



An
Coimisiún
Pleanála

Direction
CD-020192-25
ABP-313216-22

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

1. 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.

2. It is considered that the proposed development by reason of its excessive and sustained scale, bulk and mass in combination with height, and the consequent plot ratio, would be visually obtrusive when viewed from various viewpoints in the immediate vicinity within and adjoining the site. The proposed development is incongruous, would constitute a substandard form of development and would, therefore, be contrary to the proper planning and sustainable development of the area.

Note

1. The Commission noted the third 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 side of Bessborough House away from the particularly sensitive areas marked as Children's Burial Ground immediately around the Folly in front of Bessborough House, to the previous disturbances in this location and to the archaeological test trenching undertaken in the footprint of the proposed development that revealed no remains or features, the Commission considered 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. 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. Therefore, the Commission decided not to include this as a reason for refusal as recommended by the Inspector.

2. The Commission was not satisfied that the relationship between the pedestrian walkway and the building frontages and usages at ground level was fully resolved. However, given the substantive reasons for refusal set out above, it was decided not to pursue the matter further at this time.
3. The Commission considered new Ministerial guidelines issued under Section 28 of the Planning and Development Act 2000, as amended, including the updated 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (2023) and the introduction of the 'Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities' (2024). Again however, the Commission considered that the Specific Planning Policy Requirements, policies and objectives, and other guidance contained therein is generally consistent with the Cork City Development Plan 2022-2028 and would have no bearing on the recommendation to refuse permission having regard to the substantive concerns regarding the nature, scale, and design of the scheme.
4. The Board noted the clerical error in relation to the 40% of one-bed units.