

Planning and Development Act 2000, as amended

Planning Authority: Cork City Council

Planning Register Reference Number: 24/42765

APPEAL by John Hannon of 2 York Street, Cork against the decision made on the 11th day of July, 2024 by Cork City Council to grant subject to conditions a permission to Ballygifford Holdings Limited care of McCutcheon Halley, 6 Joyce House, Barrack Square, Ballincollig, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition and removal of existing structures and the construction of a residential development up to five storeys in height comprising of 14 number apartments (which will include eight number one-bed and six number two-bed apartments) and all ancillary site development works, including access, plant, bike/bin storage and amenity areas, including one number roof terrace and a courtyard at lower ground level, all at site fronting onto York Street and Wellington Road, Cork.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

It is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the applicable ZO 01 'Sustainable Residential Neighbourhoods' zoning objective and other policies and objectives of the Cork City Development Plan 2022-2028, would constitute an appropriate form of infill development at this city centre location, would provide an acceptable quantum and density of residential development, would respect the architectural heritage and character of the area, would not seriously injure the residential or visual amenities of property in the vicinity, would provide acceptable levels of residential amenity for future occupants, and would be acceptable in terms of pedestrian, cyclist and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. (a) The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 14th day of June, 2024, and the further plans and particulars received by An Coimisiún Pleanála on the 16th day of September, 2025, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

(b) A total number of 14 residential units are hereby permitted in this development, comprising nine one-bedroom apartments and five two-bedroom apartments.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

- (a) The bathroom windows in apartments 1F.05, 2F.04 and 3F.04 shall be fitted with obscure glazing.
- (b) The rooftop terrace shall be enclosed by a balustrade with a minimum height of 1,100 millimetres which shall be set back at least 1,000 millimetres from the parapet wall.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To safeguard the residential amenity of future occupants and of property in the vicinity.

3. (a) Prior to commencement of development, proposals for a development name and numbering scheme, and associated signage shall be submitted to, and agreed in writing with, the planning authority. Thereafter, all such name and numbering shall be provided in accordance with the agreed scheme.
- (b) The development name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. 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).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas development.

4. (a) Prior to commencement of development, details, specifications and/or samples of all external materials shall be submitted to, and agreed in writing with, the planning authority. No uPVC/PVC material shall be used on/in the exterior of the building. All works shall be carried out in accordance with this written agreement.
- (b) The mitigation measures and recommendations in the Architectural Heritage Impact Assessment shall be implemented in full.

Reason: To protect and enhance the character of the Wellington Road/St. Luke Architectural Conservation Area.

5. Prior to commencement of development, 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) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. 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.

Reason: In the interest of proper planning and sustainable development.

6. Prior to commencement of development, a Construction and Environmental Management Plan (CEMP) shall be prepared and submitted to the planning authority for written agreement. This plan shall provide details of the construction practice for the proposed development, including, *inter alia*:
 - (a) Site survey and site investigation works, as necessary, to establish the on-site presence of drainage infrastructure, and a diversion proposal for same, as necessary.

- (b) The location of the site and materials compound(s), including areas identified for the storage of construction refuse.
- (c) The location and details of areas for construction site offices, staff facilities, site security fencing and hoardings.
- (d) Details of on-site car parking facilities for site workers during the course of construction.
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
- (f) Measures to obviate the queuing of construction traffic on the adjoining road network.
- (g) Details of construction phase mobility strategy, incorporating on-site mobility provisions.
- (h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- (i) Alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any public road or footpath during the course of site development works.
- (j) Details of appropriate measures to mitigate vibration from construction activity in accordance with BS6472: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz) and BS7385: Part 2 1990: Evaluation and Measurement for Vibration in Buildings - Guide to Damage Levels from Ground-Borne Vibration, and for the monitoring of such levels.
- (k) Details of appropriate mitigation measures for noise and dust, and monitoring of such levels.
- (l) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.

- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water drains.
- (n) A record of daily checks that the works are being undertaken in accordance with the finalised Construction and Environmental Management Plan shall be kept for inspection by the planning authority.

The agreed CEMP shall be implemented in full in the carrying out of the proposed development.

Reason: In the interest of residential amenities, public health and safety.

7. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. No additional development, to that indicated and hereby permitted, shall take place above roof level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas, or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

9. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

10. (a) Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.
- (b) All development shall be carried out in compliance with Uisce Éireann codes and practices.

Reason: To provide adequate water and wastewater facilities in the interest of public health.

11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual and residential amenity.

12. The following requirements shall be implemented and/or complied with by the developer:
 - (a) The mitigation measures and recommendations in the Arboricultural Assessment Report shall be implemented in full.
 - (b) Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (c) Site frontages along Wellington Road and York Street (building lines, boundary railings, entrance gates) shall be as indicated on drawing number A01-03 RFI (Proposed Site Plan) and drawing number A10-01 RFI (Proposed Plans), unless otherwise agreed with the planning authority.
- (d) Existing footpaths shall be protected, maintained, replaced and/or repaired, if damaged, to the requirements of the planning authority for same.
- (e) A minimum of 26 cycle parking spaces shall be provided as indicated on drawing number A10-01 RFI (Proposed Plans (Lower Ground Floor)), shall be reserved solely to serve the proposed development, and shall not be sold or sublet for any other purpose.

All works listed above shall be undertaken at the developer's expense and completed to the satisfaction of the planning authority.

Reason: In the interest of pedestrian and traffic safety, and orderly development.

13. (a) All areas not intended to be taken in charge by the planning authority shall be maintained by a legally constituted management company.

(b) Details of the management company contract, and drawings/particulars describing the parts of the proposed development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of the development in the interest of residential amenity.

14. An Operational Waste Management Plan (OWMP) containing details for the management of waste within the proposed development, the provision of facilities for the storage, separation, and collection of the waste and for the ongoing operation of these facilities, shall be submitted to and agreed in writing with the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed OWMP.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage for the proposed development.

15. The proposed development shall be implemented as follows:

- (a) Prior to the first occupation of the residential units, the residential amenity facilities shall be fully fitted out and suitable for immediate operation.
- (b) The residential amenity facilities shall be available for the sole use of residents in the development and shall not be otherwise amalgamated, repurposed, sold or sublet.
- (c) Save for the roof top terrace at third-floor level, the remainder of the roof level shall only be accessed for maintenance purposes and shall not be used for any amenity or recreational purpose.
- (d) During the operational phase of the proposed development, the noise level arising from the development (including from the residential amenity facilities, plant equipment, and/or the roof top terrace), as measured at the nearest noise-sensitive premises shall not exceed:

- (i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.
- (ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.
- (iii) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

Reason: In the interest of residential amenity of future occupants and of property in the vicinity.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the reinstatement and completion of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

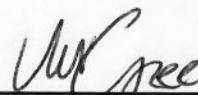
Reason: To ensure the satisfactory completion and maintenance of the development until/in the event of being taken in charge.

17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the 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 Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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.

18. The developer shall pay to the planning authority a financial contribution in respect of the Cork Suburban Rail Project 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. 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 Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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.



Liam McGree

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 16th day of December 2025.