



An
Coimisiún
Pleanála

Inspector's Report ABP-319702-24

Development	Part demolition of stone boundary, construction 19 no. apartments and all associated site works.
Location	Site between 81 & 82 Lower Glanmire Road (opposite Kent Station), Cork City
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2342206
Applicant(s)	S&L Supple and Lynch Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant, subject to conditions.
Type of Appeal	Third Party.
Appellant(s)	Summerhill Residents Association and Heritage Preservation Group.
Observer(s)	None.
Date of Site Inspection	5 th September 2025.
Inspector	Terence McLellan

1.0 Site Location and Description

- 1.1. The subject site is located on elevated ground on Lower Glanmire Road, to the north of Kent Station in Cork City Centre. The land was originally in use as a single-track railway and the southern boundary to Lower Glanmire Road is marked by a c.3.5metre high stone retaining wall which accommodates several large advertising billboards. The northern boundary of the site is marked by a steep escarpment which is heavily vegetated and surmounted by a number of large period homes on Summerhill North. There are two pedestrian bridges which cross the disused railway line. The first is to the west, beyond the Kent Station railway tunnel, which is open to the public. Both the bridge and the railway tunnel are on the Register of Protected Structures (RPS. 930 and 931 respectively) and listed on the National Inventory of Architectural Heritage (Reg. 20506265 and Reg. 20506266 respectively). The second bridge is on the site's eastern boundary and is in the private use of a limited number of dwellings on Summerhill North, with gated access from Lower Glanmire Road. This bridge, the stone steps, and enclosing wall are listed on the NIAH (Ref. 20506265).
- 1.2. Buildings in the immediate vicinity are generally three to four storeys. However taller buildings are located immediately to the south-west including the recent Dean Hotel c. 7 storeys and the emerging development of Horgan's Quay.

2.0 Proposed Development

- 2.1. Planning permission is sought for the provision of 19 apartments in two apartment blocks rising to a maximum of four storeys. Access to the site would be provided to a central courtyard through two new openings in the stone boundary wall fronting Lower Glanmire Road. All apartments would be located from first floor level and above and would be accessed from this ground floor courtyard which would also provide access to cycle storage, refuse storage and communal storage spaces. Each apartment would be provided with a private balcony amenity space in addition to communal amenity spaces at first floor level. The schedule of accommodation would be as follows:

	Block A	Block B	Total
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1 Bed	7	3	10
2 Bed	1	8	9
Total	8	11	19

2.2. The scheme was amended at Further Information stage. This did not alter the schedule of accommodation or the overall scale and quantum of development. The most relevant amendments were setting the eastern façade of Block B back from the private footbridge, amendments to fenestration, and amendments to the openings in the boundary wall to align with ownership.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Notification of the Decision to Grant Permission was issued by Cork City Council on the 18th April 2024, subject to 30 generally standard conditions. Conditions of particular note include:

6. The applicant is required to commission a qualified ecologist who is an NPWS licensed bat worker to survey the site for bats prior to commencement of site clearance works and, if bat usage of the existing vegetation or buildings on the site is found, the applicant is required to ensure that: a) A licensed bat worker is present on site prior to and during the removal of any existing trees planned for removal, and b) All necessary licenses for relocation of bats are obtained in advance from the National Parks and Wildlife Service.

Reason: For the protection of any bats present on site.

3.2. Planning Authority Reports

3.3. The first Planner's Report contains the following points of note:

- The proposal is acceptable in zoning terms, density and height. The concept and layout are an appropriate design response to a complicated site.

- Cumulative heritage impacts are possible and extent of development to the adjoining site should be confirmed.
- The scheme is compliant with unit mix and dual aspect requirements.
- Compliance with higher floorspace standards and communal amenity space has not been demonstrated.
- Concerns raised regarding stability of the retaining wall.
- An inward noise impact assessment should be undertaken.
- No amenity issues anticipated but access to the roof should be clarified.
- Car free development is supported in this location.
- The report notes a conversation with the Biodiversity Officer regarding the potential for bats and invasive species and the request that relevant surveys be undertaken.

3.3.1. The first Planner's Report concluded in a request for Further Information to address the following points:

1. Boundaries - confirmation of ownership of the site, specifically the retaining wall and cliff, if works are proposed to the northern retaining wall, and if applicable, provision of letters of consent.
2. Retaining Wall - address Third Party submissions raising concerns regarding the stability of the cliff/retaining wall and need for a set-back to allow inspection and maintenance.
3. Open Space – land to the west may be undevelopable, use of this land as open space should be investigated.
4. Roof Plant - confirmation that there would be no additions to the roof (plant, machinery, lift overruns), noting that a condition to control these additions is likely if permission is granted.
5. Heating - confirmation of proposed heating system and location of heat pumps.
6. Apartment Guidelines - demonstrate compliance with floorspace requirements of the Apartment Guidelines.
7. Footbridge - confirm extent of the rear extension to the east of the bridge (Protected Structure 931).
8. Light Assessment - submit a light assessment.
9. Noise – submit an inward noise assessment.

10. Bats – submit a bat survey.
11. Invasive Species – submit an invasive species survey.
12. Urban Roads and Streets - provide details of cyclist access.
13. Drainage - provide drainage information regarding surface water management, details of Uisce Éireann CoF or connection agreement, reconsider attenuation tanks and permeable paving and provide details of how attenuation tank would be accessed/maintained.
14. Traffic - submit an Outline Construction Management Plan, public lighting details, Mobility Management Plan, provision of bicycle parking in line with Apartment Guidelines.

3.3.2. Further Information was received on 12th December 2023 and addressed in the second Planner's Report which advised that Clarification of Further Information was required on the following points:

1. Boundaries – clarify if works are proposed to the northern retaining wall. Some works to create openings in the southern wall appear to be outside of the Applicant's ownership, the plans should either be updated to keep works within ownership or provide a letter of consent.
2. Roof – clarify the height of the lift overruns and demonstrate in a section drawing that they are entirely behind the parapet.
3. Urban Roads and Streets – clarify cycle access and egress from the carriageway.
4. Drainage – provide a letter of consent from Cork City Council for the proposed storm sewer along Lower Glanmire Road outside the site boundary. Provide full details of the storm sewer including if it's to be taken in charge in addition to justification and clarification of the attenuation tank.
5. Traffic – provide a Mobility Management Plan, clarify the quantum of cycle parking and type.

3.3.3. Clarification of Further Information was submitted on the 22nd March 2025 and the third Planner's Report concluded that all matters had been satisfactorily resolved.

3.4. Other Technical Reports

3.4.1. **Biodiversity (23.01.2024):** The Bat Survey and Invasive Species survey have been reviewed, and no objections are raised, subject to conditions.

- 3.4.2. **Conservation (08.09.2023):** No objection.
- 3.4.3. **Contributions (22.09.2023):** No objection, subject to conditions.
- 3.4.4. **City Architect (29.09.2023):** No objection. The proposal is a well-considered design for the site, materials fit well into the context, massing is broken up and stepped to lower visual impact. Undevelopable space should be considered for use as open space. Digging out is required to the rear of the existing wall which was built as a retaining structure and clarity should be sought on the stability of this structure when exposed.
- 3.4.5. **Drainage (05.09.2023, 17.01.2024, and 08.04.2024):** Initially requested Further information regarding surface water drainage, SUDS, Uisce Éireann connections, attenuation (justification, access, maintenance), and clarity on Taking in Charge. Following the receipt of Further information and a subsequent clarification, no objections were raised, subject to standard conditions.
- 3.4.6. **Environment (29.08.2023):** No objection, subject to conditions.
- 3.4.7. **Housing (08.09.2023):** No objection, the Housing Directorate consider the scheme to be exempt from Part V based on its size.
- IR:** An Exemption Certificate has been provided from Cork City Council dated 18.04.2024.
- 3.4.8. **Traffic: Regulation and Safety (26.09.2023, 26.01.2024, and 17.04.2024):** Requested Further Information regarding the submission of a Construction Traffic Management Plan and Mobility Management Plan, public lighting, and cycle parking. All matters were satisfactorily resolved at FI stage and standard conditions were recommended.
- 3.4.9. **Urban Roads and Street Design (08.09.2023, 23.01.2024, and 15.04.2024):** Further Information was requested regarding cycle access from Lower Glanmire Road. This matter was ultimately resolved through the FI submission, and no further objections were raised.

3.5. **Prescribed Bodies**

- 3.5.1. **Cork Airport Authority (06.09.2023):** No comments but recommend consultation with the Irish Aviation Authority and AirNav Ireland.

- 3.5.2. **Iarnród Éireann (26.10.2023 and 17.01.2024):** The response notes the obligations on the developer of the Railway Safety Act 2005, that work must be carried out in a safe manner and which safeguards the interests of Iarnród Éireann. Concerns are raised that traffic flow on Lower Glanmire Road could be affected during the construction phase which may impact on vehicular access and egress from Kent Station. The developer should confirm hoarding requirements, the impact of hoarding and construction traffic, and requirements for traffic management. Concerns are raised regarding potential structural impacts on arched tunnels under Lower Glanmire Road directly in front of the site and potential structural issues to the stone wall, which is mostly in C.I.E ownership. Iarnród Éireann objects to the width of the proposed entrance in the boundary stone wall, which exceeds 5.5m and encroaches on C.I.E ownership. The response notes the location of the Kent Station Railway Tunnel and the need for the developer to take into account its location, prevailing geological conditions, and the need to demonstrate that the method and sequencing of construction would not adversely affect the tunnel. Further issues raised include concerns that the development could compromise inspection and maintenance of the eastern footbridge due to proximity, the need for agreement for crane use, and the developer to be aware of normal noise and vibration as a result of railway operations.
- 3.5.3. **Inland Fisheries Ireland (04.09.2023):** Request that Irish Water/Cork County Council signify that there is sufficient capacity to ensure that the development does not existing treatment facilities (either hydraulically or organically), does not result in polluting matter entering waterways, or cause or contribute to non-compliance with legislative requirements.
- 3.5.4. **Uisce Éireann (02.09.2023):** No objection, standard observations included.

3.6. Third Party Observations

- 3.6.1. A number of observations were submitted in response to the planning application, including two observations from local groups, one with multiple signatories. These observations are summarised in the Planner's Report and are on file for the Commission's information. I have read and reviewed all of these observations, and I am satisfied that the issues raised are similar to those raised in the observations made on the appeal, which are set out in detail in Section 6.4 of this report.

4.0 Planning History

Subject Site

4.1. There is no recent planning history of note. There are three decisions from 2000-2005 pertaining to this site:

4.2. **Planning Authority Reference 00/24209:** Cork City Council refused permission in October 2000 for 24 apartments over ground floor parking. Permission was refused for the following three reasons:

1. *Having regard to the height and scale of the proposed development and to its location in proximity to residential development it is considered that the proposed development would be visually obtrusive and out of character in this predominantly residential area and would seriously injure the amenities of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and development of the area.*
2. *Having regard to the configuration, topography and other constraints of the site and to the inadequate areas of private open space, it is considered that the proposed development would constitute overdevelopment of this restricted site and would seriously injure residential amenity. The proposed development would, therefore, be contrary to the proper planning and development of the area.*
3. *The site fronts onto the heavily-trafficked national primary route close to a busy junction entrance to the railway station. The development would, therefore, endanger public safety by reason of traffic hazard and obstruction of road users, due to the car park entrance location and associated traffic movements.*

4.3. **Planning Authority Reference 02/26273:** In September 2002, Cork City Council refused permission for 22 apartments over ground floor parking. Permission was refused for the following three reasons:

1. *Having regard to the height and scale of the proposed development and to its location in proximity to residential development it is considered that the proposed development would be visually obtrusive and out of character in this predominantly residential area and would seriously injure the amenities of*

property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and development of the area.

2. *Having regard to the configuration, topography and other constraints of the site and to the inadequate areas of private open space, it is considered that the proposed development would constitute overdevelopment of this restricted site and would seriously injure residential amenity. The proposed development would, therefore, be contrary to the proper planning and development of the area.*
3. *The site fronts onto the heavily-trafficked national primary route close to a busy junction entrance to the railway station. The development would, therefore, endanger public safety by reason of traffic hazard and obstruction of road users, due to the car park entrance location and associated traffic movements.*

- 4.4. **ABP Ref. 210662/Planning Authority Reference 04/28398:** In June 2005, the Commission upheld the decision of Cork City Council to grant permission for 17 apartments over ground floor parking. The number of apartments was reduced from 22 to 20 during the planning application and further reduced to 17 apartments by way of an amending condition. The permission was not implemented.

Nearby Sites

82A Lower Glanmire Road

- 4.5. ABP Reference 314029/Planning Authority Reference 2140434: In November 2023, the Commission upheld the decision of Cork City Council to refuse permission for redevelopment of the site to provide a four-storey residential building. Permission was refused for the following reason:

1. *Having regard to the pattern and character of development in the area and the specific nature of the site, The Board considered that the Applicant has failed to demonstrate that the proposed development, by reason of its height, design, materiality, prominent location, and contextual relationship to the adjoining properties, would not seriously injure the visual amenities of the area and cause adverse impacts upon residential amenity from overlooking to and overshadowing of an adjacent private amenity space; and provide adequate levels of privacy for future and existing residents. The proposed development*

would be contrary to the requirements of objective 3.5 Residential Density of the Cork City Development Plan 2022-2028, that seeks to ensure delivery of high quality sustainable residential development, whilst ensuring a balance between the protection of the established character of the surrounding area and existing residential amenities. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Arcadia, Lower Glanmire Road

- 4.6. **Planning Authority Reference 03/26815:** Permission was granted by Cork City Council in January 2003 for a four-storey student housing block. This development has been completed.

5.0 Policy Context

5.1. Development Plan

Cork City Development Plan 2022-2028

- 5.1.1. The appeal site is categorised as Zone ZO 1: Sustainable Residential Neighbourhoods, the primary objective of which is to protect and provide for residential uses and amenities, local services and community, institutional, educational, and civic uses. The CDP also notes that development in this zone should generally respect the character and scale of the neighbourhood in which it is situated.
- 5.1.2. A small section of the site in its western edge is categorised as Zone ZO 15: Open Space, the objective of which is to protect, retain and provide for passive and active recreational uses, open space, green networks, natural areas and amenity facilities.
- 5.1.3. Chapter 2: Core Strategy seeks to deliver Strategic Objective 1 of the CDP, Compact Liveable Growth, with the aim of improving quality of the life in the city. The relevant objectives of this chapter are:
- Objective 2.1: The 15 Minute City
 - Objective 2.31: Compact Growth
 - Objective 2.32: Housing Supply

5.1.4. Chapter 3 of the CDP sets out the policies for achieving Strategic Objective 2, Delivering Homes and Communities, with the aim of delivering housing and creating and maintaining sustainable neighbourhoods and the community infrastructure needed to ensure that diverse communities all benefit from a good quality of life. The relevant objectives of this chapter are:

- Objective 3.1: Planning for Sustainable Neighbourhoods
- Objective 3.3: New Housing Supply
- Objective 3.4: Compact Growth
- Objective 3.5: Residential Density
- Objective 3.6: Housing Mix
- Objective 3.9: Adaptation of Existing Homes, Infill Development, and Conversion of Upper Floors.

5.1.5. Chapter 8 sets out the policies for achieving Strategic Objective 7: Heritage, Arts and Culture. The objective is to protect and reinforce the unique character and built fabric of the city, towns, villages, suburbs, neighbourhoods and places that make up the fabric of Cork City, both the character derived from the natural environment and the man-made character created by the built form. This will be achieved by protecting Protected Structures, archaeological monuments, and archaeological heritage and Architectural Conservation Areas, while providing opportunities for new development that respects the rich, historic built heritage of the city. Relevant objectives include:

- Objective 8.17: Conservation of the City's Built Heritage
- Objective 8.19: Record of Protected Structures
- Objective 8.22: National Inventory of Architectural Heritage (NIAH)

5.1.6. Chapter 10 of the CDP focuses on the key growth areas identified in the Core Strategy and the Growth Strategy. Where the Core Strategy and Growth Strategy provide overarching direction for city growth, this Chapter provides more area and site-specific detail. The growth proposed is in line with the Core Strategy, being proportionate to the scale of the area and its ability to accommodate new development.

5.1.7. Chapter 11 includes the policies aimed at delivering Strategic Objective 9, Placemaking and Managing Development. This chapter sets out the Council's

guidance and priorities for development proposals. Of primary importance is securing development of the highest architectural and urban design quality that is people-centric and resilient to climate change and other challenges. The relevant objectives and sections of this chapter are:

- Objective 11.1 Sustainable Residential Development
- Objective 11.2: Dwelling Size Mix
- Objective 11.3: Housing Quality and Standards
- Objective 11.4: Daylight, Sunlight and Overshadowing
- Section 11.67: Design Quality
- Section 11.78: Dwelling Size and Mix
- Section 11.69: Residential Density
- Section 11.9: Apartment Design
- Section 11.91: Quantitative Standards
- Section 11.92: Qualitative Considerations in the Design of Apartment Schemes
- Section 11.100: Separation, Overlooking and Overbearance
- Section 11.112: Public Open Space in Housing Developments
- Section 11.139: Infill Development
- Section 11.219: Development Adjoining Watercourse Corridors
- Section 11.234: Car and Bicycle Parking
- Section 11.248: Bicycle Parking

5.2. Regional Policy

Regional Spatial and Economic Strategy for the Southern Region

- 5.2.1. This strategy provides a framework for development at regional level. The RSES supports the National Planning Framework and promotes the regeneration of our cities, towns, and seeks to promote compact urban growth by making better use of under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and employment choice for the Region's citizens. The RSES seeks to build a resilient enterprise base and promote innovation and entrepreneurship ecosystems that support smart specialisation, cluster development and sustained economic growth.

5.3. National Policy

National Planning Framework – First Revision (April 2025)

- 5.4. The NPF addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it considers would support the creation of high-quality urban places. Relevant Policy Objectives include:
- 5.5. National Policy Objective 4: A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.
- 5.6. National Policy Objective 8: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.
- 5.7. National Policy Objective 14: Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets that can accommodate changing roles and functions, increased residential population and employment activity, enhanced levels of amenity and design and placemaking quality, in order to sustainably influence and support their surrounding area to ensure progress toward national achievement of the UN Sustainable Development Goals.
- 5.8. National Policy Objective 20: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- 5.9. National Policy Objective 22: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth.
- 5.10. National Policy Objective 43: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- 5.11. National Policy Objective 45: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.

5.12. Ministerial Guidelines

- The Architectural Heritage Protection, Guidelines for Planning Authorities (2011). These Guidelines relate to protecting structures of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, and preserving the character of architectural conservation areas.
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018). The guidelines state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas and should not only be facilitated but actively sought out and brought forward by our planning processes, in particular by Local Authorities and An Bord Pleanála. These Guidelines caution that due regard must be given to the locational context and to the availability of public transport services and other associated infrastructure required to underpin sustainable residential communities.
- Sustainable Residential Development and Compact Settlement - Guidelines for Planning Authorities (2024). The guidelines support the application of densities that respond to settlement size and to different place contexts within each settlement, recognising in particular the differences between cities, large and medium-sized towns and smaller towns and villages. They will also allow greater flexibility in residential design standards and cover issues such as open space, car and cycle parking, and separation distances.
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (December 2023). These guidelines seek to achieve both high quality apartment development and a significantly increased overall level of apartment output. Standards are provided for apartment sizes, dual aspect ratio and private/communal amenity space.

5.12.1. I note that updates to the Planning Design Standards for Apartments: Guidelines for Planning Authorities were published on the 7th July 2025. The revocation of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities -2023', (and all preceding updates) does not apply to current appeals or planning applications, i.e. those that were subject to consideration in the planning system on or before the 8th of July 2025. These will be considered and

decided in accordance with the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023).

5.13. Natural Heritage Designations

- 5.13.1. The site is not within or immediately adjacent to any European sites. The nearest European site is the Cork Harbour SPA (Site Code 004030), approximately 4km to the east/south-east.

5.14. EIA Screening

- 5.14.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A Third Party appeal has been received from the Summerhill Residents Association and Heritage Preservation Group. The grounds of appeal make detailed reference to previously refused applications from 2000 and 2002. Further reference is made to the permission granted by the Commission in 2004 which was for 17 apartments, with the Appellants drawing heavily on the Inspector's Report which recommended refusal. The grounds of appeal cross reference and quote from the decisions/reports extensively on the basis that they consider the previous issues raised and the reasons for refusal to be entirely relevant to the current case which is considered to be similar in concept. Having reviewed the grounds of appeal and the various references to previous decisions, I am satisfied that the salient points being raised by the Appellants in respect of the current development can be summarised as follows:

- The proposal constitutes overdevelopment due to the excessive number of apartments and density.
- The proposal is for more apartments than the previous approval which was reduced from 22 apartments to 17 by condition.
- Height, scale and massing are excessive having regard to the proximity to residential properties and local character.
- The development would historic buildings and structures and would be out of context with the area. It would cause harm to landmark buildings (Kent Station), key views and vistas and would affect the setting of Protected Structures.
- Form, outline, facades, open space and scale are alien to the surrounding context.
- Design quality is poor, and it has been designed for high density and low cost.
- The development would be visually obtrusive and intrusive.
- The apartments would offer a poor quality of accommodation and insufficient open space would be provided.
- Quality of accommodation would be affected by noise from the rail tunnel, traffic noise and air pollution. This would be most noted on balconies facing the busy main road.
- The proposal would have an adverse impact on residential amenity in terms of overlooking, loss of privacy, outlook, reduced security due to readily providing access to the cliff top from the flat roofs and external walkways, increased noise and disturbance, odours and emissions, and reduced property values.
- The apartments would be largely rented to short term and transient tenants with no interests in the locality, or property maintenance and would create an imbalance in the community.
- The proposal does not include car parking and there would be increased parking pressures in the area as a result of the development.
- It is unclear how the site would be serviced, and it is likely to cause disruption on Lower Glanmire Road.

- The development would result in the creation of a traffic hazard and the development would interfere with pedestrian rights of way.
- The top floor should be removed or a small terrace of townhouses should be provided to mitigate design, amenity and noise issues.
- Dispute that the cliff/land to the north is in the Applicant's ownership.
- Concerns raised regarding the stability of the site and its boundaries and adjoining land/buildings, including the railway tunnels. Previous slippage of ground from the cliff face has occurred.
- No details on how the cliffs and cladding are to be maintained and repaired.
- Excavation work poses a risk to the structural integrity of the pedestrian bridge, and its proximity would impact on the ability to undertake maintenance and repair.
- None of the Council's conditions address the concerns of objectors. They are standard/boilerplate conditions with little relevance to the site/locality.
- Would welcome a more appropriate and sympathetic increase in local housing.

6.2. Applicant Response

6.2.1. A First Party Response has been received from HW Planning, for and on behalf of the Applicant, S&L Supple and Lynch Ltd. The substantive points are summarised as follows:

- The site is vacant and underutilised. Permission has previously been granted for apartments on this site, but the permissions have now lapsed.
- The proposal is appropriate in terms of density, scale, and height having regard to its location and is in compliance with the relevant policies and guidance of the CDP and the Apartment Guidelines.
- The development is supported by the Conservation Officer.
- The proposal is for 19 apartments, 190 uph and four storeys in height. This is in compliance with the CDP and the Compact Settlement Guidelines.
- It is noted that the Commission omitted the fourth storey on the 2005 permission however the development context has evolved significantly since then, with a

focus on redeveloping urban infill sites with higher densities, particularly where well connected to public transport.

- The proposed design is a more appropriate and efficiently designed scheme than previous proposals. The proposal is of a reduced scale and massing, employs sustainable materials and omits car parking.
- The development context of the area has evolved, including the Horgan's Quay and Dean Hotel developments as well as the Arcadia Hall student housing development to the east.
- Photomontages illustrate the scheme within its local and broader context. The scheme assimilates into the wider streetscape and provides positive interactions between the receiving environment and built form.
- The design is for an appropriately scaled infill development on an underutilised site that will not result in negative amenity impacts and will be compatible with the evolving context of the area.
- Level differences and separation distances are such that there would be no adverse amenity impacts and appropriate relationships between buildings are provided.
- Dispute that the development would result in a poor living environment for future occupiers. The scheme has been designed in accordance with the apartment guidelines, appropriate facilities and open spaces are provided and the internal noise and daylight levels would be in line with the BRE Guidelines.
- The Site Stability/Boundary Treatment Statement by DOSA confirms that detailed geotechnical investigations relating to the northern rockface would take place prior to works commencing on site, which would inform any necessary protection measures.
- The proposal is car free with excellent access to pedestrian and cycle facilities as well as access to public transport. A Mobility Management Plan identified measures to be put in place to encourage and support sustainable travel. The proposal complies with the Compact Settlement Guidelines and the CDP in terms of parking.

- Full details confirming the Applicant's legal interest in the subject lands were submitted at FI stage. There are no legal impediments to a grant of permission of implementation of the scheme. The Commission will note that the appeals process is not the forum for resolution of legal queries.
- The proposal is a more efficient and appropriately designed scheme than any of the previous proposals.

6.3. Planning Authority Response

6.3.1. No response on file.

6.4. Observations

6.4.1. None.

6.5. Further Responses

6.5.1. None.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Quantum of Development
- Design and Heritage
- Quality of Accommodation
- Amenity
- Transport
- Other Matters
- Conditions

7.2. Quantum of Development

- 7.2.1. It is stated in the grounds of appeal that the proposal would represent overdevelopment on the basis of the number of apartments proposed and the overall density. It is further argued that the proposal is for more apartments than the previous approval which was for 17 units.
- 7.2.2. On the matter of the previous approval, I would note that this dates from 2005 and that the policy context, both local and national, has evolved significantly in the intervening years, with a renewed focus on increasing density on brownfield urban sites with good access to public transport in order to secure compact growth. On that basis I do not consider the fact that the proposal is for more apartments than the previous approval to be objectionable.
- 7.2.3. In terms of density, the proposal would provide c. 190 units per hectare (uph). The subject site is within Cork City Centre, directly opposite Kent Station on Lower Glanmire Road which itself is served by a multitude of bus routes. Table 11.2 of the Cork City Development Plan sets a lower density target of 100 units per hectare for the City Centre, with no upper limit.
- 7.2.4. The National Planning Framework (NPF) promotes the principle of ‘compact growth’ at appropriate locations, facilitated through well-designed, higher density development. It prioritises the provision of new homes at increased densities through a range of measures and signals a shift in Government policy towards securing more compact and sustainable urban development within existing urban envelopes. The NPF recognises that a significant and sustained increase in housing output and apartment type development is necessary.
- 7.2.5. The RSES for the region further supports consolidated growth and higher densities, promoting compact urban growth by making better use of under-used land and buildings within the existing built-up urban footprint, and to drive the delivery of quality housing and employment choice for the region’s citizens.
- 7.2.6. The Building Heights Guidelines (2018), the New Apartments Guidelines (2023), and the Compact Settlements Guidelines (2024), all provide further guidance in relation to appropriate densities and are supportive of increased densities at appropriate locations in order to ensure the efficient use of zoned and serviced land. All national planning policy indicates that increased densities and a more compact urban form is

required within urban areas, subject to high qualitative standards being achieved in relation to design and layout.

- 7.2.7. The Building Heights Guidelines state that increased building height and density will both have a critical role to play in addressing the delivery of more compact growth in urban areas and should not only be facilitated but actively sought out and brought forward by our planning processes, in particular by Local Authorities and An Coimisiún Pleanála. These Guidelines caution that due regard must be given to the locational context and to the availability of public transport services and other associated infrastructure required to underpin sustainable residential communities.
- 7.2.8. The Apartment Guidelines note that increased housing supply must include a dramatic increase in the provision of apartment development to support ongoing population growth, a long-term move towards a smaller average household size, an ageing and more diverse population with greater labour mobility, and a higher proportion of households in the rented sector. The Guidelines address in detail suitable locations for increased densities by defining the types of locations in cities and towns that may be suitable, with a focus on the accessibility of the site by public transport and proximity to city/town/local centres or employment locations.
- 7.2.9. The Compact Settlement Guidelines echo the Government objectives of promoting increased residential densities in appropriate locations. The Guidelines refine the assessment of location and set recommended density ranges. In regard to the location of the site within Cork City Centre, the Guidelines advocate for densities in the range of 100uph -300uph.
- 7.2.10. Having regard to the location of the site in Cork City Centre, with high accessibility to public transport and within walking distance of major employment locations in the Docklands and City Centre itself, I am satisfied that the proposed density is entirely acceptable, subject to the design, height, quality of accommodation, and amenity considerations, and would not, in terms of density and number of units, represent overdevelopment.

7.3. Design and Heritage

- 7.3.1. Several design matters are raised in the appeals, including that the height, scale and massing are excessive, that design quality is poor, and that the development would be both visually intrusive and obtrusive. It is submitted that the development would be

out of context with the surrounding form and character and that it would cause harm to landmark buildings, key views and vistas, and heritage. It is argued in the grounds of appeal that the top floor should be removed and that a more appropriate and sympathetic increase in local housing would be welcomed, such as a small terrace of townhouses.

- 7.3.2. The Applicant considers that the height, scale and massing is appropriate to the site and notes that whilst the Commission chose to omit the fourth storey on the 2005 permission, the development context has changed, with higher densities promoted on urban infill sites that are well connected.
- 7.3.3. As stated previously, the Building Height Guidelines note that increased height has a role to play in delivering compact growth in urban areas, stating that due regard must be given to the locational context and to the availability of public transport services and other associated infrastructure required to underpin sustainable residential communities.
- 7.3.4. Table 11.2 of the CDP has a target height range for the City Centre of between 4 and 8 storeys. Prevailing height in the immediate area is generally three storeys, however there are several four storey buildings and opposite the site to the south-west are the taller developments of the Dean Hotel and the emerging development of the Docklands around Horgan's Quay.
- 7.3.5. The proposed development would be four storeys, which is the lower height target set out in the CDP and only one storey above the prevailing heights. The site would sit adjacent to the steep escarpment to the north. The top of the building would be level with the top of the escarpment. In my opinion, the proposed height is appropriate to the site and the surrounding context. The height is not uncommon to what would be expected around a city's main railway station nor would it appear out of context or obtrusive when considering surrounding development and the city centre locality. Having regard to the proposed building's relationship to its neighbours, I do not consider that it would be an intrusive form of development as argued in the appeal.
- 7.3.6. Overall, I consider the layout, form and scale of the buildings to be appropriate. The provision of two blocks and various set-backs successfully articulates the massing onto Lower Glanmire Road. I am also satisfied that the facades are of an acceptable quality, with a low solid to void ratio and sufficient interest in the form of projecting

balconies materials. I agree with the Council that this is a well-considered development having regard to the various site constraints and I consider that it would sit well within its context, as demonstrated by the photomontages which also demonstrate that there would be no harmful visual impacts.

7.3.7. I acknowledge the Appellant's view that the top floor should be removed and that this would align with the previous Commission decision from 2005. Whilst it would be open to the Commission to impose a condition omitting the top floor, I do not consider that this would be necessary. I share the view of the Applicant regarding the evolution of policy context in the intervening 20 years and consider that national and local policy, in addition to the surrounding townscape context, is such that a four storey development would be entirely appropriate on this central and well located site.

7.3.8. In heritage terms I do not consider that the development would have any harmful impact on the character or setting of surrounding protected structures such as Kent Station or the western public pedestrian footbridge. Furthermore, the scheme was amended at Further Information stage in order to provide an additional setback from the eastern private pedestrian footbridge which I consider to be acceptable.

7.3.9. I note the view set out in the appeal that the development would impact on the period properties of Summerhill North. Having regard to the scale and appearance of the development, and its location adjacent to the escarpment and the change in levels, I do not find that there would be any significant impact in visual terms and I further note that these properties are neither Protected Structures nor located within an Architectural Conservation Area which is located further to the north and at a higher level than the adjacent properties.

7.4. Quality of Accommodation

7.4.1. The grounds of appeal argue that the development would offer a poor quality of accommodation, that there would be insufficient open space and that future residents would be affected by noise and air pollution due to the proximity to the Kent Station railway tunnel and Lower Glanmire Road.

7.4.2. Following minor amendments at Further Information stage, I am satisfied that all units would meet the floorspace and private amenity space standards set out in the Apartment Guidelines, including safeguarding higher standards. All units would enjoy a southerly aspect with views across Kent Station towards the Docklands and the River

Lee, furthermore, approximately 68% of units would be dual aspect and I am satisfied that the units would be well lit.

- 7.4.3. I note the comments in the appeal that insufficient open space would be provided. Cumulatively the courtyard and first floor garden would meet the minimum requirements however I accept that the courtyard would be constrained due to its position between the blocks and adjacent to the high stone wall. In any event, on urban infill schemes on sites of up to 0.25ha, such as the development site, the Apartment Guidelines state that communal amenity space requirements may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality. I am satisfied that the development is acceptable in this respect.
- 7.4.4. On the matter of privacy, whilst not raised in the appeal, there is a small risk of overlooking to the main window of Apartment 6 in Block B (second floor) from users of the staircase accessing the private pedestrian bridge to the east. In my view this would be extremely limited given the private gated nature of this stair/footbridge and the very low usage. Furthermore, this façade is set back from the inside edge of the staircase by over 1 metre with the staircase wall itself providing defensible space and a relationship that would not be out of the ordinary in a city. This issue affects only one room of one apartment in the whole scheme and does not in my mind result in a significant degradation in the quality of accommodation or the level of amenity to be enjoyed.
- 7.4.5. In terms of noise, an Inward Noise Assessment was submitted at Further Information Stage. This included a baseline noise survey and notes that trains entering and leaving the station do so at low speed and it was noted that train noise was audible but at a significantly lower level compared to road traffic. I have considered the report as well as the response from the Council's Environment Section, who raised no objections, subject to conditions.
- 7.4.6. Subject to achieving an acoustic performance of 60dB Rw from the masonry elements of the block façade and compliance with the recommended acoustic related performance ratings for other materials, such as windows/doors and façade ventilators as set out in the report, it is concluded that suitable internal noise levels would be achieved. I am satisfied that an appropriate and acceptable noise environment would be provided for future residents. Whilst I note that this would not apply to the balcony

spaces as they are outdoor and unattenuated, experiencing a degree of noise on balconies would not be uncommon or unexpected in city centre locations.

- 7.4.7. On the matter of future residents being affected by air pollution, I do not find that this would be demonstrably different to other properties in the city centre. The homes would be elevated above ground with an open aspect and appropriate ventilation to ensure that no significant adverse impacts would ensue.

7.5. Amenity

- 7.5.1. The Appellants submit that the proposal would have an adverse impact on residential amenity in terms of overlooking, loss of privacy, loss of outlook, reduced security due to readily providing access to the cliff top from the flat roofs and external walkways, increased noise and disturbance, odours and emissions, and reduced property values.
- 7.5.2. When considering the nature of the site, the significant change in levels by virtue of the escarpment, and the design of Blocks A and B, I am of the view that there would be no effect on neighbouring privacy or outlook. The roofs would not be used as an amenity space and as such concerns regarding overlooking to properties on Summerhill North are unfounded.
- 7.5.3. No access would be provided from the site to the private pedestrian footbridge and as such I have no security concerns. Arguments that access to the clifftop would be readily available from the roofs and external walkways are not realistic in my view. Furthermore, the amended scheme draws the eastern façade of Block B back from the private footbridge, ensuring that adequate room would be provided for maintenance. I do not find that users of the footbridge have any reasonable expectation of privacy when using this pedestrian route. The Commission should note that an updated elevation of the eastern façade of Block B was not submitted. However, I consider that the plans provide sufficient information to assess the impact on this section of Block B on the footbridge and an updated elevation can be secured by condition.
- 7.5.4. On the matter of noise and odours I do not consider that the development would pose a risk to the amenity of any surrounding properties, and I do not anticipate noise or odour to be beyond that reasonably expected and accepted from urban residential developments. Having regard to the foregoing, I do not agree that there would be any

amenity impacts of such significance that there would be negative effects on property values.

- 7.5.5. I note concerns raised in the appeal that the apartments would be largely rented to short term and transient tenants with no interests in the locality, or property maintenance and would create an imbalance in the community. These concerns are, in my view, unfounded.

7.6. Transport

- 7.6.1. Several transport related matters were raised in the appeal including that the development would not provide car parking and that it would have an impact on parking pressures in the area, that it is not clear how the site would be serviced and that it is likely to cause disruption on Lower Glanmire Road, and that it would result in the creation of a traffic hazard and interfere with pedestrian rights of way.
- 7.6.2. It is my view that a car free development would be in complete alignment with national guidance that seeks to minimise or wholly eliminate parking in well located urban locations, as set out in the Compact Settlement Guidelines. In my view, the proposed site is ideally situated to be proposed as car free given its location in the City Centre, directly opposite Kent Station and the multitude of bus routes on lower Glanmire Road. The car free proposal was acceptable to the transport section of the Planning Authority and I note that apartments do not qualify for parking permits. I am therefore satisfied that there would be no significant impact as a result of providing a car free development. I also note that there are lay-bys to the east that would facilitate servicing and delivery to the development.
- 7.6.3. I accept that there may be some disturbance to Lower Glanmire Road during construction. In many respects this is inevitable on urban sites if development is to come forward and I am satisfied that this would be appropriately managed through a Construction Management Plan. Having regard to the nature and layout of the proposal, I do not agree that any rights of way would be adversely affected.

7.7. Other Matters

- 7.7.1. The Appellants dispute the ownership of the cliff to the north on the basis of a description from a conveyance report from 1958. The Applicant asserts that they are the owner of the site, supported by information submitted at Further Information stage

including deeds of Conveyance and a Land Registry compliant map and Declaration of Identity. This issue was addressed by the Planning Authority in the Further Information request where the Applicant's submission of proof of ownership was accepted. Certainly, from the information available to me, it would seem that the cliff face is in the ownership of the Applicant. In any event, this is not a matter on which the Commission can adjudicate. As set out in Section 5.13 of the Development Management Guidelines, the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land, these are ultimately matters for resolution in the Courts. In this regard, it should be noted that, as section 34(13) of the Planning Act states, a person is not entitled solely by reason of a permission to carry out any development.

- 7.7.2. Further concerns have been raised by the Appellants regarding the stability of the cliff and the site boundaries, including how they would be maintained and repaired. I note that Iarnród Éireann also raised some concerns regarding potential structural impacts on the arched tunnels under Lower Glanmire Road, the stone boundary wall, and that the location of the Kent Station railway tunnel needs to be taken account of in terms of its location, prevailing geological conditions, and the need to demonstrate that the method and sequencing of construction would not adversely affect the tunnel.
- 7.7.3. This matter was addressed at Further Information stage. The Applicant submitted a report prepared by Denis O'Sullivan Consulting Engineers titled 'Boundary Treatment' and dated December 2023. This report notes that the cliff will require geotechnical inspection and sets out various steps that would be undertaken pre-commencement including inspection by a professionally qualified engineering geologist, stabilisation works, use of rockfall barriers and a rockfall mitigation strategy. In terms of future maintenance of the cliff the report notes that the building is stepped back from the cliff face with designated inspection points and that detailed inspection would be undertaken using rope access techniques. The issue raised by the Appellants regarding the cliff are matters that I consider could appropriately be dealt with by way of condition. However, given that a pre-commencement geotechnical survey is provided for within the application documents as set out above, I do not consider that a standalone condition is necessary.
- 7.7.4. The report also addresses the stone wall and arched tunnels under Lower Glanmire Road to the south of the site. Whilst noting that the site would need to be excavated

immediately to the rear of the southern stone boundary wall, it is not expected that the arched tunnels extend beneath the site. In any event, the Applicant's report advises that a detailed method statement would be formulated prior to commencement. In terms of the Kent Station railway tunnel, the report notes that this is located 7 metres to the west of the site boundary, that the proposed building would be located a further 7 metres back from this boundary and that the extent of reduced dig is set back a further 10 metres from the western edge of the building. It is therefore submitted that excavation works would be 24 metres from the railway tunnel. In any event, the report provides for a comprehensive investigation and detailed method statement, in collaboration with Iarnród Éireann prior to works commencing. Again, whilst this is a matter that I consider could be suitably addressed by way of condition, the provisions of the application documents are such that I do not consider a standalone condition to be warranted. Should the Commission disagree, then a condition could be applied. Further concerns raised by Iarnród Éireann regarding openings in the stone wall being outside of the Applicant's ownership were fully addressed at Further Information stage.

7.8. Conditions

- 7.8.1. I note the view of the Appellants that the conditions imposed by the Planning Authority do not address the concerns of objectors and that they are standard conditions with little relevance to the site/locality. In my opinion, the conditions imposed by the Council are reasonable and there are no amenity issues of such significance that a suite of bespoke conditions would be required.
- 7.8.2. Condition 6 recommended by the Planning Authority relates to a standard pre-commencement bat survey as recommended by the Biodiversity Officer. An Ecological Report was submitted at Further Information stage which included a bat survey and invasive species survey. The report was completed by a suitably qualified NPWS licensed ecologists. In terms of bats, the Ecological Report notes that the area is high intensity urban with high levels of light pollution and that the site itself is fragmented from surrounding habitats. The survey considered the site, trees and manmade structures.
- 7.8.3. The site is considered to be of low suitability for foraging and commuting bats due to the scale of suitable habitat and fragmented nature of the site. No evidence of roosting bats was identified, and the report concludes that it is not likely to occur within the site.

Furthermore, the report states that there is limited suitability for roosting bats on the site, with only minor crevices identified within the wooden structures of the concrete footbridge and no evidence of roosting bats identified.

- 7.8.4. Having regard to the results of the bat survey that has already been completed, I consider that Condition 6 should be amended such that it seek to ensure no change in the existing baseline condition and to confirm the absence of roosting bats prior to commencement. I have included an amended condition in Section 12 below.

8.0 AA Screening

- 8.1. I have considered the proposal in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in Cork City Centre, c. 4km from the Cork Harbour SPA which is the nearest European site. The development comprises the provision of new apartments. No appropriate assessment issues were raised as part of the appeal. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European site. The reason for this conclusion is as follows:

- The nature and scale of the works including connection to municipal drainage services.
- The significant separation distance from the nearest European site and lack of meaningful connections.
- The screening determination of the Planning Authority.

- 8.2. I conclude, on the basis of objective information, that the development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and development Act 2000) is not required.

9.0 Water Framework Directive

- 9.1. There are no water courses in the immediate vicinity of the appeal site. The proposed development comprises the construction of 19 apartments. No water deterioration

concerns were raised in the planning appeal. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

9.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- The nature and scale of the works;
- The location of the site in a serviced urban location, the distance from the nearest water bodies, the lack of direct hydrological connections and the current status of the groundwater body.

9.3. I conclude on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

10.0 Recommendation

10.1. I recommend that the Commission uphold the decision of Cork City Council and grant planning permission subject to conditions, for the reasons and considerations set out below.

11.0 Reasons and Considerations

11.1. Having regard to the provisions of the Cork City Development Plan 2022-2028, including the ZO1 Sustainable Residential Neighbourhood zoning objective for the area and the relevant policies and objectives of the development plan in addition to the Building Height Guidelines, Apartment Guidelines, and Compact Settlement Guidelines, and having regard to the scale, form, design, and layout of the proposed development, and to the pattern of development in the area, it is considered that,

subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities or character of the area or of property in the vicinity, would have no significant transport or traffic impacts, and would overall promote the efficient development of housing on an accessible and sustainable site, would not seriously injure the residential amenity of dwellings in the area, would not be prejudicial to public health, and would comply with the policies and provisions of the development plan, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The 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 22nd December 2023 and the 22nd March 2024, 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.

Reason: In the interests of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development. In default of agreement the matter in dispute shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of visual amenity.

3. 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 reducing waste and encouraging recycling.

4. 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 practice for the development, including:
 - (a) Location of the site and materials compound including areas identified for the storage of construction refuse.
 - (b) Location of areas for construction site offices and staff facilities.
 - (c) Details of site security fencing and hoardings.
 - (d) Details of construction logistics and 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 queuing of construction traffic on the adjoining road network.
 - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
 - (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
 - (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
 - (j) 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.

(k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.

(l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

(m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety and environmental protection

5. Proposals for an estate/street name, house/apartment 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/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) 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 placenames for new residential areas.

6. To ensure no significant change in baseline conditions, prior the commencement of felling/works, trees and buildings with bat roosting potential shall be surveyed by a suitably qualified Ecologist who is appropriately qualified and experienced in undertaking bat surveys and in line with best practice at the appropriate time of year to confirm the absence of roosting bats. In the event that a previously undetected bat roost is identified, the applicant shall acquire a derogation under Regulation 54 of the European Communities (Bird and Natural Habitats) Regulations 2011 prior to the commencement of the relevant works. Prior to the removal of trees and/or works to building, the bat survey results, methodologies for felling/works and any derogations shall be submitted for the written agreement of the planning authority.

Reason: For the protection of bats, a protected species.

7. All areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company. Details of the management company contract, and drawings/particulars describing the parts of the 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 this development in the interest of residential amenity.

8. 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 interests of visual amenity.

9. Prior to the occupation of the development, a Mobility Management Plan (MMP)/Travel Plan shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling and walking by residents. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport.

10. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste, and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment 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 plan.

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

11. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where proposals have been submitted and agreed in writing with the Planning Authority.

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

12. No additional development other than that shown on the approved plans shall take place above roof parapet 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 visual amenities of the area.

13. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply and wastewater collection network. All works shall comply with Uisce Éireann's Connection and Developer Services Standard Details and Code of Practice.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

14. 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 the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees and landscaping. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

15. All drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council

for such works and services. Prior to the commencement of development, the developer shall submit all drainage details to the Planning Authority for written agreement.

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

16. 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 transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

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 for the area.

17. 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 provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local 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 taken in charge.

18. 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.

19. The developer shall pay to the planning authority a financial contribution in respect of 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.

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.

Terence McLellan
Senior Planning Inspector

7th October 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-319702-24
Proposed Development Summary	Part demolition of stone boundary, construction 19 no. apartments and all associated site works.
Development Address	Site between 81 & 82 Lower Glanmire Road (opposite Kent Station), Cork City.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2.
	☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☐ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10 (b) (i) >500 dwellings

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-319702-24
Proposed Development Summary	Part demolition of stone boundary, construction 19 no. apartments and all associated site works.
Development Address	Site between 81 & 82 Lower Glanmire Road (opposite Kent Station), Cork City.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposal is for residential apartments in a built up urban area. The increased height and scale are not considered to result in significant environmental effects. Demolition works would be minor in scale and whilst some excavation would be required, this would not be significant in the context of the environment. Construction materials and activities would be typical for an urban residential development of this nature and scale. The use of fuels and materials would be typical for construction sites. Construction impacts would be local and temporary in nature and could be suitably managed through a Construction Environmental Management Plan. In terms of accidents, no significant risk is anticipated having regard to the nature and scale of the development. Any risk arising from demolition and construction will be localised and temporary in nature. No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites,	The area is mixed use in nature with residential being a significant use. The development would conform to the residential nature of the locality. There would be no significant impact on any protected areas, protected views, built or natural heritage or European Sites.

densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	All development has the potential for some impacts/disturbance during the construction phase such as noise, vibration, dust, air quality and traffic. However, these impacts would be short term and temporary and can be appropriately managed and mitigated by way of conditions and the implementation of a detailed Construction Environmental Management Plan. Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area. It is noted that the site is not designated for the protection of the landscape or natural heritage and is not within an Architectural Conservation Area.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)