the Ardnalee housing estate. The building would thus capitalise on the site's rising northwards levels by providing a ground floor which would be partially subterranean and of smaller footprint than the upper floors.
- 7.14. The applicants compare the form and height of the proposed apartment building to the three-storey terraced housing to the west of the site. The observers unite in drawing attention to the contrasting siting that this building would have compared to this housing: While both would face southwards onto Glanmire Road Middle, the former would project towards this Road, while the latter would be set well back from this Road. Their roadside presence would differ greatly as a result.
- 7.15. The site abuts both Glanmire Road Middle and the Ardnalee housing estate. During my site visit, I observed both the urban forms of the three-storey terraced housing to the west of the site and the suburban forms of the detached two-storey dwelling houses to the north of the site. I consider that, in principle, the more urban form of

the proposed apartment would be appropriate, insofar as its three-storey form would be visible from Glanmire Road Middle, where it would be viewed in the context of the terrace housing, and its two-storey form would be visible from Ardnalee housing estate, where it would be viewed in the context of the suburban style dwelling houses.

- 7.16. I conclude that, in principle, the proposal would be appropriate from a land use perspective, its density would accord with relevant national and city policy objectives, and its urban form, which would be mediated across the site, would be in character with the area.

(iii) Landscape and visual impacts

- 7.17. The CDP shows the site as lying at the western extremity of the Montenotte/Tivoli Ridge. While lands to the east and to the west are shown as landscape preservation areas and lands to the south are shown as being of high landscape value, the site is not the subject of either of these designations (cf. Map 5 of Volume 2 of the CDP). The site is however shown as being potentially visible within two Landscape/Townscape Views, LT6 & LT7 (cf. Maps 13 & 15). Paragraph 10.30 of the CDP states that these views have distinctive/outstanding landscape/townscape features within them, including views of the city ridges.
- 7.18. The applicants' Verified Photomontages of the proposal depict LT6 & LT7 under Views 2 & 1. View 2 is taken from Custom House Quay and it shows the proposal as being both visible below the trees that make up the skyline to the north-east of the site and "slotted" in between the Montenotte Hotel to the east and terraced housing to the west. This proposal would replace some existing tree cover within View 2 and so there would be a slight reduction in such cover within the overall mix of natural vegetation and built form within this View. View 1 is taken from the Port of Cork Garden 2000, which lies between the Lower Glanmire Road (N8) and the River Lee. A combination of topography and woodland means that the site is not visible at present, nor would it be under the proposal, within this View.
- 7.19. The Planning Authority's second reason for refusal states that the proposal would have "a significant and detrimental visual impact upon the Montenotte/Tivoli Ridge" and it would be "overly dominant on the skyline". The applicants have responded to this reason by drawing attention to View 2 and the minimal visual impact of the

proposal compared to that of existing elongated buildings at Arbutus and Montenotte within this View. It does accept that more localised views would be affected to a greater extent, but these views are not protected under the CDP. I recognise the distinction that the applicants make between longer range and local views and I concur with their response to the second reason. The observers cite other longer-range views, which are identified as Landscape/Townscape Views In the CDP. However, I consider that, insofar as the proposal may appear at all in these views, its profile would be less than in View 2.

- 7.20. Turning to local views of the proposal, the site at present lies behind a continuous retaining/boundary wall to Glanmire Road Middle and the Ardnalee estate road. It rises northwards and so this site is elevated above Glanmire Road Middle especially. The site is in use as private open space, which is continuous with the applicants' dwelling house at No. 1 Ard-na-Laoi to the north-west. Towards its centre is a grassy mound, which is surrounded by tree and substantial shrub planting. In the south-western corner of the site, there is a pair of specimen trees.
- 7.21. Under the proposal, site levels would be reworked with a degree of cut-and-fill occurring from the northern to the southern portions of the site (cf. the cross-sections on drawing no. 2508-P-200 revision 02). Existing planting would be largely removed, including the pair of specimen trees.
- 7.22. The Planning Authority's sixth reason for refusal refers to the Ardnalee TPO, to the risk of detrimental impact to trees within the site, and to Paragraph 10.58 of the CDP, which recognises that "Trees make a valuable contribution to the biodiversity, local visual amenity and landscape value of Cork City." The Planning Authority's Parks consultee refers to the planning history of the site and he expresses the view that the site should remain in its present landscaped form, as it complements the elevated public open space to the north.
- 7.23. The applicants have responded to the sixth reason for refusal by drawing attention to the TPO cited. On Page 15 of its grounds of appeal, the nearest trees to the site, which are the subject of the TPO, are highlighted. These trees form a cluster, which lie between the site and the applicants' dwelling house to the north-west. The pair of specimen trees in the site itself are not subject to the TPO. While the applicants acknowledge that these trees would need to be removed, they have been the subject

of a request from the owners of the adjacent gate lodge that they be lowered in order to lessen the risk of branches falling upon their dwelling.

- 7.24. The observers express concern that the application was not accompanied by a tree survey. They thereby appear to pick up on the Planning Authority's concern that the proposal may pose a risk to all the existing trees on the site. I consider that, insofar as existing planting may be retained under the proposal, the absence of a tree survey is a significant omission, especially as under a retention scenario the means of safeguarding existing planting would need to be demonstrated. I consider that the omission of a landscaping scheme is also a significant omission, both from aesthetic and feasibility perspectives. In relation to the former, the scope for lessening the visual impact of the proposal by means of its partial screening has not been established. In relation to the latter, the compatibility of new planting with both the proposed building itself, its servicing arrangements, and the safeguarding of other infrastructure (see my discussion under Water below) has not been established.
- 7.25. The Planning Authority's third reason for refusal considers that the proposal would be visually obtrusive and overbearing with respect to the adjacent gate lodge. The observers concur, but they also consider that the proposal would, due to its prominence, have adverse visual impacts over a wider area within the vicinity of the site. Such prominence would be accentuated by the elevated position of the proposal and the proximity of its siting to the site's boundaries. Views 4 and 5 of the applicants' Verified Photomontages illustrate this prominence from the perspective of Glanmire Road Middle. The effect of the elevated position would be that the proposal would "read" as being the equivalent of four storeys from this Road and its junction with the estate road to Ardnalee. Views 3 and 6 illustrate that this prominence would be localised to the vicinity of the said junction.
- 7.26. Turning to the visual impact upon the gate lodge, the front elevation of this gate lodge faces east and so it overlooks the south-western corner of the site. At present, this corner of the site forms an embankment, which is retained, at the top of which is the pair of specimen trees. Under the proposal, the trees would be removed, and the western arm of the proposal would extend into the area that they now occupy. The front portion of the ground floor of this arm would extend further forward than the upper floors. It would be accompanied by a front terrace and the first floor would have a balcony over the majority of the projecting ground floor. (The second floor

would have a recessed balcony). The ground floor of the western arm would be finished in brick, while the upper floors would be finished in chalk coloured render. The front elevation of the ground floor would line through with the southern side of the canopy above the front door to the gate lodge over a distance of 7.6m, while the front elevation of the upper floors would line through with the window on the northern side of the front door over a distance of 9.3m. The finished ground floor level of the proposal would be 72m OD, while the eaves level of the single storey gate lodge would approximate to this level at 71.76m OD.

- 7.27. Essentially the outlook from the windows in the front elevation of the gate lodge would exchange views of the pair of specimen trees, which are of deciduous species, with the south western portion of the proposal. Thus, natural features, which are subject to seasonal variation, would be exchanged for a man-made feature, which would be permanent and of greater mass and consistency. I consider that, while an increase in visual obtrusion would result, visual dominance would be eased by the setback in the upper floors, their light appearance, and their relatively short length of 11.9m along their exposed western elevation. Given the site's urban location, I do not consider that this increase would be inordinate.
- 7.28. I conclude that the proposal would be compatible with the amenity value of longer-range views of the western end of Montenotte/Tivoli Ridge identified in the CDP. I conclude that this proposal would be prominent within highly localised views of the site and that such prominence would be accentuated by the elevated siting of this proposal. I conclude, too, that it would lead to an increase in the visual obtrusion, as distinct from the visual dominance, of the site when viewed from the adjacent gate lodge. The proposal would be compatible with the visual amenities of the area.

(iv) Residential amenity

- 7.29. The site is surrounded by roads on three sides and by a driveway on its remaining side, which serves the applicant's dwelling house to the north-west and the gate lodge to the south-west. This gate lodge is served by a garden that extends northwards on the far side of the driveway from the site. The design and proximity of the proposal raises questions of privacy and lighting for the gate lodge and its garden.

- 7.30. The relationship between the gate lodge and the proposal is described under my discussion of landscape and visual impacts above. The ground floor terrace and first floor balcony included in this discussion would have western sides that would correspond with the front elevation of the gate lodge. The former would need to be provided with a privacy screen to prevent overlooking, while the latter would be set sufficiently far back from the western edge of the building to effectively remove any line of sight.
- 7.31. The relationship between the garden to the gate lodge and the site is presently influenced by the site's private open space use and its heavily planted state. Consequently, this garden enjoys a reasonable degree of privacy, although I acknowledge that this could alter were planting to be removed from the site. Under the proposal, the habitable room windows in the western elevation of the western arm would lead to the potential for an increase in short-range overlooking and a reduction in privacy. Such overlooking would be constrained by the narrowness of the windows specified, except in the case of the French doors to ground floor bedroom no. 2, where e.g. the specification of pattern glass to these doors would be needed to restrict any overlooking.
- 7.32. Turning to the question of sun lighting, the Planning Authority and the observers are critical of the applicants for not submitting a comprehensive lighting study in accordance with the methodologies set out in the BRE's "Site Layout Planning for Daylight and Sunlight" (2nd Edition).
- I note in this respect that the CDP does not require the use of this Guide and, insofar as it is cited in the Urban Development and Building Heights Guidelines, this is in relation to justifying buildings that exceed development plan height policies. Paragraph 16.33 of the CDP comments on inner urban areas to the effect that they have a general building height of 1.5 – 3 storeys, which should be respected in the scale of new development. The proposal is for a three-storey building and so this scale would be respected. Use of the above cited provisions of the Guidelines does not therefore arise.
 - I note, too, that, while the applicant has offered to prepare a comprehensive lighting study, the absence of such a study need not delay the assessment of its proposal insofar as a Shadow Study has been submitted and, as each of

the proposed apartments would have windows in three elevations, *prima facie* their lighting would be well in excess of minimum standards.

- 7.33. Turning to the submitted Shadow Study, it shows the shadows that would be cast by the proposal at 09.00, 12.00, and 15.00 during the Summer and Winter Solstice and the Spring and Autumn Equinox. Excluding the 09.00 for the Winter Solstice when the entire area would be in shadow, the remaining 09.00 shadow depictions indicate that the gate lodge would be unaffected. By deduction some overshadowing would occur before this time. While no baseline shadow study has been submitted, I consider that it is reasonable to conclude that the garden to the gate lodge would experience increased overshadowing during the mid-morning, especially its northern portion which is furthest from the dwelling. Given the site's urban location, I do not consider that these increases in overshadowing would be inordinate.
- 7.34. I conclude that, subject to some minor alterations to elevations to safeguard neighbour privacy, the proposal would be compatible with the residential amenities of the area.

(v) Development standards

- 7.35. The proposal would entail the provision of 8 residential units, which would comprise 4 one-bed/two-person (47 or 57 sqm (net internal area)), 3 two-bed/four-person (68 sqm (net internal area)), and 1 three-bed/six-person apartments (91 sqm (net internal area)). In the absence of an accommodation schedule, the submitted plans stated individual room areas, and so when aggregated they yield a total net internal area only.
- 7.36. With respect to housing mix, under SPPR 1 of the Sustainable Urban Housing: Design Standards for New Apartments, apartment developments can comprise up to 50% one-bed units. The proposal would coincide with this limit. With respect to minimum floor areas, Appendix 1 of these Guidelines states that one-bed, two-bed/four-person, and three-bed units should have minimum gross internal floor areas of 45, 73, and 90 sqm. The proposed one-bed and three-bed apartments would exceed these minimums and *prime facie* the two-bed apartments would do so too.
- 7.37. The above cited Appendix cites minimum floor areas for individual rooms. I have assessed each of the proposed apartments in the light of these floor areas. Insofar as there are shortfalls, I comment upon them below:

- Apartment No. 1: Three-bed/six-person unit: The minimum area for a double room is 11.4 sqm. This unit would have 2 double bedrooms with 13 sqm and 1 with 11 sqm. Insofar as 2 bedrooms with 11.4 sqm and 1 with 13 sqm would *prime facie* be acceptable, a slight reallocation of space would achieve compliance. Storage floorspace at 2 sqm would be well below the minimum area of 9 sqm.
- Apartment No. 2: Two-bed/four-person: The minimum area for living/dining/kitchen space is 30 sqm, whereas that which is proposed would be 28 sqm. The first double bedroom would be 15 sqm, the second double bedroom would be 11 sqm, and the bathroom would be 6 sqm. *Prime facie* there would be scope to increase the areas of shortfall exhibited by the living/dining/kitchen space and the second bedroom.
- Apartment Nos. 3 & 6: Two-bed/four-person: The first double bedroom would be 14 sqm and the second double bedroom would be 11 sqm and so, *prime facie*, a slight reallocation of space would achieve compliance. Storage floorspace at 2 sqm would be below the minimum area of 6 sqm.
- Apartment Nos. 4 & 7: One-bed/two-person: If the 2 sqm of storage space is combined with the built-in storage space in the hall, then compliance with the 3 sqm minimum would be achieved.
- Apartments Nos. 5 & 8: One-bed/two-person: Compliant.

On the ground floor a 9 sqm “central storage” area would be provided off the communal hall. It is unclear how this area would function. I do not consider that it would be a satisfactory substitution for Apartments Nos. 1, 3 & 6 where the shortfall in storage space would be most acute.

7.38. The above cited Appendix also cites minimum areas for private amenity areas. I have assessed each of the proposed apartments in the light of these areas. Insofar as there are shortfalls, I comment upon them below:

- Apartments Nos. 1, 2, 3 & 5 would be compliant.
- Apartments Nos. 4 & 7: One-bed/two-person: Whereas balconies with a minimum of 3 sqm are required, the proposed ones would be roughly half this area.

- Apartment No. 6: Two-bed/four-person: Whereas a balcony with a minimum of 7 sqm is required, the proposed two would aggregate to 5 sqm.
- Apartment No. 8: One-bed/two-person: Whereas balconies with a minimum of 3 sqm are required, the proposed one would be 2 sqm.

Under Paragraph 3.37 of the Guidelines, balconies should have a minimum depth of 1.5m. This minimum would not be achievable in the above cited non-compliant apartments.

7.39. Under Paragraph 3.39 of the Guidelines, a relaxation in standards can be granted to urban infill schemes on sites of up to 0.25 hectares. However, I do not consider that the site can reasonable be categorised as an infill one, as it does not lie between two existing buildings. In this respect, the applicants have described it as a “stand-alone” one for the purposes of the design approach adopted. Under the second heading of my assessment, I concur with the applicants’ specification of an urban form for the site and its overall approach to the development of the site, which is constrained by its gradients and elongated shape. Nevertheless, I do not consider that these constraints justify a relaxation in the above cited standards in what would be a new detached building at some remove from existing buildings, with the exception of the gate lodge.

7.40. Turning to communal amenity space, under Appendix 1 of the Guidelines, a minimum of 45 sqm would be needed to serve the proposed apartments. The submitted roof plan (drawing no. 2508-P-004 revision 02) shows two areas of open space to the north of the proposed apartment building. The applicants state in their grounds of appeal that these areas would extend over a total of 75 sqm and that they would be supplemented by a further area to the south of the building. The aforementioned plan shows a small, paved area only beside the front door to the ground floor communal hall. This paved area would be at the top of several flights of steps, which rise from the proposed pedestrian entrance from Glanmire Road Middle.

7.41. The observers consider that the proposed communal open space to the north of the proposed building would be of limited amenity value, due to its northerly orientation. The applicants’ Shadow Study indicates that the north easterly space would tend to be overshadowed from mid-morning on and the north westerly space would tend to

be overshadowed up until mid-afternoon. While they would thus complement one another to a degree, unshaded space would not be afforded during the middle of the day.

7.42. Qualitatively, as referred to under the fourth heading of my assessment, each of the apartments would have three aspects and so the dual aspect requirements of the Guidelines would be comfortably exceeded. Likewise, the ground floor apartments would have the required floor-to-ceiling height of 2.7m.

7.43. I conclude that the proposal would, as a new-build development on a stand-alone site, fail to meet several development standards relating to internal storage space and the provision of adequate private amenity space.

(vi) Traffic, access, and parking

7.44. Traffic would be generated by the proposal during its construction and operational phases. The former would be temporary, and it should be the subject of a Construction Traffic Management Plan. The latter would be permanent. The applicants state that while they proposed 8 car parking spaces at the pre-application stage the Planning Authority encouraged them to reduce this number to the 4 proposed. The Planning Authority's Traffic consultee calculates that under CDP standards 11 spaces should be provided.

7.45. The Sustainable Urban Housing: Design Standards for New Apartments Guidelines advise on parking based on the type of location that a site occupies. I consider that, given the site's distance from the city centre and the range of bus services at the nearby Luke's Cross, including the 10-minute peak time frequency No. 208 bus service, the applicants' site is in an intermediate urban location. Section 4.21 of the Guidelines advises that "planning authorities must consider a reduced overall car parking standard" in such locations. This location is a mid-range one, between central and peripheral urban locations. If the proposal was located centrally then parking would be minimised or even eliminated and if it was located peripherally then 10 parking spaces would be required. In these circumstances, the level of provision proposed by the applicants for their site is capable of being justified.

7.46. Observers express concern that the level of parking provision would be inadequate, and that overspill parking would be likely to occur in Ardnalee housing estate. Overspill parking would lead to congestion and it would pose a risk to vulnerable

road users such as pedestrians and cyclists. While the applicants have not addressed this concern, I consider that it could be allayed to a degree by a management plan for the apartments, which specifies how the parking spaces would be allocated and which undertakes to market e.g. the one-bed apartments to non-car owners.

- 7.47. Under the proposed roof plan (drawing no. 2508-P-004 revision 02), the site would be laid out to provide 18 bicycle parking spaces: 8 to the north of the apartment building, adjoining the car park, and 10 to the south, adjacent to the pedestrian entrance from Glanmire Road Middle. This level of provision would accord with the standards cited by the Guidelines for residents. A further 4 bicycle parking spaces would be needed for visitors.
- 7.48. The proposed car park would incorporate a row of 3 perpendicular spaces on its western side, along with a waste storage area, and 1 parallel space on its eastern side. The clearance distance between these spaces would be tight at 4.910m and the turning head would, likewise, be tight. Manoeuvring to and from the parallel space would be particularly difficult. No auto-track or swept path analysis has been submitted to demonstrate the accessibility/usability of the car park for cars let alone refuse vehicles. In this respect, the applicants' Engineering Planning Report indicates that the siting of the waste area adjacent to the site vehicular entrance would facilitate kerbside collections and so on-site usage is not envisaged.
- 7.49. The proposal would be served by a vehicular entrance from the estate road and, in addition to the pedestrian entrance from Glanmire Road Middle, one from the estate road, too. The applicants have submitted a design levels layout plan (drawing no. JHK365-PA1-04 revision A), which shows the proposed vehicular entrance accompanied by sightlines with x and y dimensions of 2m and 23m. An accompanying note refers to Table 4.2 of the Design Manual for Urban Roads and Streets (DMURS) and the appropriateness of these sightlines for the estate road, which is deemed to have a design speed of 30 kmph.
- 7.50. The Planning Authority's fifth reason for refusal draws attention to the steep portion of the estate road from which access would be taken and the failure of the applicants to demonstrate that sufficient sightlines would be available in either direction. The applicants have responded to this reason by emphasising that traffic generation

would be light and DMURS standards would be met. They also interact with the case planner's report, which comments on vehicles accelerating up the estate road and around the bend that occurs before the proposed site access point, to the effect that speeding issues are for the Roads Authority to address, perhaps by means of physical traffic calming measures.

7.51. The observers emphasize the validity of the Planning Authority's concern with the proposed vehicular entrance to the site. They draw attention to the submitted design levels layout plan, which shows the eastern sightline intersecting with the boundary wall to the site and failing to connect with the kerbside. The applicants have thereby failed to demonstrate the availability of this critical sightline, which determines the visibility of vehicles rounding the bend and approaching the proposed access point to the site, all on a rising stretch of estate road.

7.52. While Observer (a) refers to the Roads Authority's recent imposition of a 30 kmph speed limit, I have not been able to confirm this either by reference to the Cork City Road Traffic (Special Speed Limits) Bye-Laws 2020 or to signage at the entrance to the Ardnalee estate road from Glanmire Road Middle. The applicants state that the design speed of this estate road is 30 kmph. The Planning Authority's Traffic and Urban Roads and Street Design consultees have not confirmed the accuracy of this design speed. Even if this design speed is assumed, I am concerned that the horizontal and vertical alignment of the estate road on the approach to the proposed access point are such that the x and y dimensions adopted would be too short. Specifically, the following points are of relevance in this respect:

- The estate road rises at significant gradients from its junction with Glanmire Road Middle. Consequently, drivers tend to accelerate up this road to avoid stalling.
- Forward visibility around the bend in the estate road is limited and so in addition to the challenge posed by the significant gradients this bend needs to be rounded by drivers.
- The proposed access point would be sited immediately after this bend on the estate road, which continues to be subject to significant gradients. Thus, while a straight stretch of road ensues, drivers still face the challenge of these gradients.

- The introduction of the proposed site entrance would be unexpected so close to the bend. The applicant has shown an eastern sightline with the concessionary 2m x distance, which would lead to vehicles protruding out onto the carriageway. This concessionary dimension would not be justified within the context of the driving conditions on the estate road, as already described, and so it should be 2.4m.
- The submitted design levels layout plan fails to demonstrate the availability of the unobstructed y distance of 23m, i.e. the boundary wall to the site would encroach into the sought after splay.
- The introduction of physical traffic calming measures in the vicinity of the proposed site entrance would increase the risk of vehicles stalling and collisions.
- The proposed on-site access road would fail to be perpendicular to the estate road and so access/egress movements would be more challenging than would otherwise be the case.
- The proposed on-site access road would be of single lane width and so the opportunity for vehicles accessing and egressing at the same time would not exist. Consequently, a vehicle waiting to access the site entrance when another vehicle is exiting would necessitate the first vehicle having to stand on the estate road nearer to the bend.
- The absence of opportunity for refuse vehicles to attend the site would lead to standing on the estate road near to the bend as a matter of course.

7.53. In the light of the above points, I conclude that the proposed site vehicular entrance would be unsatisfactory, as its siting, design, and layout would cause its use to be inherently hazardous and so seriously detrimental to road safety.

(vii) Water

7.54. Under the proposal, the applicants propose to connect to the public water mains in the estate road to Ardnalee. They have submitted an Engineering Planning Report, which sets out the estimated demand for water, and a site plan, which shows the proposed layout of the water mains.

- 7.55. Under the proposal, the applicants propose to connect to the public combined foul and stormwater sewer in Glanmire Road Middle. Their Engineering Planning Report sets out calculations for the estimated flows and accompanying site plans cite associated specifications. The storm water drainage network on the site would incorporate attenuation tanks designed to cope with 1 in 100-year flood events. These tanks would be accompanied by hydrocarbon interceptors and they would be subject to a hydro-brake, which would limit the rate of discharge to that of the greenfield run-off rate.
- 7.56. Under Appendix D of the Engineering Planning Report, an extract from Irish Water's records is submitted, which shows on a plan of the locality a drainage line running through the eastern portion of the site. The Planning Authority's Drainage consultee drew attention to a public storm water holding tank in the south-eastern corner of the site and the need for this tank to be surveyed and allowed for in the design and layout of the proposal. The applicants report that their engineer has been in discussion with the City Council's drainage engineers over this tank. There is a lack of clarity over whether it is in-situ and if so where. They request that any site investigation and any works on foot of such investigation that may be necessary should be conditioned.
- 7.57. The observers draw attention to evidence of the storm water holding tank from the planning history of the Ardnalee housing estate and from the memory of long-standing residents. They insist that any site investigation should be undertaken in advance of planning permission being granted, as the position and servicing of the storm water tank may have implications for the design and layout of the proposal.
- 7.58. I recognise that the site poses constraints in terms of gradient and shape that the applicants have sought to respond to with the site-specific design and layout of their proposal. Consequently, the siting of the proposed apartment building and its servicing is intricate and tight within the confines of the site boundaries. The scope for adjusting the proposal to allow for the storm water holding tank may, in practice, be heavily constrained. I, therefore, agree with the observers that the findings of any site investigations should be available to inform the design and layout of the proposal in advance of any planning permission and to ensure that optimum solutions for the handling of storm water can be achieved.

- 7.59. The OPW's flood maps do not show the site as being the subject of any identified flood risk.
- 7.60. I conclude that it would be premature to grant planning permission to the proposal in advance of a definitive understanding of a storm water holding tank within the site and the explicit incorporation of this tank or its equivalent, as appropriate, within the proposal for the site's development.

(viii) Appropriate Assessment

- 7.61. The site is an inner urban one, which is capable of being fully serviced. The proposal is for its development to provide for residential use in accord with the predominant surrounding land use. This site is neither in nor beside a European Site. The nearest such sites are in Cork Harbour, i.e. Cork Harbour SPA and Great Island Channel SAC. No source/pathway/receptor routes exist between this site and these or any other European Sites. Insofar as the site would be connected to public services, I am not aware of any capacity issues relating to Cork City's WWTPs.
- 7.62. Having regard to the nature, scale and location of the proposal, the nature of the receiving environment, and the proximity of the site to the nearest European Sites, it is concluded that no Appropriate Assessment issues arise as the proposal would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

That permission be refused.

9.0 Reasons and Considerations

1. Having regard to the horizontal and vertical alignments of the Ardnalee estate road in the vicinity of the proposed vehicular entrance to the site, the associated challenges faced by drivers negotiating this road, and the siting, design, and layout of the proposed vehicular entrance, the use of the proposed vehicular entrance would be inherently hazardous and so it would endanger public safety. Accordingly, the proposal would be contrary to the proper planning and sustainable development of the area.

2. Having regard to Appendix 1 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines, the proposal would fail to consistently meet minimum standards set out in these Guidelines, particularly for internal storage and private amenity space, and so it would fail to afford a satisfactory standard of amenity for each prospective household. The proposal would thus contravene these Guidelines and so be contrary to the proper planning and sustainable development of the area.
3. Having regard to the possible presence of a storm water holding tank in the south-eastern corner of the site and an associated drainage line along the eastern side of the site, the applicant has failed to establish definitively the presence of this storm water holding tank and so no allowance for it has been made in the design and layout of the proposal. In these circumstances, it is considered that it would be premature to grant planning permission to this proposal, as to do so may prejudice either the retention of the storm water holding tank or militate against any optimum re-siting of it within the site that may be needed. An unacceptable risk to the storm water drainage arrangements of the area would result and, as such, the proposal would be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

30th November 2021