



An
Coimisiún
Pleanála

Direction
CD-020190-25
ABP-313206-22

The submissions on this file and the Inspector's report were considered at a meeting held on 10/07/2025.

The Commission decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Planning

Commissioner: *Eamonn James Kelly* **Date:** 21/07/2025

Eamonn James Kelly

DRAFT WORDING FOR ORDER

Reasons and Considerations

Objective 11.2 Dwelling Size Mix and Table 11.8 of the Cork City Development Plan 2022-2028 set out clear unit mix requirements to be adhered to except in exceptional circumstances where justification is provided. The unit mix proposed does not meet the target levels set out under Table 11.8 for any of the proposed unit types and does not conform to the unit mix ranges that would be acceptable subject to adequate justification on the basis of market based evidence. No Statement of Housing Mix in accordance with Objective PO1 of the Housing Strategy and Housing Need Demand Assessment of the Supporting Studies accompanying of the Cork City Development Plan 2022-2028 has been submitted and therefore no justification has been provided in relation to the unit mix proposed. The Commission is therefore not

satisfied that the proposed development meets the requirements of these objectives. The development is therefore considered to materially contravene the Development Plan in relation to the provision of unit mix requirements. This issue has not been addressed in the applicant's Material Contravention Statement and the subject application, therefore, does not meet the requirements of section 8(1)(a)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended). The Commission, therefore, cannot invoke section 37(2)(b) of the Planning and Development Act 2000 (as amended) and is precluded from granting permission.

Note

The Commission noted the second recommended reason for refusal (potential burial ground). In this regard, it considered its decision to refuse permission for a previous Strategic Housing Development application (ABP-308790-20) and a housing proposal (ABP-318520-23) on sites within the historic curtilage of Bessborough House on the basis of the findings of the Fifth Interim Report (2019) and the Final Report (2020) of the Commission of Investigation into Mother and Baby Homes, together with the information submitted in the course of the previous application and oral hearing (ABP-308790-20) including, amongst other things, regarding the particularly sensitive areas marked as Children's Burial Ground immediately around the Folly in front of Bessborough House. In relation to this particular application for a proposed development to the rear of Bessborough House, the Commission noted that this site is a significant distance from the areas relevant to ABP-308790 and ABP-318520, and with substantial established building form between these locations and the current site. The Commission also noted the views of the planning authority which did not raise this particular matter as a reason for refusal by reference to the current application site. Having regard to the facts and the totality of information on file, the Commission determined that this proposed site could, subject to careful forensic monitoring of ground works, be more amenable to development in accordance with its residential zoning objective in the Cork City Development Plan 2022-2029. Therefore, the Commission decided not to include this as a reason for refusal as recommended by the Inspector.