



An
Coimisiún
Pleanála

Inspector's Report
ABP-320353A-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

6th May 2025

Inspector

Phillippa Joyce

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1.0 Introduction

- 1.1. This is an addendum report to the Inspector's report relating to ABP 320353-24 dated the 5th August 2025.
- 1.2. On the 28th August 2025, the Commission sought further information (FI) from the applicant under section 132 of the Planning and Development Act 2000, as amended (2000 Act), requiring the following information:

'Your letter dated 20 August 2024, addressed to An Bord Pleanala in response to this appeal, submits that the design process for the proposed development included a careful analysis of what affect the proposed building would have regarding access to daylight and sunlight for the surrounding properties, and that a conclusion was reached from this analysis, that the development would not lead to unacceptable overshadowing. As this analysis is not evident on file, you are required to submit detailed particulars of the analysis undertaken of daylight and sunlight and details of how the conclusion was reached that the development would not lead to unacceptable overshadowing on the surrounding properties, including the appellant's property.'

- 1.3. The Commission received the applicant's response to the FI request on the 16th September 2025, and a submission from the appellant regarding same on the 20th October 2025.
- 1.4. In a Direction dated 31st October 2025, the Commission directed that an addendum report be prepared on the information submitted by the parties on these dates.

2.0 Response to the Commission's Decision

2.1. Applicant's Response

- 2.1.1. The applicant's response to the FI request includes a Planning Report and a Daylight and Overshadowing Study.
- 2.1.2. The key issues raised in the response as relevant to the FI request (i.e., not issues considered in my original report) can be summarised as follows:

Model Used

- Scheme design was developed using Revit/ 3D Model (geo-located to the correct coordinates and elevation).
- Model allowed the design team to accurately consider sunlight/ daylight impact iteratively as the scheme was being progressed.
- Decisions regarding the proposed building height, top floor set back, and massing were based on the results of the modelling.

Daylight and Overshadow Study

- A Daylight and Overshadow Study (DOS) was developed using the Revit/ 3D Model having regard to the BRE Guidelines (2022).
- Testing for the spring and autumn equinoxes, the DOS indicates no impact on the adjoining properties, including those to the north or east (i.e., the appellant's property), in the morning, midday or early afternoon.
- Impact from the proposed development is limited to a short window in the mid-late afternoon.
- However, the existing building on site currently contributes to a degree of overshadowing of adjacent properties.
- Scheme's design has taken due account of daylight and sunlight considerations, ensuring that the quality of the living environment for both new and existing residents is maintained.

Receiving Environment and Site Context

- Site is an inner urban site, surrounded by buildings in close proximity to one another. A degree of overshadowing is typical in such inner urban areas.
- Highlights that the existing 4 storey buildings to the east of York Street overshadow the subject site during the morning period.
- Such reciprocal overshadowing impact is typical in inner urban locations.
- Certain level of impact, particularly in relation to daylight and sunlight is unavoidable in high density urban environments.

- Relating to impact, refers to Section 5.3.7 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024.

Planning Authority Assessment

- During pre-planning meetings with Cork City Council, the overall height of the building was reduced and the top floor setback on the north and east elevations to lessen any potential impact.
- Proposal designed to ensure compliance with CDP requirements in respect of density and building heights.
- Cork City Council completed a thorough assessment of the application, clearly considering the items raised in the third-party submission.

3.0 Further Submissions

3.1. The Commission circulated the applicant's response to the FI request to the planning authority and appellant. Under section 131 of the 2000 Act, the parties were invited to make submissions or observations.

3.2. Third Party Submission

3.2.1. The key issues raised in the appellant's response to the information submitted by the applicant (i.e., not issues considered in my original report) can be summarised as follows:

Background

- Disputes applicant's findings of no impact from the proposal on the appellant's property on March 21st at 15.00 and 18.00, and September 21st at 15.00 and 18.00.
- Contends that the proposed development has the following effects:
 - March 21st at 15.00, approximately 50% of the windows will have light impacts.

- March 21st at 18.00, every window and all floors of appellant's property will be impacted and suffer a major reduction in daylight and will lose daylight.
- September 21st at 15.00, approximately the windows and rooms on the left-hand side of No 2 York Street for 3 floors will have light impacts.
- September 21st at 18.00, every window and all floors of No 2 York Street will suffer a major reduction in daylight and will lose daylight.
- No evaluation of whether the level of shadowing will increase (i.e., the intensity of light obstruction) and whether the quality of daylight will be reduced.
- The intensity of light loss has not been evaluated in the applicant's DOS.
- No details of relevant metrics referred to in the BRE guidance document such as the annual Probable Sunlight hours (APSH), Winter Probable Sunlight Hours (WPSH) that are of particular relevance in the appeal case.
- Not clear what the metrics are for these important criteria to support the applicant's assertion that a negligible impact will occur as a consequence of the proposed development.
- Reaffirms objection to the proposed development.
- Too high, too intensive, and will have a major adverse impact on appellant's property and adjacent properties in York Street due to loss of daylight and the extent of overshadowing.

3.3. Planning Authority Submission

3.3.1. No submission was received from the planning authority.

4.0 Planning Assessment

4.1. Overview

- 4.1.1. This planning assessment relates to the Board's section 132 request, the applicant's FI response, and the third-party's response to same.
- 4.1.2. I identify the main issues for consideration in this addendum report to be:

- Daylight and Overshadowing
- Residential Amenity
- Proper Planning and Sustainable Development

I propose to address each issue in turn below.

4.2. Daylight and Overshadowing

- 4.2.1. The applicant outlines the architectural design process undertaken for the proposal. This includes the use of Revit to create a 3D model imagery which was in turn used by an architectural consultancy to undertake daylight and sunlight analysis of the proposal.
- 4.2.2. In the FI response, the applicant has included the Daylight and Overshadowing Study (DOS), the contents of which I have reviewed and noted.
- 4.2.3. The DOS includes images of the existing situation and that of the proposed development on March 21st and September 21st at 9.00, 12.00, 15.00, and 18.00. The images allow a comparison to be undertaken for the different times of the days.
- 4.2.4. The applicant submits that the DOS indicates there to be a negligible impact on the adjoining properties (none morning, midday or early afternoon, some in the mid/ late afternoon). The appellant disputes this position, outlining the overshadowing apparent in the images.
- 4.2.5. The applicant also indicates that through the use of the model, review of accepted planning history at the site, and pre planning consultations with the planning authority, the design of the proposal had been amended prior to lodgement.
- 4.2.6. The overall height of the building had been reduced by c.1m and the top floor setback on the north and east elevations by c.1.2m to ameliorate the potential impact on the receiving area.

4.3. Residential Amenity

- 4.3.1. The impact of the proposed development on the residential amenity of the appellant's property due to loss of daylight and overshadowing are key to the appeal assessment.
- 4.3.2. As noted in my original report, the appellant's property is located to the east of the appeal site. Due to this orientation, the rear of the appellant's property enjoys the

morning-early afternoon sun, and the front of the property also enjoys the late afternoon-evening sun.

- 4.3.3. This is largely as a result of the appeal site accommodating an existing low-rise structure (part 1-2 storeys). The scale of the existing building at the site is notably lower than other buildings on Wellington Road and York Street (2-4 storeys), including that of the appellant's property (3 storeys). In my original report, I had highlighted the favourable conditions at the site (a low rise, low scale, underutilised city centre site) presently enjoyed by the appellant.
- 4.3.4. From my review of the DOS, and having regard to the recommendations of the BRE Guidelines which advise assessing overshadowing conditions of existing properties on the 21st March, I note the following:
 - At 9.00, the front elevation (seven windows) of the appellant's property is in full shadow in the existing and proposed scenarios (windows serving rooms in the rear elevation inferred to be in full sunlight as no obstruction to same).
 - At 12.00, same conditions for the front elevation in the existing and proposed scenarios.
 - At 15.00, the front elevation is not in shadow in the existing scenario, and in partial shadow in the proposed scenario (partial shadow cast on two of seven windows).
 - At 18.00, the front elevation is in partial shadow (full shadow on one of seven windows) in the existing scenario, and in full shadow in the proposed scenario.
 - The DOS indicates the gradual overshadowing of windows in the front elevation of the appellant's property during the hours of 15.00-18.00 on 21st March.
 - The proposed development will cause a loss of daylight to these windows in the late afternoon-early evening from the existing situation.
- 4.3.5. The appellant is critical that the applicant has not undertaken a detailed analysis of the impact of the proposal on his property, including not providing any metrics, such as the APSH and WPSH.

- 4.3.6. While I acknowledge this to be the case, I note that the appellant has not indicated which rooms are served by the windows in the front elevation (i.e., habitable, or non-habitable), and which rooms are served by windows in the rear elevation, which would be necessary to inform the requested analysis.
- 4.3.7. Nor has the appellant provided any analysis demonstrating the nature and extent of the claimed impact on his property during the processing of the application/ appeal (i.e., as a third-party submission, appeal, or this appeal response).
- 4.3.8. In any event, I highlight relevant guidance for this appeal case relating firstly to the scope of the BRE Guidelines and secondly on assessing daylight and sunlight impact. Firstly, as noted by the applicant, the BRE Guidelines state that ‘...The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer.’ That being, the BRE Guidelines are not a statutory binding document.
- 4.3.9. Secondly, the Compact Settlements Guidelines (Section 5.3.7) accept the potential for (a) material impact(s) on a neighbouring property(ies) to arise in cases where the buildings are close together and where higher buildings are involved. Importantly, the guidelines advise that planning authorities do not need to undertake a detailed technical assessment in relation to daylight performance in all cases.
- 4.3.10. The guidelines conclude that there is a need to balance an assessment of underperformance or finding of material impact against the desirability of achieving wider planning objectives. Such objectives may include securing comprehensive urban regeneration and/ or an effective urban design and streetscape solution. I consider that this approach is applicable in the appeal case as there are several planning gains arising from the redevelopment of this serviced, zoned, and underutilised site.

4.4. Proper Planning and Sustainable Development

- 4.4.1. As requested by the Commission, this addendum report has considered the information submitted by the parties on the matter included in the section 132 request.
- 4.4.2. I consider that the design process as outlined by the applicant is rational, logical, and reasonable. The process involved design alternatives and pre-planning consultation

with the planning authority. The process identifies an impact on adjacent properties including that of the appellant and justifies same accordingly. I consider that the Commission can rely on the design process as outlined by the applicant.

- 4.4.3. Having regard to the applicable policy context (that outlined above relating to overshadowing, and the range of national and local policy in my original report), I find the proposed development accords with the proper planning and sustainable development of the area.
- 4.4.4. For the Commission's clarity, I confirm the screenings undertaken for the environmental assessments included in my original report remain valid.

5.0 **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.

6.0 **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.

7.0 **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, and the particulars received by An Coimisiún Pleanála on the 16th day of September 2025 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the 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

8th December 2025