



An
Coimisiún
Pleanála

Inspector's Report ABP-320353-24

Development	Permission for the demolition of structures and construction of 14 apartments, together with all associated site works.
Location	Site fronting onto York Street and Wellington Road, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	24/42765
Applicant(s)	Ballygifford Holdings Limited
Type of Application	Planning Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party against the Decision
Appellant(s)	John Hannon
Observer(s)	None
Date of Site Inspection	6 th May 2025
Inspector	Phillippa Joyce

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1.0 Site Location and Description

- 1.1. The appeal site is located at the junction of Wellington Road and York Street, north of Cork City centre. The site, on the southwestern side of the junction, is rectangular in configuration, and indicated as measuring 0.055ha. The site has an east-west orientation, with a street frontage along Wellington Road of c.33m.
- 1.2. The site accommodates a part single/ part 2 storey industrial building, with a concrete yard to the rear. The building is vacant, in a state of disrepair, featuring mainly blank external walls and a barrel vaulted galvanise roof. Access can be gained to the building/ the site by way of two vehicular accesses (with metal shutters), one on both Wellington Road and on York Street.
- 1.3. The topography of the area is notable, with ground levels increasing steeply from MacCurtain Street in a northerly direction along York Street (towards the site at the end of the street). Across the site, ground levels rise steadily from c.15.3m OD at the southern (rear) boundary to c.17.7m OD at the northern (front) boundary onto Wellington Road.
- 1.4. The area surrounding the site is predominantly residential in use (including B&B's, hostels and guesthouses), comprising historic buildings and older housing stock with building heights ranging from 2 storeys to 4 storeys over basement level.
- 1.5. Adjacent to the west of the site is Sidney Place, a terrace of 2-storey dwellings. On the northern side of Wellington Road are 3 -storey and 4-storey over basement properties. While opposite the site on the eastern side of York Street, is a terrace of 3-storey and 4 storey dwellings. The site of the former Thompson's Bakery is adjacent to the site's southern boundary and includes a distinctive brick chimney structure.
- 1.6. On street-parking is in operation along Wellington Road, with two large mature trees in place within the public footpath. Double-yellow lines extend along York Street adjoining the site to the east. York Street facilitates one-way, north-bound vehicular traffic only with on-street parking along the eastern side of the road.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of existing structures on site, and the construction of a residential building with 14 no. apartments (8 no. 1 bedroom and 6 no. 2 bedroom units). The proposal includes all ancillary site development works for access, plant, bicycle/ bin storage and amenity areas.
- 2.2. The site clearance works include the demolition and removal of existing structures and hardstanding, indicated as measuring c.575sqm. The proposed building has an inverted 'L' shaped building footprint, a high-site coverage (occupying the majority of the site), and an indicated floorspace of 1,363sqm.
- 2.3. The building is five storeys in height, with apartment accommodation at ground to third floor levels, and ancillary communal floorspace at the lower ground floor level (refuse storage, cycle parking, an amenity room, and a plant room). Also at the lower ground floor level is an open courtyard, centrally located, adjacent to the southern site boundary. At the third-floor level is a roof terrace area, sited in the southeastern corner of the floor level.
- 2.4. The front elevation of the proposed building is onto Wellington Street (northern site boundary) and gable elevation onto York Street (eastern site boundary). Due to the topography of the site, the main access into the building is from Wellington Road, from street/ surface level into the ground floor level. Access into the site to the lower ground floor (ancillary space and courtyard) is from proposed gateways (pedestrian, cyclist) located on York Street.
- 2.5. The proposal does not include any off-street car parking, and servicing is through connections to the existing public networks (water mains, and combined wastewater and surface water sewer).
- 2.6. During the assessment of the application, Further Information (FI) was requested by the planning authority (see Section 3.0 below for details). In response to the FI request (RFI), the applicant revised the proposed development.
- 2.7. Key revisions include the setting back of the third-floor level (fifth storey, western corner of floor plan), which resulted in changes to the internal layout of the building and to the proposed apartment mix (9 no. 1 bedroom and 5 no. 2 bedroom units). Other revisions include changes to the front elevation design (brickwork, rainwater

goods). Clarity is also provided in respect of compliance with apartment accommodation standards.

- 2.8. I consider there to be planning merit in the revisions made to the proposed development at RFI stage and recommend to the Commission that regard is had to same in the assessment of this appeal.

3.0 Planning Authority Decision

3.1. Summary of Decision

- 3.1.1. The application was lodged to the planning authority on 15th March 2024. The planning authority granted permission for the proposed development on 11th July 2024, subject to 26 conditions. This is a third-party appeal against the planning authority's decision to grant permission.
- 3.1.2. The 26 conditions attached to the grant of permission are standard in nature relating to construction (times, management of traffic, waste, and noise), operational (access to/ use of amenity areas, energy use, waste management, noise levels), technical requirements (external finishes, cycle parking, public lighting, water services), and financial (section 48 development contribution, section 49 supplementary development contribution).

3.2. Planning Authority Reports

3.2.1. Planner's Reports

Initial Assessment

The planner's report includes an assessment of the proposed development under the following headed items:

- Principle of Development
- Density
- Building Height
- Unit Mix
- Unit Sizes and Amenity Provision
- Design and Layout (Conservation of Built Heritage and Visual Impact)

- Potential Impacts on Residential Amenity
- Part V
- Traffic Regulation and Safety
- Drainage (Surface Water)
- Waste (Construction and Operational)
- Other Matters (Arboriculture)

All headed items are assessed as being acceptable and/ or recommended to be addressed by condition except in respect of Unit Sizes and Amenity Provision, and Design and Layout. The initial assessment concludes with a recommendation that Further Information (FI) be requested from the applicant.

Further Information Assessment

On 9th May 2024, a FI request issued to the applicant on five items including:

- Revise design of building by reducing/ setting back the western side of the upper storey (third floor level).
- Provide for vertical detailing on the front elevation of the building.
- Clarity required on rainwater goods details.
- Address discrepancies between the HQA and floor plans.
- Clarity required on number of units exceeding the minimum floor areas.

The FI response (RFI) was submitted to the planning authority on 14th June 2024.

On assessment, the planning authority found the RFI to be satisfactory, such that the proposal would be acceptable under the previous headed items.

Recommendation

The planning authority concluded the proposal complied with the policy context set by the development plan and was of a nature and scale that would not seriously injure the residential or visual amenities of the surrounding area and would be in accordance with the proper planning and sustainable development of the area.

3.2.2. Other Technical Reports

Conservation Officer: FI requested. Subsequent report, no objection subject to condition.

Traffic: Regulation and Safety Report: No objection subject to condition.

Drainage Division: No objection subject to condition.

Environment: No objection subject to condition.

Contributions: No objection subject to condition.

Housing: No objection (Part V exemption due to size of site).

3.3. **Prescribed Bodies**

Inland Fisheries Ireland: requires indication from Uisce Eireann/ planning authority that there is sufficient capacity in the public wastewater system to cater for the proposal.

Uisce Eireann: No report received (Note: applicant has included the UE Confirmation of Feasibility in Engineering Services Report, Appendix A).

3.4. **Third Party Observations**

- 3.4.1. The planning authority records indicate four third-party submissions were received during the assessment of the application, and summarises the key issues raised.
- 3.4.2. I have reviewed the submission on the case file and confirm several of the issues raised therein continue to form the basis of the appeal grounds, which are outlined in detail in Section 6.0 below.

4.0 **Planning History**

Appeal Site

ABP 313228-22, PA Ref. 22/40799

Permission refused to the applicant on 9th August 2023 for the demolition of existing structures and construction of a 5-storey residential development of 23 no. apartments (22 no. 1-bedroom and 1 no. 2-bedroom units).

Permission was refused for one reason, as follows:

1. *The proposed development, which is predominantly characterised by one-bedroom units, does not comply with the unit mix for apartment developments on city centre sites as identified in Tables 11.3 and 11.5 of the Cork City Development Plan 2022- 2028. In addition, the proposed development does not provide high-quality, communal open space for future occupants of the scheme. As such, the proposed development would be contrary to development plan standards regarding unit mix and the development management standards for communal open space contained in the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in December 2022. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

Planning history at the appeal site dates from 2003. For details, I direct the Commission to the applicant's Planning Report (pgs. 11-13) and the planning authority's initial report (pgs. 1-4).

5.0 Policy Context

5.1. Section 28 Ministerial Planning Guidelines

- 5.1.1. Certain national planning guidelines are applicable to the proposed development (a residential scheme comprising apartments in an area of architectural heritage. The guidelines include Specific Planning Policy Requirements (SPPRs), the achievement of which is mandatory for residential developments.
- 5.1.2. Relevant guidelines include the following (my abbreviation in brackets):
 - Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024, (Compact Settlement Guidelines).
 - Section 3.3 requires that densities in the range of 100dph-300dph should be applied for new residential developments in 'City – Centre' sites in Cork City.
 - Section 5.3 requires the achievement of residential standards:

- SPPR 1 – Separation Distances requires a minimum of 16m between opposing windows serving habitable rooms at the rear or side of apartments above ground floor level.
 - SPPR 3 – Car Parking specifies that in city centre locations car-parking provision should be minimised, substantially reduced or wholly eliminated.
 - SPPR 4 – Cycle Parking and Storage requires a general minimum standard of 1 no. cycle storage space per bedroom (plus visitor spaces), a mix of cycle parking types, and cycle storage facilities in a dedicated facility of permanent construction (within or adjoining the residences).
 - Section 5.3.7 – Daylight indicates that a detailed technical assessment is not required in all cases, regard should be had to standards in the BRE 209 2022, a balance is required between poor performance and wider planning gains, and that compensatory design solutions are not required.
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2023 (Apartment Guidelines).
 - Section 3.0: Apartment Design Standards includes several SPPRs and design criteria for apartment units as follows:
 - SPPR 2 (for urban infill sites of less than 0.25ha, no restriction/ flexible provision/ discretion on unit mix), SPPR 3 (minimum floor areas and, by reference to Appendix 1, minimum storage, private open space areas for 1 and 2 bedroom units), SPPR 4 (33% to be dual aspect units in central locations with further discretion to reduce % on sites less than 0.25ha), SPPR 5 (minimum 2.7m requirement for ground level floor to ceiling height), and SPPR 6 (maximum of 12 apartments per floor level per core).
 - Private amenity space for ground floor units shall incorporate appropriate boundary treatment to ensure privacy and security.

- Private amenity space should be located to optimise solar orientation and designed to minimise overshadowing and overlooking.
- Ground floor apartments located adjoining the back of a public footpath or other public area, should be provided with a 'privacy strip' (c.1.5m in depth).
- Section 4.0: Communal Facilities in Apartments includes:
 - Refuse storage areas should be of sufficient size, not present any safety risks to users, be well-lit, not on the public street, visible to or accessible by the general public.
 - Communal amenity space, which is well-designed and maintained, will contribute to meeting the amenity needs of residents.
 - Accessible, secure and usable outdoor space is a high priority for families with young children and for less mobile older people.
 - Appendix 1 indicates the minimum required areas for public communal amenity space (1 bed as 5sqm, 2 bed as 7sqm).
 - In general, a clear distinction with an appropriate boundary treatment and/ or a 'privacy strip' should be between private and communal amenity space.
- Architectural Heritage Protection, Guidelines for Planning Authorities, 2011 (Architectural Heritage Guidelines).
 - Section 3.10 Criteria for Assessing Proposals within an Architectural Conservation Area – proposals for new development and proposals for demolition.

5.2. Cork City Development Plan 2022-2028

- 5.2.1. The applicable development plan for the appeal case is the Cork City Development Plan 2022-2028 (CDP). The CDP contains map-based designations and policy in several chapters which establish the context for the proposed development.
- 5.2.2. The relevant CDP map-based/ mapped designations include:

- The site is zoned as ZO 01 ‘Sustainable Residential Neighbourhoods’ which seeks ‘*To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses*’ (Vol 2, Map 1: City Centre/ Docklands).
- The site is located in the southwest corner of the Wellington Road/ St. Luke’s Architectural Conservation Area (ACA).

5.2.3. The relevant CDP policy and objectives¹ include:

- Chapter 1 Introduction
 - Strategic Objective SO1 Compact Liveable Growth: ‘Deliver compact growth that achieves a sustainable 15-minute city of scale providing integrated communities and walkable neighbourhoods, dockland and brownfield regeneration, infill development and strategic greenfield expansion adjacent to existing city’.
- Chapter 3 Delivering Homes and Communities
 - Policy in Section 3.46: ‘Cork City Council will support infill development to optimise the role that small sites in the City can play in providing new homes for Cork’s expanding population.’
 - Objective 3.4 Compact Growth: ‘Cork City Council will seek to ensure that at least 66% of all new homes will be provided within the existing footprint of Cork...Optimising the potential for housing delivery on all suitable and available brownfield sites will be achieved by: ...e. The development of small and infill sites...and n. Identifying and promoting the development potential of brownfield, small sites...to enable progress towards achieving compact growth targets...’
 - Objective 3.9 ...Infill Development...: ‘Cork City Council will support and encourage...infill development in principle to ensure that...small

¹ Note: In this subsection I have cited the CDP policies and objectives which have not been otherwise provided in the case file. I direct the Commission to the applicant’s Planning Report (pgs. 7-11) and the planning authority’s initial report (pgs. 6-14) for other CDP policy and objectives in full.

sites ... are utilised for new housing supply whilst still ensuring high standards of residential amenity for existing adjoining homes.'

- Chapter 8 Heritage, Arts and Culture
 - Policy in Section 8.36: 'New development in Architectural Conservation Areas should have regard to existing patterns of development, the city's characteristic architectural forms and distinctive use of materials. However, it is expected that new development should generally reflect contemporary architectural practice and not aim to mimic historic building styles'.
 - Objective 8.23 Development in Architectural Conservation Areas.
 - Objective 8.24 Demolition in in Architectural Conservation Areas.
- Chapter 11 Placemaking and Managing Development
 - Policy in Section 11.28 Building Height – Table 11.1 contains the building height strategy, to be applied in assessing development proposals (applicable to the appeal site are target heights of 4-6 storeys in the City Centre).
 - Objective 11.1 Sustainable Residential Development
 - Policy in Section 11.72 Residential Density – Table 11.2 indicates density targets across the city (applicable to the appeal site are a density range of minimum 100dph with no upper limit for the City Centre).
 - Policy in Section 11.76 Dwelling Size Mix, and Objective 11.2 – developments between 10 and 50 units to comply with target dwelling size mix (applicable to the appeal site are Tables 11.3 and 11.5 for the City Centre, flexibility allowed for if justified on the basis of market evidence).
 - Sections 11.87 – 11.124 list various quantitative and qualitative standards that apartments are required to comply with range of national planning guidelines and achieve acceptable levels of future residential amenity.

- Policy in Section 11.102 Separation Distances: ‘There are no minimum separation distances for front and street-facing elevations, and distances will generally be derived by the street typology’.
- Policy in Section 11.139 Infill Development: ‘...infill development will be encouraged within Cork City. New infill development shall respect the height and massing of existing residential units. Infill development shall enhance the physical character of the area by employing similar or complementary architectural language and adopting typical features (e.g. boundary walls, pillars, gates / gateways, trees, landscaping, fencing, or railings)’.
- Section 11.248 Cycle Parking – 1 cycle parking space per residential unit in city centre locations.
- Chapter 12 Land Use Zoning Objectives
 - Policy in ZO 1.1 and ZO 1.2.

5.3. Natural Heritage Designations

- 5.3.1. The appeal site is not located in or immediately adjacent to a European Site, a Natural Heritage Area (NHA) or a proposed NHA (pNHA).
- 5.3.2. The European site designations in proximity to the appeal site include (measured at closest proximity):
 - Cork Harbour SPA (004030) is c.2.96km to the southeast.
 - Great Island Channel SAC (001058) is c.8.47km to the east.
- 5.3.3. The pNHA designations in proximity to the appeal site include:
 - Douglas River Estuary pNHA (001046) is c.2.96km to the southeast.
 - Cork Lough pNHA (001081) is c.1.88km to the southwest.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. This is a third-party appeal against the decision of the planning authority to grant permission for the proposed development. The appellant has given an address

opposite the appeal site, at 2 York Street. The appeal grounds include the following issues:

Height and Scale

- Adverse impact on the appellant's property, a four-storey Georgian style residence (on National Inventory of Architectural Heritage (NIAH) register) and part of one of the limited terraces of such Georgian houses in the city.
- Height of proposal is excessive.
- Would seriously reduce the light to the residential homes on York Street.
- Proposal would completely overshadow the appellant's property, removing natural light.
- Residents would be required to entirely depend on artificial light.
- Width of the road is c.30 feet and daylight would be blocked from all rooms in appellant's house (4 storeys).
- No basis in planning authority report for finding there to be no adverse impact on residential amenity (including from overshadowing).
- Disputes the gradient indicated for York Street in the plans and particulars.

Loss of Privacy

- Proposal has 17 windows and 4 stairwells overlooking the appellant's property.
- Major loss of privacy to appellant's house (front windows serve bedrooms).
- Major concern of overlooking impacts from users of the roof top terrace.

Noise Pollution

- Major intensification of residential activity at the site, with several windows and open balconies.
- Significant potential for noise pollution especially at night-time in an older established residential area of the city.
- Roof top terrace is a particular concern as a source of noise pollution through use by residents and guests.
- Not suitable in this location.

Overdevelopment of the Site

- Potential for 40 residents on a restricted site represents overdevelopment.
- Ground conditions are unsuitable for large excavation, potential risk for subsidence and structural damage to the appellant's property (200 years old, high risk).

Lack of Parking Facilities

- No parking provided in the development.
- Highly unlikely future occupants will be car free.
- Very limited parking in the area and this will place further strain on available spaces for existing residents.

6.2. Applicant Response

6.2.1. A response has been received from the applicant on the appeal, in respect of each of the five headed items as listed in the appeal grounds:

- Height and Scale
- Loss of Privacy
- Noise Pollution
- Overdevelopment of the Site
- Lack of Parking Facilities

6.2.2. The key points made in the applicant's response to the appeal are considered, as relevant, in section 7.0 Planning Assessment of this report below.

6.3. Planning Authority Response

6.3.1. No response has been received from the planning authority on the appeal.

6.4. Observations

6.4.1. None.

7.0 Planning Assessment

7.1. Introduction

7.1.1. Having reviewed the appeal, examined the documentation on the case file, inspected the site, and had regard to the relevant policy context and planning guidance, I consider that the main issues in the appeal to be as follows:

- Principle of Development
- Planning History
- Architectural Heritage
- Density of Development
- Design, Layout and Height
- Residential Amenity
- Parking and Transportation
- Other Matters

I propose to address each item in turn below.

7.1.2. As outlined in Section 2.0 above, the proposed development was revised in response to the Further Information request (RFI), and the following assessment is based on the revised scheme.

7.2. Principle of Development

7.2.1. In the Cork City Development Plan 2022-2028 (CDP), the appeal site and adjacent lands to the north, east (including the appellant's property), and west are zoned as ZO 01 'Sustainable Residential Neighbourhoods' which seeks to protect and provide for residential uses and amenities. Adjacent lands to the south (including the former Thompson's Bakery site) are zoned as ZO 05 'City Centre'.

7.2.2. The proposed development is for an apartment scheme, with ancillary residential amenities, which would provide 14 residences and thereby meet the housing needs of several new households. As discussed in this assessment, I consider the proposal to satisfactorily balance complex planning issues of protecting existing residential amenity whilst also achieving compact urban growth, respecting the character of the ACA, and providing high quality modern infill residential development.

- 7.2.3. I consider the proposal is designed to have the minimum reasonable impact on, thereby protecting, the residential amenity of existing properties in the vicinity of the site and will provide acceptable accommodation standards for the future residents. As such, I consider the proposal complies with the stated zoning objective of ZO 01.

7.3. Planning History

- 7.3.1. There is a lengthy planning history at the appeal site, dating from 2003, for redevelopment proposals seeking the demolition of existing structures and the construction of residential schemes. The third-party appeal includes references to same, highlighting the permissions which have been refused for the redevelopment of the site.
- 7.3.2. I identify the most recent and relevant planning history as ABP 313228-22, PA Ref. 22/40799 whereby the Board refused permission for a 5-storey residential development of 23 no. apartments. The applicant had proposed amendments to the scheme in the first party appeal (involving a reduction of units, overall building form and heights were unchanged). Notwithstanding, permission was refused for one reason relating to non-compliance with CDP unit mix for apartment developments (excessive number of one-bedroom units), and the absence of high-quality, communal open space for future occupants of the scheme as required by the Apartment Guidelines.
- 7.3.3. In the proposed development, notable differences include a reduction in total number of units from 23 to 14 (with a corresponding reduction in residential density from c.418dph to c.254dph), increased floor areas for the proposed apartment units, and the provision of ancillary residential amenities (such as the proposed amenity room and courtyard area at lower ground floor level). As discussed in this assessment, I find that the basis for the refusal reason cited in ABP 313228-22, PA Ref. 22/40799 has been addressed in the proposed development.
- 7.3.4. Notably, I highlight to the Commission that while permission was refused for the previous scheme, the demolition of the structures on-site, the design, height, scale, and massing of the apartment building (which is similar to the current proposal), and its impact on the character of Wellington Road/ St. Luke's Architectural Conservation Area (ACA) were found to be acceptable.

7.4. Architectural Heritage

- 7.4.1. Appeal grounds include the adverse impact the proposal will have on the appellant's property, a Georgian period dwelling, c.200 years old. Concerns relate to the proposal's height and scale having an overbearing effect on the period property and its setting, and the potential for structural damage to be caused due to the age of the property.
- 7.4.2. I note that while the property is listed in the National Inventory of Architectural Heritage (NIAH), the property is not designated as a protected structure in the CDP. The appellant's property and appeal site are both located within the Wellington Road/ St. Luke's ACA. The relevant policy context is therefore determined by CDP policy in Section 8.36 (see section 5.0 above) and Objectives 8.23 and 8.24.
- 7.4.3. In terms of impact on architectural heritage, I acknowledge the proposed development differs in scale and height from the appellant's property, I do not find the differences between the buildings to be excessive (4-5 storeys, principal height c.2.3m taller, wider street frontages), nor inconsistent for this city centre context (existing dense urban fabric, predominantly terrace rows, with high site coverages and plot ratios), nor injurious to the historic character of York Street or to the setting of individual buildings (streamlined elevational treatment and proportions, the period terrace row has a distinctive form which is complemented not overpowered by the modern architectural design approach of the proposal).
- 7.4.4. In terms of the potential for structural damage during construction works, I note that the application includes a Construction and Waste Management Plan (CWMP) which outlines the proposed construction phase process. Further, in the event of permission being granted, I recommend a final Construction and Environmental Management Plan (CEMP) be agreed with the planning authority (including several measures such as management of ground vibrations, and record of daily checks).
- 7.4.5. I acknowledge the appellant's concerns and the importance of the architectural heritage of the appellant's property (NIAH listed, within the ACA). However, in having regard to the topography of the area, I consider that below-ground level construction as proposed to be common in city centre locations such as the appeal site. There is no specific evidence presented in the appeal demonstrating that the proposed development would endanger the appellant's property (which is not directly adjacent to but on the opposite side of the road).

- 7.4.6. I consider that structural impacts are largely dependent on construction management practices and there is an onus on the developer to protect adjoining properties as a matter of civil law. Accordingly, these issues are largely outside the scope of the planning process. For planning purposes, I am satisfied that the applicant has demonstrated that adequate space and construction techniques are available to implement the development without causing significant structural impacts.
- 7.4.7. In terms of the impact of the proposal on the wider Wellington Road/ St. Luke's ACA, I have reviewed the documentation on the case file including pre-planning consultations, the applicant's Architectural Heritage Impact Assessment, Design Statement, and Photomontages, the Conservation Officer's initial and RFI reports, and the recommended conditions to be attached, including final agreement with the planning authority on external materials.
- 7.4.8. I concur with the positions of the applicant and planning authority, finding that the proposal reflects contemporary architectural practice, does not mimic historic building styles, features appropriate elevational features and external materials consistent with the character of period structures in the ACA, and provides a replacement structure that enhances the character of the ACA more than the retention of the original structure. In this regard, I am satisfied that the proposal complies with applicable CDP policy in Section 8.36, and Objectives 8.23 and 8.24, and similar policy in Section 3.10 of the Architectural Heritage Guidelines.
- 7.4.9. In the event of a grant of permission, I recommend conditions be attached to safeguard the architectural heritage of the area through the naming of the scheme (to have a historic and/ or topographical basis), ensure agreement on the final selection of external materials and finishes (as per the Conservation Officer report for the brick types, zinc cladding, metal balustrades, windows, external doors and rainwater goods), and implement the recommendations of the Architectural Heritage Impact Assessment (pre-demolition building record, protection of the limestone kerbing on York Street).

7.5. Density of Development

- 7.5.1. Appeal grounds include that the proposal represents overdevelopment of the site, causes excessive activity at the site, and results in adverse impacts associated with an increase in population therein. Related, I identify the requirements of the

Compact Settlement Guidelines in respect of achieving appropriate densities for new residential developments as a relevant matter.

- 7.5.2. The proposed development has a residential density of c.254dph. In its decision, the planning authority considers the proposed density to be acceptable, referring to the CDP target density range for city centre developments of a minimum of 100dph with no upper limit.
- 7.5.3. From the Compact Settlement Guidelines, I identify that the appeal site comes within the scope of 'City – Centre', the most central and accessible urban locations nationally, for which a residential density in the range of 100dph to 300 dph is required to be applied.
- 7.5.4. Related, the proposal is an infill development in a brownfield location. There is a strong policy context supporting the provision of new homes in small infill sites, such as the appeal site. The proposal maximises the potential of this underutilised small site, delivers several new homes within the existing footprint of the city, and achieves compact sustainable growth at an urban location near a range of amenities.
- 7.5.5. Accordingly, while I acknowledge the appellant's concerns regarding the potential overdevelopment at the site, in principle, I find that the proposal in terms of density and form of infill development complies with a range of national and local policy context requirements. Specifically, I consider the proposal to comply with CDP Strategic Objective SO1, Section 3.46, Objective 3.4, Objective 3.9, Section 11.72 with Table 11.2, and ZO 1.1 (see section 5.0 of this report above).
- 7.5.6. With regard to the impacts associated with the density of development at the site, the appellant calculates an increase in population of c.40 persons to the area once the proposal is occupied.
- 7.5.7. While I acknowledge the change in context for the appellant, given the current underutilised nature of the site, I have reviewed the 2022 Census. The appeal site and appellant's property are within the St. Patrick's A Electoral Division, which has a population of 1,955 persons. The proposed development would represent a c.2% increase in population. I consider this proportion of population growth to be well within acceptable parameters for the Electoral Area and this part of Cork City, which offers a wide range of facilities and services.

7.6. Design, Layout and Height

- 7.6.1. Key issues pertaining to the design, layout and height of the proposal include the extent to which it is an appropriate design response for an area of architectural heritage (which I have discussed previously), and its success as an infill development at a visually prominent corner location.
- 7.6.2. As initially applied for, the proposed development is a 4-5 storey, apartment building with a stated floor area of 1,363sqm. In the RFI, the design of the building was revised by reducing/ setting back the western side of the upper storey (third floor level) with a minor change in apartment unit mix. I consider there to be planning merit in same, and the revised plans are the subject of this assessment. Save for the revisions referred to above, the proposed development remains largely as initially applied for. I positively note the revision, which reduces the visual impact of the upper storey and provides a more appropriate reduction in scale and stepping-down in height to the terrace row of 2 storey dwellings on Sidney Parade.
- 7.6.3. In terms of design, the proposed building features a conventional building footprint, streamlined elevational treatment, uncomplicated fenestration, door opes and roof profile, and simple external finishes and unfussy boundary treatments. The principal dimensions are relatively modest for this city centre location, including a depth of c.18.3m, width of c.33m, and height of c.15.7m. In terms of layout, the building maintains the site's configuration, presenting well-defined urban edges along two street frontages, an important design requirement for this corner location. In terms of height, as revised, the building predominantly reads as a 4-storey structure with an upper storey setback. I consider the height of the building responds to the topography of the site, and is consistent with the surrounding building heights which vary between 2 and 5 storeys.
- 7.6.4. Overall, I am satisfied that the proposal respects the height and massing of existing residential buildings, employs a complementary architectural language, and adopts consistent boundary features with those along the main adjacent streets, thereby complying with CDP Objective 11.1, Section 11.139, and ZO 1.2.
- 7.6.5. For the reasons outlined above, I find that the proposed development is of a design, height, and layout respects the character of the area, is of a scale which reflects the

neighbourhood in which it is located and would not cause injury to the visual amenities of the receiving area.

7.7. Residential Amenity

7.7.1. Appeal grounds include the adverse impact the proposed development would have on the residential amenity of the appellant's property and other residences on York Street.

7.7.2. I identify other planning considerations as including compliance with the Compact Settlement Guidelines and the Apartment Guidelines, the standard of accommodation and levels of amenity for future residents achieved, and the extent to which the refusal reason in recent planning history is addressed.

Existing Residential Amenity

7.7.3. Factors which can have a bearing on existing residential amenity include overlooking, overshadowing, overbearance, nuisance associated with construction activities, and disturbance from operation (occupation) activities.

7.7.4. While I acknowledge the appeal grounds and accept that the proposal will exert a notable change on the surrounding area, a fundamental issue in considering the impact on existing residential amenity is the current nature of the site and lack of activity therein enjoyed by the appellant and properties in the surrounding area. The site is a low rise, low scale, vacant unit in an underutilised city centre site.

7.7.5. In considering the impact of the proposal on adjacent properties on York Street, I highlight key national and local policy. Firstly, from the Compact Settlement Guidelines are SPPR 1 relating to separation distances and policy in Section 5.3.7 relating to daylight. SPPR 1 requires a minimum separation distance of 16m between opposing windows however that is for side and rear windows. Properties on York Street will face onto the front of apartments on the eastern elevation of the scheme. Section 5.3.7 guides that a balance is required between loss of daylight and other planning gains. I consider that this approach is applicable in this instance due to the several planning gains arising from the redevelopment of this serviced, zoned, and underutilised site.

7.7.6. Further, in respect of separation distances, I note the express requirements of CDP Section 11.102 which states that there are no minimum separation distances for front

and street-facing elevations, and distances will generally be derived by the street typology. As outlined previously, properties on York Street are 3 to 4 storeys in height and I consider the proposed development to be consistent with same.

- 7.7.7. In respect of disturbance from construction activities, the proposal is for a single building with ancillary site works. The construction phase for such a scale of development will be short-term in duration and the effects will be temporary in nature. Construction phase impacts can be managed by way of condition (similar in effect to those attached to the planning authority's decision) in the event of permission being granted.
- 7.7.8. In respect of disturbance from operational activities, I consider that amendments can be made to the scheme to improve the residential amenity of adjacent properties including provision of obscure glazing in the stairwells, setbacks from the roof top terrace, and noise limits for same.
- 7.7.9. On balance, having regard to the above factors, I do not consider that the proposed development would seriously injure the residential amenity of existing adjacent properties, including that of the appellant's property. I find the nature (intensity of residential use), scale, and design of the proposal to comply with the applicable residential amenity requirements, including those of CDP Zoning Objective ZO 01 and Section 11.102.

Future Residential Amenity

- 7.7.10. In respect of the amenity of the future residents, I have reviewed the plans and particulars in the case file, including the RFI HQA and schedule of accommodation.
- 7.7.11. Having regard to the flexibility allowed for in national and local policy for urban infill sites (see section 5.0 of this report above), I am satisfied that the proposal provides an acceptable residential unit mix of 1 and 2 bedroom units (9 and 5 respectively) for this city centre location which is in proximity to several conventional family and larger homes.
- 7.7.12. I also consider the proposal accords with CDP policy and the SPPR requirements in the Compact Settlement Guidelines and Apartment Guidelines by providing quality accommodation with adequate dimensions, sizes, dual aspects, storage areas, and private amenity space. I am satisfied that the proposal overcomes the previous

refusal reason cited in ABP 313228-22, would ensure a satisfactory level of residential amenity (by supplementing the accommodation through the provision of residential amenity facilities, particularly the amenity room at lower ground level), and thereby meet the housing needs of several new households.

- 7.7.13. To further ensure the amenity of future residents, I recommend the attachment of conditions requiring the establishment of a management company for the scheme, the provision of obscure glazing around/ at the ends of balconies and the roof top terrace, and measures to manage the use of the residential amenity facilities and roof top terrace.

7.8. Parking and Transportation

- 7.8.1. Appeal grounds include opposition to the absence of on-site car parking for residents and concerns regarding the impact of overspill car parking in the surrounding area which is already under pressure.
- 7.8.2. While I acknowledge the appellant's concerns, I note the highly accessible city centre location of the site, and its proximity to several modes of transport, services and facilities. There is a strong policy context supporting reduced provision of car parking spaces in infill developments such as the proposal (CDP Table 11.13 indicates a maximum standard of 0.5 car parking spaces for 1 to 2 bedroom units in city the centre). Indeed, SPPR 3 of the Compact Settlement Guidelines requires that on-site parking be minimised, substantially reduced or wholly eliminated. I note the planning authority's traffic section raised no issue in relation to the absence of on-site parking.
- 7.8.3. I consider that the provision of 26 bicycle parking spaces (c.2 spaces per apartment, satisfying the requirements of CDP 11.248) in a dedicated store at the lower ground floor level of the proposal to be reasonable and sufficient to meet a portion of the private-transport needs of residents and visitors.
- 7.8.4. I note the nature of the planning authority conditions relating to transportation and concur with same in respect of agreement on items such as public lighting, entrances, footpaths. Accordingly, subject to conditions, I consider that the proposed development can be safely accessed and would not create a traffic hazard for road users.

7.9. Other Matters

- 7.9.1. For the Commission's clarity, the proposal does not attract a Part V requirement (the applicant secured an exemption certificate) but does attract a section 49 supplementary contribution towards the Cork Suburban Rail Project.
- 7.9.2. Further in relation to conditions, I recommend the implementation of the Arboricultural Assessment Report as part of the traffic related condition due to its association with trees in the public footpath, and that standard An Coimisiún Pleanála conditions apply in respect of water services and drainage.

8.0 Appropriate Assessment

8.1. Screening Determination for Appropriate Assessment

- 8.1.1. In accordance with section 177U(4) of the Planning and Development Act 2000, as amended (2000 Act), and on the basis of objective information, I conclude that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (Stage 2) under section 177V of the 2000 Act is not required.
- 8.1.2. This conclusion is based on:
- Nature, scale and location of the proposed development.
 - Qualifying interests and conservation objectives of the European sites.
 - Absence of any meaningful pathways to any European site.
 - Distances from European sites.
 - Standard pollution controls and project design features that would be employed regardless of proximity to a European site and the effectiveness of same.
- 8.1.3. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

9.0 Environmental Impact Assessment

- 9.1. The proposal is of a class of development identified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended (2001 Regulations) for the purposes of Environmental Impact Assessment (EIA). Accordingly, I have undertaken a pre-screening exercise and preliminary examination of the proposed development (see Appendix 1 and Appendix 2 respectively of this report below).
- 9.2. By taking into account the nature and scale of the proposed development, the location of the site on zoned and serviced lands within an existing built-up area and outside of any sensitive and/ or designated location, the existing pattern of development in the vicinity, the information and reports submitted as part of the application and appeal, and the criteria set out in Schedule 7 of the 2001 Regulations, I have concluded that there is no real likelihood of significant effects on the environment arising from the proposed development, and that the need for an EIA and the submission of an EIAR is not required.

10.0 Water Status Impact Assessment

10.1. Screening Determination for Water Impact Status Assessment

- 10.1.1. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive (WFD) which seek to protect and, where necessary, restore surface water and ground waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.
- 10.1.2. I conclude that the proposed development will not result in a risk of deterioration on any waterbody (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively, or on a temporary or permanent basis, or otherwise jeopardise any waterbody in reaching its WFD objectives and consequently can be excluded from further assessment.
- 10.1.3. This conclusion is based on:
- Nature, scale and location of the proposed development.
 - Objective information presented in the case file and from verified sources.

- Absence of/ proximity to closest surface watercourses.
- Lack of any meaningful hydrological connection to any waterbody.
- Use of best practice construction practices during construction phase.

11.0 Recommendation

Following from the above assessment, I recommend that permission is GRANTED for the development as proposed due to the following reasons and considerations, and subject to the conditions set out below.

12.0 Reasons and Considerations

The Commission considers that, subject to conditions, 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.

13.0 Conditions

1. a) The development shall be carried out and completed in accordance with the plans and particulars lodged with the application to the planning authority, as amended by the further information plans and particulars submitted to the planning authority on the 14th day of June 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.

b) A total number of 14 residential units are hereby permitted in this development, comprising 9 one-bedroom apartments and 5 two-bedroom apartments.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

a) Windows from ground to third floor levels serving the stairwell in the eastern elevation and serving the corridor (adjacent to the lift shaft) in the western elevation shall be fitted with obscure glazing.

b) Omission of all open railings from balconies and replacement with opaque glazed screens of a similar height. The eastern and western sides/ ends of the projecting balconies at ground to second floor levels on the southern elevation shall be opaque glazed privacy screens of not less than 1.8m in height.

c) Provision of a glazed screen, not less than 1.8m in height, adjacent to the perimeter of the parapet wall of the roof top terrace, and planters setback by a minimum of 1m from the edge of the glazed screen/ 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 the 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) 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 the 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 the 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 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) Location of the site and materials compound(s), including areas identified for the storage of construction refuse.
- c) 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 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 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) The developer shall enter into water and/ or wastewater connection agreement(s) with Uisce Eireann, prior to commencement of development.
- b) All development shall be carried out in compliance with Uisce Eireann 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 interests of visual and residential amenity.

12. The following requirements shall be implemented and/ or complied with:

- a) 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 the commencement of development.
- c) Site frontages along Wellington Road and York Street (building lines, boundary railings, entrance gates) shall be as indicated on Dwg No. A01-03 RFI Proposed Site Plan and Dwg No. 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 Dwg No. A10-01 RFI Proposed Plans (Lower Ground Floor), shall be reserved solely to serve the 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 interests of pedestrian and traffic safety, and orderly development.

13. a) All areas not intended to be taken in charge by the local 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 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.

14. a) An Operational Waste Management Plan (OWMP) containing details for the management of waste within the 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 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed OWMP.

b) The OWMP shall provide for screened communal bin stores, the locations and designs of which shall be as indicated in the plans and particulars lodged

within the application unless otherwise agreed in writing with the planning authority.

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 interests 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 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 Bord 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 Bord 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 Bord 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.

Phillippa Joyce

Senior Planning Inspector

5th August 2025

Appendix 1: Environmental Impact Assessment – Pre-Screening

1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA?	
(“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)	
<input checked="" type="checkbox"/> Yes, it is a ‘Project’. Proceed to Q2.	
<input type="checkbox"/> 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)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.	
<input checked="" type="checkbox"/> 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?	
<input type="checkbox"/> 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.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/ exceeds the threshold.	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Proceed to Q4.	Class 10(b)(i) and/ or Class 10(b)(iv) Relevant thresholds arising from Class 10(b): - Class 10(b)(i): more than 500 dwelling units. - Class 10(b)(iv): urban development in an area greater than 10ha.
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)?	
<input checked="" type="checkbox"/> No	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2: Environmental Impact Assessment – Preliminary Examination

The Commission carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. 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).

Project comprises the construction of an apartment building (14 no. units, 4-5 storeys in height) with associated site works. It does not differ significantly in terms of character or of scale from the surrounding area (i.e., established residential area characterised by 2-5 storey structures).

Project would cause physical changes to the appearance of the site during the construction and operation (occupation) works, however these would be within acceptable parameters for the receiving area, a City Centre infill site.

No significant use of natural resources is anticipated, and the project would connect into the public water supply and drainage services systems which have sufficient capacity to accommodate demands.

Construction phase activities would result in the use of potentially harmful materials (including asbestos), and cause noise and dust emissions. These would likely be typical of similar construction sites. Asbestos would be removed and disposed of in accordance with required industry standards and requirements. Conventional waste produced from construction and operational activities would be managed.

Project would not cause risks to human health through water contamination/ air pollution through the design of the scheme, connection to public water services systems, and scale of residential activity arising.

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

Project is not located in, on, or adjoining any European site, any designated or proposed Natural Heritage Area, or any other listed area of ecological interest or protection.

The site accommodates a disused industrial building with a concrete yard, and there is no evidence of the presence

natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<p>of any protected habitats, plants, or fauna species. The River Lee is the closest watercourse, located c.154m to the south of the site. However, there is no direct hydrological connection between the site and any watercourse or surface water body.</p> <p>There are no landscape designations pertaining to the site. There are no protected structures or archaeological monuments recorded at or adjacent to the site.</p> <p>The site is located within the Wellington Road/ St. Luke’s architectural conservation area (ACA), however the design, layout and external finishes of the project are sympathetic to and appropriate for the character of the ACA.</p>	
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).	<p>Amelioration of environmental impacts have been incorporated into the project’s design.</p> <p>Mitigation measures would include those required by conditions attached in the event of a grant of permission in relation to construction and operation phases.</p> <p>There are no likely significant effects identified or anticipated in terms of cumulative and/ or transboundary effects.</p>	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector: _____ Date: _____

DP/ ADP: _____ Date: _____