



An
Bord
Pleanála

Inspector's Report

ABP-315427-22

Development	Construction of 3 no. additional dwellings and alterations to the apartment building previously permitted under Reg. Ref. 19/38735
Location	Glenmount Crest, Silversprings, Tivoli, Cork.
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2241480
Applicant	Rockspring Properties (Newport) Ltd
Type of Application	Planning Permission
Planning Authority Decision	Split Decision
Type of Appeal	First Party
Appellant	Rockspring Properties (Newport) Ltd
Observers	None
Date of Site Inspection	4 th March 2024
Inspector	Margaret Commene

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1.0 Site Location and Description

- 1.1. The appeal site is a greenfield site located on the Montenotte/Tivoli Ridge, c. 3.5km east of Cork City Centre. More specifically, it comprises a 1.27Ha irregular shaped site, made up of a developable land parcel and an access road. The access road comprises of a local distributor road serving the Silversprings Hotel Complex, Fortwilliam House, the Silversprings Conference Centre, the District Health and Fitness Centre, as well as the Glenmont residential apartment complex. This local distributor road is accessed off the R635 road and is in close proximity to the N8 Lower Glanmire Road. The site is elevated and slopes steeply from north to south. It forms part of a larger land parcel on which planning permission was granted for 13 no. houses and a 5-storey apartment block, featuring 14 no. apartments, in 2020 (on foot of Reg. Ref. 19/38735) and for 19 no. dwellings in 2021 (on foot of Reg. Ref. 20/39689).
- 1.2. The site is located to the north of the Silver Springs Hotel/Fort William House (which is a Protected Structure (PS725)) and immediately south of the District Health & Leisure, the Ashmount Mews housing estate, an area of public open space and a land parcel on which it is proposed to construct a 4-storey apartment building (on foot of Reg. Ref. 21/39852/ABP Ref. ABP-309994-21). The subject site's eastern boundary abuts the Glenmont residential apartment complex.
- 1.3. The site is within c. 300 metres of the Bus Stops No. 244511 and 244871 on the Lower Glanmire Road, which are served by Bus Routes No. 214, 240, 241, 245, 260 and 261, and is located c. 2.4kms east of the Cork (Kent) Station.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of 3 no. additional dwellings, comprising of 2 no. semi-detached 2-bedroom dwellings and 1 no. detached 2-bedroom dwelling, and alterations to the apartment building previously permitted under Reg. Ref. 19/38735, consisting of the addition of 2 no. floors (same layout as the previously approved mid-floor levels) comprising of 6 no. apartments (increasing the no. of apartments from 14 to 20 no. and the no. of storeys from 5 to 7).

3.0 Planning Authority Decision

3.1. Decision

On 8th December 2022, the Planning Authority issued a split decision. It decided to grant permission for the construction of 3 no. additional dwellings subject to 16 no. conditions. It decided to refuse permission for the alterations to the apartment building, previously permitted under Reg. Ref. 19/38735, for the following reason:

Having regard to the location of the proposed development on lands designated 'Areas of High Landscape Value' (AHLV) in the Cork City Development Plan 2022-2028, and to the scale and height of the proposed development (alterations to the apartment building permitted under 19/38735 consisting of the addition of 6 no. apartments with 2 additional floors) 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, contravene Objective 6.13 of the Cork City Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report (8th December 2022)

- In the context of the 3 no. dwellings proposed: - having regard to the permitted development, and the extent of tree removal as it remains on site, it is not envisaged that the proposed development will have a negative impact on the landscape character of the area. Private amenity space is sufficient having regard to the provision of open space in the area. Design standards are satisfactory having regard to the permitted development in the area. With regards to boundary treatment: fencing proposals need to be addressed by way of condition.
- In the context of the proposed addition of 2-storeys to the previously approved apartment block: - the site is located in an Area of High Landscape Value and the area is characterised as a prominent ridge with significant tree cover. This area displays an intrinsic landscape character and a special amenity value. By

increasing the number of floors within the apartment building, from 5 to 7, the upper portion of the building will be visible, and the built form will no longer be secondary to the landscape character. The proposed building would constitute a significant visual intervention locally but also within the wider context. Refusal of permission is recommended.

3.2.2. **Other Technical Reports**

Environment Waste Management & Control (25/10/2022): No objection, subject to conditions.

Housing & Community Directorate (14/11/2022): Recommended that further information be requested regarding Part V obligations and Part V proposals across the entirety of the larger land parcel the subject site forms part of.

Roads & Transportation Directorate (5/12/2022): Recommended that further information be requested requiring preparation of a Traffic and Transport Assessment, clarity on car parking provision and cycle parking provision.

3.3. **Prescribed Bodies**

Irish Aviation Authority: No observations to make on the proposed development.

Inland Fisheries Ireland (8/12/2022): Requested additional information regarding sufficient capacity existing in the context of existing infrastructure.

Health and Safety Authority (14/11/2022): Did not advise against the granting of planning permission.

3.4. **Third Party Observations**

No third-party observations were received by the Planning Authority during the consultation period for the application.

4.0 Planning History

4.1. Subject Site

4.1.1. The following previous applications pertaining to the subject site, or part thereof, are of relevance:

PA Reg. Ref. 20/39689

Cork City Council granted planning permission in August 2021 for: - construction of a residential development consisting of 19 no. dwellings and all ancillary site works.

PA Reg. Ref. 19/38735

Cork City Council granted planning permission in July 2020 for: - construction of a residential development, consisting of 13 no. dwellings and 14 no. apartments, and includes all ancillary site development works.

PA Reg. Ref. 16/36718

Cork City Council granted planning permission in October 2016 for: - construction of 9 no. dwellings.

This permission was not acted upon and has since expired.

4.2. Adjacent Sites

4.2.1. There has been 1 no. recent application on the sites immediately adjacent to the subject site that are pertinent to the current proposal. This is summarised below and overleaf:

Junction of the local road serving, Glenmont Crest &, 'District' Health and Fitness Centre, Silverspring, Tivoli, Cork (immediately north of the subject site)

PA Reg. Ref. 21/39852 (ABP Ref. ABP-309994-21)

Permission was sought for: - construction of 15 no. apartments in a 4-storey (lower ground + 3 above) block, comprising 4 no. 1-bed apartments, 7 no. 2-bed apartments and 4 no. 3-bed apartments, served by 13 no. car parking spaces and 10 no. bicycle car parking spaces.

Permission was refused by Cork City Council in March 2021. The Planning Authority's decision was subsequently appealed to An Bord Pleanála by the applicant (ABP Ref. ABP-309994-21). The Board, concluding that the proposed development would be acceptable, granted permission in February 2022.

5.0 Policy Context

5.1. Cork City Development Plan 2022-2028

5.1.1. Land Use Zoning

The site is zoned 'ZO 01 - Sustainable Residential Neighbourhoods' in the Cork City Development Plan 2022-2028 with a stated objective '*to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.*'

5.1.2. Other Relevant Sections/ Policies

The subject site falls within an area designated as an 'Area of High Landscape Value'. The following objective, Objective 6.13, is set out for areas designated as such:

'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 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.'

The following policies are considered relevant to the consideration of the subject proposal:

Chapter 2, Section 2.1 Strategic Objectives for Growth

The following Strategic Objectives for Growth are outlined:

- *SO 1: Compact Liveable Growth - Deliver compact growth that achieves a sustainable 15-minute city of scale providing integrated communities and walkable neighbourhoods, dockland and brownfield regeneration, infill development and strategic greenfield expansion adjacent to existing city.*
- *SO 2: Delivering Homes and Communities - Provide densities that create liveable, integrated communities by using a mix of house types, tenures and sizes linked to active and public transport. Provide amenities, services and community and cultural uses to enable inclusive, diverse and culturally rich neighbourhoods.*

Chapter 2 - Objective 2.31: Compact Growth

It is an objective to target the delivery of 65% of all new homes in Cork City on lands within the existing built footprint of the city, as set out in the Core Strategy.

Chapter 3 Delivering Homes

Table 3.2 outlines a housing supply target of 16,236 over the lifetime of the Development Plan.

Chapter 3 - Objective 3.5: Residential Density

Cork City Council will seek to:

- a. Promote compact urban growth by encouraging higher densities throughout Cork City according to the Cork City Density Strategy, Building Height and Tall Building Study and resultant standards set out in Chapter 11: Placemaking and Managing Development and Mapped Objectives; and*
- b. Ensure that urban density is achieved by development proposals providing for high quality sustainable residential development, ensure a balance between the protection of the established character of the surrounding area and existing residential amenities;*
- c. Ensure that urban density is closely linked to creating successful neighbourhoods and ensuring that neighbourhoods are integrated and permeable to ensure short trips are possible to urban centres, local services and amenities;*
- d. Ensuring high-quality architectural, urban and public realm design. Guidance is set out in Chapter 11: Placemaking and Managing Development.*

Chapter 6, Section 6.17 Landscape Protection

Cork City Council seeks to protect and enhance the landscape character of the City by protecting the significant landscape elements that contribute to the general amenity of Cork City. This is achieved through a number of land use mechanisms in this Plan, including the designation of Land Preservation Zones (LPZ) and Areas of High Landscape Value (AHLV).

Chapter 6, Sections 6.22 & 6.23 Areas of High Landscape Value

Areas of High Landscape Value display an intrinsic landscape character and a special amenity value. Development will be appropriate only where it results in a neutral / positive impact on the landscape. Although many AHLV consist of a built form and a strong landscape character, typically the built form is secondary to the landscape character.

New development in AHLV must respect the character and the primacy and dominance of the landscape. In particular, development on topographical assets such as steep sided slopes, escarpments and ridges is considered to be inappropriate due to the detrimental impact of site and excavation works on the 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.

Chapter 6, Section 6.27 View Management Framework

Cork City Council seeks to manage development through its View Management Framework in order to protect the views and prospects of special amenity value and the amenities of places and features of natural beauty or interest, where these are not protected by other objectives of this Plan. These views are seen from places that are publicly accessible and well used and include significant buildings or urban landscapes that help to define Cork City at a strategic level.

Chapter 6 - Objective 6.14: Cork City View Management Framework

- a. To protect the strategic panoramic, linear, river prospect or scenic route views identified in this Plan and ensure that development proposals do not have an undue detrimental impact on these views;*

- b. Development proposals will be assessed against their impact on the designated view if it falls within the foreground, middle ground or background of that view. New development should not harm, and where possible should make a positive contribution to, the characteristics and composition of the designated views and their landmark elements. It should also preserve or enhance viewers' ability to recognise and to appreciate Strategically Important Landmarks in these views;*
- c. Development proposals that could affect a designated view should be accompanied by an assessment that explains, evaluates and justifies any visual impact on the view affected. The scoping process for determining whether a development proposal is likely to affect a designated view should be completed in consultation with Cork City Council. The assessment should demonstrate that the proposal is consistent with the relevant objectives of this Plan. The assessment should form part of a design statement or townscape and visual impact assessment submitted with a planning application;*
- d. Development in the foreground and middle ground of a designated view should not be overly intrusive, unsightly or prominent to the detriment of the view. Most designated views are seen in a 120 degree field of view. It is not expected that the view outside of this field of vision should be assessed unless specified by Cork City Council;*
- e. Strategic and local landmark buildings will need to be considered in the scoping of views to identify the potential impacts of development proposals.*

View Management Framework - Map 01, contained in Volume 2 of the Cork City Development Plan 2022-2028, identifies the view from East View House (Saint Dominic's Retreat) to Blackrock Castle as a Strategic Linear View. East View House (Saint Dominic's Retreat) is situated to the north-west of the subject site.

Chapter 11, Section 11.222 Development and Landscape, Natural Environment and Biodiversity

New development shall be sensitively designed to fit the existing landscape setting, using high quality design and where necessary, landscape mitigation measures that maintain or enhance the landscape.

Chapter 11 Density and Building Heights Strategy

Table 11.2 outlines the following targets regarding density and building heights for the Tivoli Inner Urban Suburb:

- Density: - lower target of 50upha and upper target of 100upha; and
- Building Height - lower target of 3 storeys and upper target of 5 storeys.

Chapter 11 Car Parking

A car parking rate of 1.25 spaces per 1 and 2 bedroom residential unit and 2.25 spaces per 3-3+ residential unit is specified for sites located within Parking Zone 3.

Chapter 11 Cycle Parking

Table 11.14 specifies a requirement of 0.5 cycle parking spaces per apartment in the Suburbs.

5.2. Section 28 - Ministerial Guidelines

The following Section 28 - Ministerial Guidelines are considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Urban Development and Building Heights - Guidelines for Planning Authorities (2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023).
- Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024).
- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.
- The Planning System and Flood Risk Management, including the associated Technical Appendices (2009).

Other Relevant Policy Documents include:

- Cycle Design Manual (2023).

5.3. Natural Heritage Designations

The proposed development is not located within or immediately adjacent to any European site. The nearest European site is the Cork Harbour SPA (Site Code 004030) located c. 1.5km east.

5.4. EIA Screening

5.4.1. An Environmental Impact Assessment (EIA) Screening report was not submitted with the application. It is proposed to provide an additional 3 no. dwellings and 6 no. apartments on the subject site, increasing the overall total no. of residential units across the larger land parcel the subject site forms part of to 55 no. The cumulative number of residential units proposed on site is well below the applicable threshold of 500 dwelling units. The wider site has an overall area of c. 5Ha and is located within an existing built-up area, but not in a business district given the predominance of residential uses. The site area is, therefore, well below the applicable threshold of 10ha.

5.4.2. Having regard to the nature and scale of the proposed development and its location in a serviced urban area there is no real likelihood of significant effects on the environment arising from the proposed development. The need for Environmental Impact Assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- The applicant wishes to appeal the Planning Authority's decision to refuse the proposed alterations to the apartment building approved under Reg. Ref. 19/38735. It is argued that this aspect of the proposal complies with national planning policy, including the National Planning Framework, Building Height Guidelines and Guidelines on Sustainable Residential Development in Urban Areas, the Regional Spatial Strategy, and the Cork City Development Plan 2022-

2028, which among other things encourage densification of urban areas/renewing and developing existing built-up areas.

- The overall site is 4Ha (excluding the access road) and currently has permission for 52 units. The appeal site is 1.1Ha (excluding the access road) and currently has permission for 14 units. If the 6 no. apartments, along with the 3 no. additional dwellings, were approved this would result in a density of 21 upha on the appeal site and 15.25 upha on the overall site more broadly. The current permissions across the site supports only 52 units which equates to 13 upha and is far below the guidance for the area.
- The decision did not pursue a route to add one floor instead of the proposed two floors, recommending refusal in its entirety instead.
- Having regard to the nature, topography, location and the context of the site/surrounding area, it is submitted that the proposal does not injure the residential or visual amenities of the area.
- The development is respectful in terms of impact on the zoning of a Sustainable Residential Neighbourhood and Area of High Value Landscape, does not cause undue intrusion visually and that it does not impact negatively on the Montenotte/Tivoli Ridge.
- The proposed materials/finishes are sympathetic/will blend with those featuring on the 19 houses/14 apartments previously approved on site under Reg. Ref. 19/38735 and 19 houses approved on site under Reg. Ref. 20/39689.
- The site of the proposed apartment building is located on ground already lowered and levelled for the commencement of works proposed but not completed under application Reg. Ref. 07/32186.
- The building is placed on stepped terrain, sloping in two directions and placed within a lowered and levelled existing area. From the upper level/road behind it only three floors project with rest under the terrain level. From the lower level, the ground floor and almost all of the first floor are placed under the original ground level, the previously levelled area reducing the overall impact.
- The site is located within a strategic location for public transport routes and higher densities are encouraged in locations such as this. The site is also located within

the Tivoli Docks Area of proposed expansion, City Consolidation and Expansion Area, and a Long-Term Growth Area – all of which encourage such development.

- The subject proposal is consistent with the pattern of development in the area and has due regard to the Area of High Landscape Value applying. It increases density while maintaining the ground plan thus having minimal impact on the landscape.
- The apartment building fulfils a national and local requirement for a mix of residence types and smaller home types.
- The proposal adds two floors to the previously approved block. The originally approved block was low in relation to the existing higher landscape and setting on the sloping site. The current permission is low, showing only one floor in relation to the upper levels of the site. Adding floors is consistent with the scheme granted, pursuant to Reg. Ref. 21/39852, at the entrance to the leisure centre which is taller than the subject proposal and far taller than the existing permission granted on the subject site.
- The site has a specific visual relationship with the Tivoli Docks area which can only be appreciated by visiting the marina park area opposite. The Tivoli Docks area currently features many large-scale buildings and further development of larger scale apartment buildings is anticipated. In either case, behind the docks backdrop the proposal is sympathetic/highly considerate of the Clayton Hotel, Clayton Hotel Events Centre and the Glenmont Apartments. The proposal is slender and visually unobtrusive.
- In response to concerns raised regarding the proposal in the context of the winter setting, this submission is accompanied by updated photomontages showing the site during the summer time and winter time when foliage is less. As illustrated by these, the seasonal difference is not greatly different in terms of screening of buildings on a site set in a wooded landscape.

6.2. Planning Authority Response

- None.

6.3. Observations

- None.

7.0 Assessment

From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues raised by the appeal are:

- Principle of Development.
- Visual Amenity.
- Residential Amenity.
- Appropriate Assessment.

7.1. Principle of Development

7.1.1. As previously discussed, the development site lies within an area of suburban residentially zoned land and residential use on the site has been established, with planning permission having previously been granted for 13 no. houses and 14 no. apartments under Reg. Ref. 19/38735, and for 19 no. dwellings, under Reg. Ref. 20/39689, on the larger land parcel the subject site forms part of. Under the applicable land use zoning objective, residential development is generally acceptable in principle subject to the proposed development being acceptable in terms of its impact on the visual amenities of the area and the established residential amenities of properties in its vicinity. These matters are considered in turn below.

7.2. Visual Amenity

7.2.1. The Planning Authority's principal objection to the addition of 2 no. floors to the 5-storey apartment building previously permitted, under Reg. Ref. 19/38735, relates to its visual impact. More specifically, they contend that the scale and height of the proposed development on the Montenotte / Tivoli Ridge would have an unacceptable and negative visual impact on the intrinsic character of the designated 'Areas of High Landscape Value' and its important landscape assets/features and would cause undue visual intrusion in the landscape. In light of this, they deem the proposed development to be contrary to Objective 6.13 of the Cork City Development Plan 2022-

2028. The appellant argues that this aspect of the proposal does not injure the visual amenities of the area, having regard to the nature, topography, location and the context of the site/surrounding area. Due to the stepped terrain the apartment block sits on, the resultant apartment block will read as 3-storey when viewed from the upper level/road behind it and will sit comfortably in the context of the scheme granted immediately north, under Reg. Ref. 21/39852, which is taller than the subject proposal and the existing apartment block granted on the subject site.

7.2.2. As previously described, the subject application involves an elevated/steeply slopping site located on the Montenotte/Tivoli Ridge. The Montenotte/Tivoli Ridge is highly visible from the surrounding area and the amenity value of the area is recognised in the Cork City Development Plan 2022-2028, through the area's designation as an Area of High Landscape Value. Further to this, Tables 6.5 and 6.6 list the following assets worthy of protection in the context of the Tivoli Ridge: - topography (ridges, escarpments, slopes), water/river corridor, tree canopy (areas with existing woodlands or significant tree groups, or areas with potential for new woodlands), ecology, visually important land (including Views and Prospects of Special Amenity Value, Potential Vantage Points and Locally Important Views), and being a gateway to the city. Objective 6.13 contained within the Cork City Development Plan 2022-2028, seeks to conserve and enhance the character/visual amenity of such areas through the appropriate management of development, in order to retain the existing characteristics of the landscape, and its primary landscape assets. As outlined in Chapter 6, there is a presumption against development where it causes significant harm or injury to the intrinsic character of the Area of High Landscape Value. Section 6.23 of the Development Plan goes on to state that new development these areas must respect the character and the primacy/dominance of the landscape and 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.

7.2.3. While I would agree with the applicant in terms of the proposal's consistency with national/regional/local planning policies, which encourage densification/increased building heights in existing built-up areas, I would share the view of the Planning Authority regarding the proposal's suitability in the context of the Area of High Landscape Value in which it sits. The 5-storey apartment block previously approved under Reg. Ref. 19/38735 extended to a maximum height of 16.94 metres. With the

addition of the 2 no. floors, the apartment block would extend to 7 storeys (23.3 metres) in height. This 6.36 metre increase in height is considered unsuitable in the context of the Area of High Landscape Value designation. The application was accompanied by photomontages taken from the opposite bank of the River Lee generated in October and the appeal is accompanied by photomontages showing the site during the summer time and winter time when foliage is less. I note, a Visual Impact Assessment, which considers the visual impact of the proposed development, has not been submitted with the application or appeal submission. As is clearly illustrated in the photomontages, the upper floor levels of the resultant apartment block will break the ridge line/project above the tree line featuring on this section of the Montenotte/Tivoli Ridge and be clearly visible from the wider surrounding area. As a result, the landscape character/special amenity value of the area will lose its primacy, the built form becoming the dominant feature.

- 7.2.4. Having reviewed the site context and views to/from the site, I consider that the resultant apartment block would be visually intrusive/ have a negative impact on the existing landscape character of the Montenotte/Tivoli Ridge. This aspect of the proposed development is therefore considered to be contrary to Objective 6.13 and Chapter 6 of the current Development Plan and permission should be refused in this instance. The applicant contends that the resultant apartment block would sit comfortably in the context of the recent development granted, pursuant to Reg. Ref. 21/39852, at the entrance to the 'District' Health and Fitness Centre. I would form a contrary view. I contend that the dominance of built form on the Montenotte/Tivoli Ridge would be exacerbated when the resultant apartment development is read in the context of the 4-storey apartment block granted permission immediately north.
- 7.2.5. One criticism the applicant had in relation to the Planning Authority's consideration of the subject application, is that they failed to consider the granting permission of 1 no. additional floor, instead recommending refusal of the proposal in its entirety. Upon review of the sections and elevations/photomontages submitted as part of the application/appeal submission, I am not satisfied that the omission of one of the 2 floors proposed would address the concerns outlined above in relation to the proposed apartment block extension's visual impact. Upon review of the elevations and sections/photomontages accompanying the application/appeal, at 6 storeys, the upper

floor of the resultant apartment block would break the ridge line/project above the tree line and be highly visible from the surrounding area.

- 7.2.6. With regards to the 3 no. additional dwellings proposed, at 2 no. storeys I am satisfied that they will sit comfortably in the context of the landscape featuring on this part of the Montenotte/Tivoli Ridge and will not have a negative impact on the landscape character of the area. This aspect of the proposal is therefore considered to be consistent with Objective 6.13 and Chapter 6 of the Cork City Development Plan 2022-2028.

7.3. Residential Amenity

Proposed Houses

- 7.3.1. The proposed 2-bed (3P) dwelling has a total floor area of 75.6sqm across the 2 floors and the proposed 2-bed (4P) dwellings have a total floor area of 80.5sqm across the 2 floors, both of which comply with the requirements set out in the Quality Housing for Sustainable Communities, 2007. Further to this, the proposed dwellings comply with, and in most instances exceed, the requirements specified in relation to minimum main living area, aggregate living area, aggregate bedroom area and storage. Having reviewed the proposed floor plans, I am satisfied that the houses are suitably designed and adequately sized internally to provide an adequate level of residential amenity to future residents.

Proposed Apartments

- 7.3.2. Although I am recommending that the proposed alterations to the apartment block be refused, the appropriateness of residential amenity afforded the future residents of the proposed apartments requires consideration to inform the Board, should they be inclined to grant permission for the proposed alterations to the apartment building previously permitted under Reg. Ref. 19/38735, consisting of the addition of 2 no. floors comprising of 6 no. apartments. In doing so, regard is had to the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023) and the requirements of the Cork City Development Plan 2022-2028. Upon review of the plans submitted with the application, I am satisfied that the proposed apartments/resultant apartment block would provide quality apartments

which provide a suitable level of amenity for future residents, having regard to the size layout and orientation of the same.

Dwellings Approved Under Reg. Refs. 19/38735 and 20/39689 & Apartments Approved Under Reg. Ref. 21/39852/ABP Ref. ABP-309994-21

- 7.3.3. Permission was previously granted, under Reg. Refs. 19/38735 and 20/39689, for 32 no. houses to be constructed on the larger land parcel the appeal site forms part of. Upon review of the plans submitted with the application, I am satisfied that the proposed dwellings would not result in unreasonable negative impacts on the residential amenity of the previously permitted dwellings on site by way of overlooking/overbearing/overshadowing, given the orientation of the previously permitted dwellings to the south and east of the proposed dwellings, the scale of the proposed dwellings, the separation distances that exist between the proposed dwellings and the previously permitted dwellings and in the context of the dwellings to the immediate south, the nature of the rooms being served by the north-facing windows.
- 7.3.4. The apartment block, which is proposed to be modified as part of this application, is located immediately west of the 19 no. dwellings previously permitted under Reg. Ref. 20/39689. More specifically, previously permitted Houses No. 2 and 3 are located to the immediate north-east of the subject apartment block. Were the Board inclined to grant permission for the additional 2 floors proposed, I am satisfied that the resultant apartment development would not result in unreasonable negative impacts on the residential amenity of previously permitted Dwellings No. 2 and 3 by way of overlooking/overbearing/overshadowing, given the apartment blocks positioning relative to the dwellings, the separation distances that exist between the resultant apartment block and the previously permitted dwellings and the difference in level that exists between the applicable parts of the site (site of the apartment block sitting c. 9 metres lower than the site associated with permitted Dwelling No. 3).
- 7.3.5. Permission was recently granted, under Reg. Ref. 21/39852/ABP Ref. ABP-309994-21, for a 4-storey apartment block to be constructed to the north of the subject site. More specifically, the proposed detached dwelling is located immediately south-west of the approved development and the apartment block permitted on the appeal site is located immediately south. Given the scale of the proposed detached dwelling and the

separation distance provided between it and the approved apartment block, I am satisfied that the residential amenity of the neighbouring apartment block would not be negatively impacted upon as a result of this aspect of the subject proposal. Were the Board inclined to grant permission for the additional 2 floors proposed, I am satisfied that the resultant apartment development would not result in unreasonable negative impacts on the residential amenity of this development by way of overlooking/overbearing/overshadowing, given the separation distances that exist between the two blocks and the difference in level that exists between the applicable sites (the site of the resultant apartment block sitting considerably lower than the development site associated with Reg. Ref. 21/39852/ABP Ref. ABP-309994-21).

7.4. **Appropriate Assessment**

- 7.4.1. Having regard to the nature and scale of the proposed development, the availability of public services, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that 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. Having regard to the foregoing, I recommend that a split decision be issued as follows:
- **GRANT** permission for construction of 3 no. additional dwellings, comprising of 2 no. semi-detached 2-bedroom dwellings and 1 no. detached 2-bedroom dwelling, based on the reasons and considerations marked (1) under and subject to the conditions set out overleaf (Section 10.0); and
 - **REFUSE** permission for alterations to the apartment building previously permitted under Reg. Ref. 19/38735, consisting of the addition of 2 no. floors (same layout as the previously approved mid-floor levels) comprising of 6 no. apartment, based on the reasons and considerations marked (2) under (Section 11.0).

9.0 Reasons and Considerations (1)

Having regard to the zoning objective applying to the site, as set out in the Cork City Development Plan 2022–2028, the context of the site and surrounding area, the layout, scale and design of the proposed dwellings and the existing pattern of development on site and in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed dwellings would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. The total number of residential units permitted in this development is 3 no.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The additional car parking spaces proposed to serve the extended apartment block shall be omitted from the proposed site layout plan.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of orderly development.</p>
3.	<p>Prior to the commencement of development, details of the materials, colours and textures of all external finishes including samples, shall be submitted to and agreed in writing by the Planning Authority.</p> <p>Reason: In the interests of orderly development and the visual amenities of the area.</p>

4.	<p>A scheme indicating proposed landscaping and boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>Trees to be removed on site shall be felled in late summer or autumn.</p> <p>Reason: In the interest of nature conservation.</p>
6.	<p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility.</p>
7.	<p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of sustainable waste management.</p>
8.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction</p>

	<p>practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
9.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
10.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
11.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
12.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
13.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the</p>

	<p>area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act, 2000 (as amended), that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.</p>
14.	<p>The developer shall pay to the planning authority a financial contribution in respect of the Cork Area Commuter Rail Program in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under Section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.</p>

11.0 Reasons and Considerations (2)

Having regard to the location of the proposed development on lands designated 'Areas of High Landscape Value' in the Cork City Development Plan 2022-2028, and to the scale/height of the proposed apartment building 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/features, and would cause undue visual intrusion in the landscape. The proposed development is, therefore, considered contrary to Objective 6.13 of the Development Plan which seeks to conserve and enhance the character and visual amenity of such areas through the appropriate management of development and Chapter 6 Green and Blue Infrastructure, Open Space and Biodiversity which states that 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. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Margaret Commane
Planning Inspector

7th March 2024

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-315427-22		
Proposed Development Summary	Construction of 3 no. additional dwellings and alterations to the apartment building previously permitted under Reg. Ref. 19/38735, consisting of the addition of 2 no. floors.		
Development Address	Glenmount Crest, Silversprings, Tivoli, Cork.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	✓		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	Conclusion
			No EIAR or Preliminary Examination required
Yes	✓	10(b)(i)(iv) - Infrastructure Projects. Thresholds: > 500 homes > 10 hectares	Sub-threshold Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	✓	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____