An Coimisiún Pleanála

Direction
CD-022559-26
ACP-324425-26

The submissions on this file and the Inspector's report were considered at a meeting held on 19/10/2026.

The Commission decided to refuse permission for the following reasons and considerations.

Planning Commissioner: **Date:** 21/10/2026

Emer Maughan

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the size of the site, to the location of the site within the urban development area of Tower, to the zoning objective ZO-01 'Sustainable Residential Neighbourhoods', it is considered that to permit the development as proposed with a density of 17.3 dwellings per hectare (dph), would be contrary to the provisions of national, regional and local planning policies for sustainable residential development, including the National Planning Framework National Policy Objective (NPO) 43 which seeks to prioritise the provision of new houses at locations that can support sustainable development and at an appropriate scale of provision relative to location,

NPO 45 which seeks to increase residential density in settlements, and the framework to increase residential density as set out in the Regional and Economic and Spatial Strategy 2020-2032. The proposed density of 17 dph would be significantly below the ranges of 40 dph to 80 dph (net) for suburban / urban extension of Cork City and suburbs as set out in Table 3.1 of the Sustainable Residential Development and Compact Settlement Guidelines 2024, published by the Department of Housing, Local Government and Heritage in January 2024. Furthermore, the density of the proposed scheme would materially contravene Objective 3.25 of the Cork City Development Plan 2022-2028 which states 'As a general rule the minimum density shall be 35 dwellings per hectare (net density) excluding one off houses' for developments on greenfield sites. The density of the proposed scheme would be significantly lower than the density range set out in Table 11.2 'Cork City Density and Building Height Standards' which targets ranges between 40 and 60 dph for Outer Suburbs. While there may be valid planning reasons for accepting densities below the density ranges cited above, on the facts of this case, the Commission considered that the cultural and landscape constraints inherent to this site would not constitute exceptional circumstances to deviate to such a significant extent from the recommended density ranges outlined in national, regional and local planning policies. In this regard, the Commission considered the historic sensitivity arising from the location of the proposed development on the site of the former St. Anne's Hydropathic Establishment which is a protected structure, the sloping typography, and landscape sensitivities of the site, however noting the overall size (11.11 hectares) of the site with a net area of 4.62 hectares, the residential zoning and location of the site within the overall urban area of Tower which is readily accessible from the established road and footpath network, the Commission determined that the proposed density, at less than half the minimum density range requirement of the Cork City Development Plan 2022-2028, and the density permitted by the planning authority at 21.6 dph, to be too low for the size, location and potential of the subject site. The proposed development would comprise an inefficient and unsustainable use of these zoned serviced lands, in a manner contrary to the above-mentioned national guidance and statutory policy context. The proposed development would, therefore, not be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Commission considered the totality of the documentation on file, including the applicant's justification for the development and density outlined in the Planning Statement accompanying the application. The Commission acknowledged and agreed with the assessment of density by the Inspector, wherein he considered that the proposed density / number of units to be a material contravention of the development plan as at 17 dph the proposed density is far below the minimum stated in the Cork City Development Plan 2022-2028, given the location within the urban area of Tower and the ZO-01 Sustainable Residential Zoning objective of the site. The Commission, having examined the planning documentation including the photographs from the Inspector of the site and its environs and with reference to the planning history of the site, did not accept the assessment of the Inspector that exceptional circumstances exist to justify contravention of the development plan as the Commission did not agree that the integration of the former Hydropathic Establishment into the scheme (RPS Ref 00815) and the presence of a Fulacht Fia (CO062-227) would of themselves preclude higher densities on the site, given the large site area, the 30m radius exclusion zone for the Fulacht Fia location outside the net developable site area, the principal design objective of the proposed development for the re-creation of the general footprint and massing of the original Hydropathic Establishment and the 'moderate' ranking in the Historic Landscape Appraisal which accompanied the application prepared by John Cronin and Associates. Notwithstanding the historic setting, sloping typography, presence of existing specimen trees and the planning history of the site, the Commission did not consider that these constraints, such that a density of development to the significantly reduced quantum as proposed, particularly in relation to a significant portion of the developable site area to the east and less elevated parts of the site, would be necessary. While the Commission noted that almost all of the buildings shown on the late 19th century 1:2500 OS map have been removed and that only fragmentary remains of the former buildings are in situ, they considered the principal design objective for the re-creation of the general footprint and massing of the original Hydropathic Establishment to be an appropriate response to the historic setting and landscape.

In conclusion, the Commission considered the overall layout of the site, at the density envisioned would comprise an inefficient and unsustainable use of these zoned serviced lands, in a manner contrary to the above-mentioned national guidance and statutory policy context.