



An
Coimisiún
Pleanála

Inspector's Report PL-500113-CC

Development	Permission for installation of a self-contained coffee unit for sale of coffee and refreshment and all associated site works.
Location	Site Adjacent to 7 Eldred Terrace, Douglas Road, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2544058
Applicant(s)	Cudedge Ltd
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Cudedge Ltd
Observer(s)	Brendan Sheehan on behalf of residents of Cross Douglas Road.
Date of Site Inspection	23rd December 2025
Inspector	Bernadette Quinn

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.0191ha and is located on the southern side of Douglas Road, approx. 50m northwest of the junction with Cross Douglas Road and 100m southeast of the junction with Bellair estate. The eastern boundary of the site directly adjoins Douglas Road and there is no footpath along this section of the road. The western boundary contains a brick wall with an opening providing for vehicular access to a site compound. The site comprises a hard surfaced area and is in use for vehicular parking. There are no line markings delineating parking spaces.
- 1.2. A terrace of seven no. two storey dwellings, Eldred Terrace is located to the south beyond which is a junction with Cross Douglas Road. There is no footpath along the section of Douglas Road between the appeal site and the junction with Cross Douglas Road. A cul-de-sac, Beechwood Place, is located to the north beyond which is a terrace of dormer dwellings. On the opposite side of the road there are detached two storey dwellings. The area is largely characterised by residential use along with a dental clinic immediately to the north on Beechwood Place and a florist to the south at the junction with Cross Douglas Road. The adjoining site to the west is undeveloped.

2.0 Proposed Development

- 2.1. The application seeks permission for the installation of a self-contained coffee unit for sale of coffee and refreshments and all associated site works. The unit has a flat roof with a stated gross floor area of 14.6sqm, height of 2.59m, width of 2.4m and length of approximately 6m. Three no. hatched openings and an access door are proposed.
- 2.2. A revised site layout plan submitted with the appeal includes details of proposed timber fencing, benches and green area, a loading area for delivery/waste collection, planters, and proposed bike racks

3.0 Planning Authority Decision

3.1. Decision

On 23/09/2025 Cork City Council (CCC) issued notification of the decision to refuse permission for two reasons as follows:

1. The proposed development would endanger public safety by reason of traffic hazard because of the serious pedestrian and vehicular conflict which it would generate on the adjoining road. The proposed development would also generate pedestrian traffic across a busy road and would endanger public safety by reason of traffic hazard and obstruction of road use.
2. Having regard to the pattern of development of the area, it is considered that the proposed development would constitute a disorderly form of development which would have a negative visual impact on the residential character of the area. The proposed development would not be a positive contribution to the character of the neighbourhood and would set an undesirable precedent for similar future developments in the area. It is considered that the proposed development would not be in accordance with Strategic Objective 9 of the Cork City Development Plan 2022 – 2028 and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report dated 18/09/2025 can be summarised as follows:

- The development is to be located in an area currently used as an unregulated parking area located between and in close proximity to the Douglas Road – Northwest Architectural Conservation Area to its west and Elderred Terrace Architectural Conservation Area to its east.
- There are concerns regarding the proposed design of the unit and the suitability of the site to accommodate it. The proposed development is considered haphazard and temporary in nature and would be contrary to the pattern of development of the area and established character of the area.

- The proposed development is considered to have a negative impact on the visual amenities of the area and would therefore be contrary to the Cork City Development Plan 2022 - 2028, Strategic Objective 9 which requires development to 'have a positive contribution to its receiving environment..., and that respects the character of the neighbourhood'.
- The development would set an undesirable precedent for similar development in the area.
- The location of the proposed development raises traffic safety concerns. The Traffic: Regulations & Safety Report recommended refusal as traffic pulling in and out of the proposal will create a road safety hazard as there is potential for multiple conflict points between vehicles, and vehicles and pedestrians both on the Douglas Road and in the parking area.
- The area is in control of Cork City Council who have not issued a letter of consent.
- The site is not included as a location for casual trading licences.
- It is recommended that permission is refused.

The reports of the Senior Executive Planner and the Senior Planner concur with the recommendation of the Assistant Planner to refuse permission.

3.2.2. Other Technical Reports

Contributions: No objections

Environment: No objections

Urban Roads: Request further information

Traffic Regulation & Safety: Refusal recommended

Roads Operations: The area is in control of CCC. The recommendation to refuse permission is concurred with.

3.3. Prescribed Bodies

None on file.

3.4. Third Party Observations

Third party observations received raise concerns relating to land ownership, access to adjoining lands, planning history of the area, appeal site is used for parking, noise, traffic safety, inadequate site notices, precedent, and impact of proposal on access to a planned LRD on the adjoining site.

4.0 Planning History

There are no recent planning applications on the appeal site.

Adjoining site to west:

0832906 / PL28.230780 Permission granted by the PA and ACP for a residential development of 106 units. Vehicular access to the permitted development was proposed through the subject appeal site. This permission has expired.

1637053 / 249264: Permission granted by the PA and ACP for a residential development of 204 units. Vehicular access to the permitted development was proposed through the subject appeal site. This permission has expired.

5.0 Policy Context

5.1. Cork City Development Plan 2022-2028

The appeal site is zoned Objective ZO 01 Sustainable Residential Neighbourhoods with the objective to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.

Paragraph ZO 1.1 states that the vision for sustainable residential development in Cork City is one of sustainable residential neighbourhoods where a range of residential accommodation, open space, local services and community facilities are available within easy reach of residents.

Paragraph ZO 1.2 states that development in this zone should generally respect the character and scale of the neighbourhood in which it is situated.

Paragraph ZO 1.3 states that the primary uses in this zone include residential uses, crèches, schools, home-based economic activity, open space and places of public worship.

Paragraph ZO 1.4 states that uses that contribute to sustainable residential neighbourhoods are also acceptable in principle in this zone provided they do not detract from the primary objective of protecting residential amenity and do not conflict with other objectives of this Development Plan. Such uses include but are not limited to: small-scale local services including local convenience shops; community facilities; cultural facilities; hotels and hostels; live-work units; service stations (petrol filling stations); local medical services; third level education institutes; community based enterprise or social enterprises, health facilities including hospitals.

Chapter 11 relates to Placemaking and Managing Development and includes the following of relevance:

Strategic Objective 9 - To develop a compact, sustainable City by ensuring the creation of attractive, liveable, diverse, safe, secure and welcoming and well-designed urban places, communities and neighbourhoods that enjoy a high quality of life and well-being. Proposals for new development will follow a design-led approach with sustainable, high-quality, climate-resilient placemaking at its core. Development should have a positive contribution to its receiving environment delivered by innovative architectural, landscape and urban design, that respects the character of the neighbourhood, creates a sense of place, and provides green spaces and community and cultural amenities commensurate with the nature and scale of the development.

Paragraph 11.12 refers to placemaking and states: All new development should enrich the urban qualities of the city and its towns, villages and suburbs. A high standard of design is essential to this process, as well as the fostering socially and economically viable communities. Creating a distinctive sense of place which takes into account context, character and setting is essential. Development proposals will be assessed on the visual characteristics of the built form and related elements such as aspect and orientation, proportion, the balance of solid to void, the shapes and details of roofs, chimneys, windows and doors and the materials used. Details of walls, gates, street furniture, paving and planting will also be noted. Roof forms

should harmonise with and not clash with the city's traditional pitched roof forms. Layouts of buildings and spaces must be designed to ensure that areas are permeable, pleasant, legible and safe.

Paragraph 11.185 relates to cafés / restaurants wherein relevant considerations include the effect of noise, fumes, hours of operation, and general disturbance on nearby amenities and residents and traffic implications including adequate and safe delivery areas. Paragraph 11.186 relates to hot food takeaways / fast-food restaurants.

Paragraph 11.199 relates to street furniture and states that it is an objective to control the location and quality of these structures in the interests of creating a high-quality public realm. All outdoor furniture provided by private operators should be to the highest quality, preferably of good contemporary design avoiding poor historic imitation and respect the overall character of the area and quality of the public realm. They shall be located so as to prevent any obstruction or clutter of all footpaths and paved areas including landings.... The applicant is required to submit details of the location, design, specification and quality of the proposed elements of street furniture.... In considering applications for outdoor tables and chairs, the planning authority shall have regard to the following: 1. Size and location of the facility; 2. Concentration of existing street furniture in the area; 3. The visual impact of the structure, particularly in relation to the colour, nature and extent of advertising on all ancillary screens; 4. Impact on the character of the streetscape; 5. The effects on the amenities of adjoining premises, particularly in relation to hours of operation, noise and general disturbance; 6. Impact on access and visibility.

Map Based Objectives:

Douglas Road - Northwest ACA is located to the north and south of the site. The ACA is described as lining the southern side of the northwest part of Douglas road namely Beechwood Place, Eldred Terrace, Fernwood, Belmont Place, Laurel Wood and Pinewood and comprising 6 terraces of painted rendered houses dating from the late 19th and early 20th centuries and are an attractive group example of middle-class suburban development of the time.

5.2. Natural Heritage Designations

The appeal site is not located in or immediately adjacent to a European Site, a Natural Heritage Area (NHA) or a proposed NHA (pNHA). The closest European sites are Cork Harbour SPA (Site Code 004030) located approx. 1.5 km southeast of the site and Great Island Channel SAC (Site code 001058) located approx. 8 km east of the site

5.3. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

One no. first party appeal against the Planning Authority's decision to refuse permission has been received. The appeal includes a revised site layout plan relating to the proposed development. The grounds of appeal can be summarised as follows:

- Details of land ownership are outlined. These details were accepted by CCC and An Coimisiun Pleanala in relation to previous planning applications on the adjoining lands which required a letter of consent from the owners of the appeal site.
- The adjoining site to the south is in use as an unauthorised construction compound served by an unauthorised entrance which was recently created through the centre of the application site.

- No communication has been received from CCC indicating that the appeal site was acquired, taken in charge or in the control of CCC.
- Permission reference 08/32906 was granted on the adjoining lands (former Nemo Rangers GAA ground and former FCA premises) for residential development on the basis that a lease had been granted to the Department of Defence and reassigned to CCC for the temporary use of the appeal site. However, control of the site had returned to Coolmore/Newenham Estate when the lease expired. This permission was granted on appeal on the incorrect assumption that the lease had not yet expired and the lands were still under the control of CCC.
- Permission reference 16/37053 on the above-mentioned lands required the appeal site to construct the proposed vehicular entrance from the Douglas Road. In assessing this application CCC stated that the subject appeal site is not in public ownership and has not been taken in charge. CCC and An Coimisiun Pleanala (ACP) accepted a letter of consent from Michael Powell Solicitors on behalf of the owners of the land, the Newenham Estate. This confirms that on the date of the Board's decision on 05th May 2018 it had been established that the appeal site is not in public ownership and has not been taken in charge. A submission to the subject planning application by Dildar (owners of the adjoining lands) contradicts the evidence submitted in relation to land ownership.
- There is no documentary evidence to support submissions that the site is in the control of CCC.
- The planning officer's assessment is undermined by the fact that it overlooked that the site is in private ownership. The planning officer failed to have regard to details on previous planning applications including a Senior Planner's report which concludes the site is not in public ownership.
- The applicant recognises that the proposal is located on a site which represents the main feasible access into the land behind wherein residential development has been permitted. However, permission has not been implemented, and the applicants are not aware of any plans to develop the lands.

- An interim use such as that proposed could readily be removed or amended.
- No customer parking is proposed at the site. Proposals for bicycle racks and customer seating are included with the appeal.
- The concept is for a pocket park with short term seating with fencing and planters. Sufficient space will be provided for deliveries and servicing without compromising road safety.
- The proposal would not be visually intrusive and would address existing concerns regarding road safety in terms of pedestrian amenity and vehicular movements. The proposal will result in removal of unpermitted parking spaces compromising traffic safety and will improve the visual impact of the site.
- In relation to the PA comments that the site is not on the list of potential sites for refreshment/coffee stations, it may not have been considered for such uses as it had previously formed part of planning applications on adjoining lands.
- A copy of unsolicited additional information submitted by the applicant to the PA and which was not accepted by the PA is attached to the appeal which includes details from planning application 16/47053 which states that it has been established that the site is not in public ownership and is not taken in charge by the local authority.

6.2. Planning Authority Response

None received.

6.3. Observations

One observation has been received on behalf of residents of Cross Douglas Road. The issues raised can be summarised as follows:

- The appeal site is part of the public realm and has been used for parking by local residents who have maintained the area.
- Residents in the area were unaware of the planning application as the site notice was removed and refixed numerous times.

- There are concerns in relation to traffic safety.
- The proposal is not in keeping with the existing built environment and will set a precedent for similar developments.

7.0 **Assessment**

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

- Principle of Development
- Land Ownership
- Design & Layout
- Traffic Safety
- Other Matters

7.2. The appeal includes a revised site layout plan which includes details of proposed timber fencing, benches and a green area, a loading area for delivery/waste collection, planters, and proposed bike racks. I have concerns regarding the revised proposals submitted with the appeal which provide for the replacement of the existing car parking area with cycle parking, seating, a loading bay for delivery and waste collection and planters which I consider is materially different to the original planning application and that members of the public have not been afforded the opportunity to comment on these elements of the proposal. I therefore recommend that the Commission disregard the site layout plan submitted with the appeal and consider the proposal as submitted to the Planning Authority.

7.3. **Principle of Development**

7.3.1. Chapter 12 of the Cork City Development Plan 2022-2028 sets out the Land-use Zoning Objectives for the City. The appeal site is zoned ZO 01 – Sustainable Residential Neighbourhoods with a stated objective ‘To protect and provide for residential uses and amenities, local services and community, institutional,

educational and civic uses.’ Paragraph ZO 1.1 notes that the provision and protection of residential uses is a central objective of this zoning and envisages that a range of local services and community facilities are available and easily accessible to residents. Paragraph ZO 1.4 lists various uses within this zoning objective as acceptable in principle. Examples given of such uses include small-scale local services including local convenience shops, community facilities, hotels and hostels, and service stations (petrol filling stations).

- 7.3.2. I consider the use of the site for sale of takeaway coffee complies with the objective to provide for a range of small-scale local services and is acceptable in principle subject to a detailed assessment as outlined below.
- 7.3.3. I note the first party’s reference to the Council’s list of potential sites for refreshment/coffee stations and that the appeal site may not have been included thereon due to its inclusion in a previously proposed residential development on the adjoining site. I note that the PA reference in this regard refers to locations for casual trading licences. I do not consider it a requirement that the site be included as a location for a casual trading licence or identified as a potential site for a coffee station in order for the proposal to be considered. As noted above I am satisfied that the proposed use is acceptable in principle on a ZO 01 zoned site.
- 7.3.4. The first party refers to the use of the appeal site for access to the adjoining undeveloped residential lands and considers that an interim use such as that proposed, which can readily be removed or amended, is appropriate for the site. I note that the area of the appeal site was indicated as an area for vehicular access under previous planning permissions on the adjoining site (as outlined in Section 4 above) and that these permissions have expired. I note that an observer to the appeal outlines that a LRD is currently being planned, however, I note a planning history search of the area indicates no current planning application on this adjoining site. I consider each application should be assessed on its merits and I do not consider potential access to the adjoining site is relevant to the assessment of this appeal, noting that there is no permission in place for development on the adjoining site.

7.4. Land Ownership

- 7.4.1. The appeal outlines details of the applicant's site ownership and states that the PA incorrectly asserts that the site has been taken in charge. An observation to the appeal states that the appeal site forms part of the public realm and is used as an area for parking for local residents.
- 7.4.2. The planning officer's report notes that the appeal site is in the control of Cork City Council (CCC) who have not issued a letter of consent. The report goes on to state that notwithstanding this the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land and notes section 34(13) of the Planning Act.
- 7.4.3. The planning application form outlines details of the stated owner of the site and includes a letter of consent in this regard. I note no evidence has been submitted by any of the parties in relation to site ownership. I note that documents attached to a third party submission on the file state that the area is in the charge of CCC and the Planning Officer's report also states the site is in control of the Council.
- 7.4.4. I note that the area of the appeal site was indicated as providing vehicular access under planning permissions on the adjoining lands to the west in 2008 and 2016 and that both the PA and ACP accepted details of landownership relating to the appeal site for the purposes of consent to making these planning applications and that this consent was provided by the current stated owners. Having considered the information available on file I am satisfied that the applicants have demonstrated sufficient interest to make the planning application.
- 7.4.5. Notwithstanding the above, I note for the Commission that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land. In this regard, it should be noted that Section 34(13) of the Planning Act (as amended) states that a person is not entitled solely by reason of a permission to carry out any development. Should planning permission be granted and should the appellants or any other party consider that the planning permission granted by the Commission cannot be implemented because of landownership or title issue, then Section 34 (13) of the Planning and Development Act 2000 is relevant.

7.4.6. In relation to the first party's case that the planning officer's assessment is undermined by the fact that it overlooked that the site is in private ownership and that they failed to have regard to details on previous planning applications relating to site ownership, I do not consider this to be the case, noting the PA assessment of the proposal, the reference to Section 34 (13) of the Act, and the reasons for refusal therein which do not relate to land ownership.

7.5. **Design & Layout**

7.5.1. The PA's second refusal reason considers that the proposal would constitute a disorderly form of development which would have a negative visual impact on the residential character of the area, would not be a positive contribution to the character of the neighbourhood and would not be in accordance with Strategic Objective 9 of the Cork City Development Plan. In assessing the proposal, the Planning Officer considered the proposal to be haphazard and temporary in nature and would be contrary to the pattern of development of the area and that it would have a negative impact on the visual amenities of the area.

7.5.2. Strategic Objective 9 seeks 'to develop a compact, sustainable City by ensuring the creation of attractive, liveable, diverse, safe, secure and welcoming and well-designed urban places, communities and neighbourhoods that enjoy a high quality of life and well-being. Proposals for new development will follow a design-led approach with sustainable, high-quality, climate-resilient placemaking at its core. Development should have a positive contribution to its receiving environment delivered by innovative architectural, landscape and urban design, that respects the character of the neighbourhood, creates a sense of place, and provides green spaces and community and cultural amenities commensurate with the nature and scale of the development'.

7.5.3. The pattern of development surrounding the appeal site is largely comprised of residential use in the form of terraces of houses on the same side as the appeal site and detached two storey dwellings on the opposite side of the road. A dental clinic and florist are also located close to the site on the same side of Douglas Road. Existing dwellings along this side of Douglas Road are included within the Douglas Road – Northwest Architectural Conservation Area (ACA). I note that the scale of the development is not excessive in the context of existing development and the ACA.

However, I note that no details of material finishes have been submitted and that the proposal appears to be a metal container type structure. Whilst I acknowledge that the proposal will support diversity by introducing an additional use in this largely residential area, I consider that the elevational treatment is of insufficient architectural quality and would result in an uncoordinated and piecemeal development which is substandard in terms of design and layout. I agree with the PA that it will appear haphazard and temporary and as such I consider the proposal fails to contribute to a quality urban environment and therefore has the potential to result in a negative impact on the visual amenities of the area.

- 7.5.4. I therefore am not satisfied that the proposal would be in accordance with the provisions of the Development Plan, including Strategic Objective 9 and paragraph 11.12 which requires new development should enrich the urban qualities of the city and have a high standard of design. Having regard to the design and layout proposed I do not consider that the proposed development would provide for a quality urban environment in accordance with the requirements of the development plan and I consider the proposal would constitute a substandard form of development. I do not agree with the first party that the proposal will improve the existing visual impact of the site and I do not consider the removal of what the first party describes as unpermitted parking spaces to provide a sufficient basis for granting permission.
- 7.5.5. Having regard to the above I consider the proposal is contrary to Strategic Objective 9 and paragraph 11.12 of the Cork City Development Plan and I recommend that permission is refused.
- 7.5.6. If the Commission decides to consider the revised site layout submitted with the appeal, I note Development Plan Paragraph 11.199 relating to street furniture which seeks to control the location and quality of these structures in the interests of creating a high-quality public realm. I note that limited information is included in the revised site layout plan and I am not satisfied that the proposal will support the creation of a high quality public realm in accordance with this paragraph of the Development Plan.

7.6. Traffic Safety

- 7.6.1. The appeal site has a length of approx. 31m and its width at the location of the proposed coffee unit is approx. 5m. The area has a tar surface and at the time of my site visit a number of cars were parked on the site. Signs affixed to the site state 'private parking strictly residents only'.
- 7.6.2. The PA Urban Roads & Street Design report raises concerns in relation to conflict and collisions between pedestrians and drivers accessing/egressing the car parking spaces and also between drives accessing/egressing the car parking spaces and drivers on Douglas Road and safe segregation of users of the facility within the car park area walking to the facility and drivers. Concerns are also raised in relation to the car park layout arrangement for drivers to carry out safe turning manoeuvres and details of a designated set down area. The report recommends that further information be requested.
- 7.6.3. The PA Traffic: Regulation & Safety Report notes that Douglas Road is a regional road and that the site is located between two signalised junctions and that the road is regularly congested and is on a bus route with no footpaths on the southern side of the road where the development is proposed. Concerns are raised in relation to the absence of a designated entry/exit point, that no car or cycle parking is proposed and that it is unclear whether any existing parking will be retained. The report concludes that traffic accessing the proposed development will create a road safety hazard and in the absence of pedestrian facilities it will be difficult for pedestrians to access the proposed development safely. The report recommends that permission is refused as the proposal would endanger public safety by reason of traffic hazard because of the serious pedestrian and vehicular conflict it would generate on the adjoining road as a result of pedestrian traffic generated which would endanger public safety.
- 7.6.4. A report from the Roads Operations section raises concerns relating to traffic movements due to limited visibility due to the alignment of the road and recommends refusal.
- 7.6.5. Whilst I note that the proposal is not of a scale which will give rise to significant volumes of traffic in its own right, I note the comments of the PA Traffic report that the site is adjacent to a congested regional road between two signalised junctions. At

the time of my site inspection I noted the traffic volumes on the road were high and I consider the PA's assessment that this is a congested road is reasonable. I also observed the absence of a footpath between the site and the public road. I agree with the planning authority that the proposed development has the potential to create a traffic hazard. I consider the potential for traffic hazard arises as a result of potential conflict between traffic on Douglas Road passing the site and customers accessing the coffee unit. I consider this is likely to be exacerbated due to the absence of a footpath fronting the site and the nature of Douglas Road which is a busy regional road. I also agree that the absence of a designated entry/exit point for car parking (noting the apparent retention of existing car parking as indicated on the proposed site layout plan submitted with the planning application) has the potential to give rise to conflict with customers accessing the coffee unit. The appeal outlines that sufficient space will be provided for deliveries and servicing without compromising road safety. However, I note the lack of clarity relating to details of the proposed loading area as well as details relating to car parking for staff of the proposed development.

7.6.6. I note that the proposed site layout plan submitted with the planning application indicates 'existing parking area' indicating the proposal provides for the retention of some existing car parking. The site layout plan submitted with the appeal incorporates planters, seating and bike parking as well as a loading area for delivery/waste collection. As I have outlined above, I consider the revised site layout plan is materially different to that submitted with the planning application and I do not consider it appropriate that the Commission consider this revised layout. However, should the Commission decide to take into account this revised proposal, I note that existing car parking is omitted from this revised layout thereby potentially eliminating concerns raised by the PA relating to vehicular access to the site. However, I do not consider this addresses concerns relating to pedestrians accessing the coffee unit and traffic on Douglas road. I also note that details relating to the loading area are unclear.

7.6.7. Based on the layout submitted with the planning application I agree with the PA that the proposal has the potential to result in a traffic hazard for pedestrians and vehicles. Whilst the Commission may address this matter by way of a request for

further information, given the substantive reasons for refusal above I do not recommend a request for further information in this regard.

7.7. Other Matters

- 7.7.1. In terms of site suitability, I note that the planning application form states that no connection is proposed to water supply, wastewater or surface water and that the proposal will be self-serviced. I therefore consider that issues relating to connection to existing services in this regard do not arise. I note that no details of waste storage are outlined. Should the Commission decide to grant permission I consider this matter could be addressed by a condition requiring that details in this regard be agreed with the PA.
- 7.7.2. I note the concerns raised in relation to the removal and replacement of the site notice. I also note that the PA validated the planning application and were satisfied with public notices. I therefore do not consider the matter relating to validation of site notices is relevant to the assessment of the appeal.
- 7.7.3. The appeal outlines that an unauthorised construction compound has been constructed served by an unauthorised entrance through the appeal site. I consider matters relating to unauthorised development are a matter for the planning authority and are not relevant to the assessment of this appeal.

8.0 Water Framework Directive Assessment Screening

- 8.1. The subject site is located approx. 2.5km east of the nearest water body comprising the Glasheen river. The proposed development comprises the installation of a coffee unit as outlined in section 2.1 of this report.
- 8.2. No water deterioration concerns were raised in the planning appeal. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

8.3. The reason for this conclusion is as follows:

- The small scale of development and the nature of works
- The location-distance from nearest Water bodies and lack of hydrological connections

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

9.0 AA Screening

9.1. Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive

9.1.1. I have considered case PL-500113-CC in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The proposed development is located within a suburban area and comprises the installation of a coffee unit and associated site works.

9.1.2. The closest European Sites are located approx. 1.5km southeast of the site at Cork Harbour SPA (Site Code: 004030) and 8km east of the site at Great Island Channel SAC (Site Code: 001058).

9.1.3. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Small scale and nature of the development
- The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats, and absence of ecological pathways to any European Site.
- Taking into account the screening determination by the Planning Authority.

I conclude, on the basis of objective information, 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. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 **Recommendation**

10.1. I recommend that permission be refused for the reasons and considerations set out below.

11.0 Reasons and Considerations

1. The location of the proposed development adjacent to a regional road and at a location where no footpath exists has the potential to give rise to a conflict between pedestrian and vehicular traffic on Douglas Road and would endanger public safety by reason of traffic hazard.
2. Having regard to the provisions of the Cork City Development Plan 2022-2028, including Strategic Objective 9 which requires proposals for new development should have a positive contribution to its receiving environment, and paragraph 11.12 relating to placemaking which requires proposals for all new development have a high standard of design, to the established character of the area, and to the design, layout and insufficient architectural quality of the proposed development, it is considered that the proposed development would constitute a substandard and haphazard form of development. The proposed development would, therefore, by itself and by reason of the undesirable precedent it would set for similar development, be contrary to the proper planning and sustainable development of the area.

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.

Bernadette Quinn

26th January 2026

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

Case Reference	PL-500113-CC
Proposed Development Summary	Permission for installation of a self-contained coffee unit for sale of coffee and refreshment and all associated site works
Development Address	Site Adjacent to 7 Eldred Terrace , Douglas Road , Cork
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA? (For the purposes of the Directive, “Project” means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<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. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<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,	

<p>Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>State the Class and state the relevant threshold</p> <p>Schedule 5 Part 2 Class 10 (B) – Infrastructure Projects: (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p>

<p>4. Has Schedule 7A information been submitted?</p>		
<p>No</p>	<p>X</p>	<p>Preliminary Examination required</p>
<p>Yes</p>		<p>Screening Determination required</p>

Inspector: _____ Date: _____

Appendix 2

Form 2 - EIA Preliminary Examination

Case Reference	PL-500113-CC
Proposed Development Summary	Permission for installation of a self-contained coffee unit for sale of coffee and refreshment and all associated site works
Development Address	Site Adjacent to 7 Eldred Terrace , Douglas Road , Cork.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(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).</p>	<p>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</p> <p>The subject development would comprise the installation of a structure for use as a coffee unit with a gross floor area of 14.6sqm on a site area of 0.0191ha.</p> <p>The proposal for a coffee unit in an existing urban area is not considered exceptional in the context of the existing urban environment.</p> <p>No significant waste, emissions or pollutants would arise during the construction or operational phases due to the limited size of the site and the nature of the proposed use.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>Briefly comment on the location of the development, having regard to the criteria listed</p> <p>There are no natural or built heritage features on the site. The Douglas Road - Northwest ACA is located to the north and south of the site. I do not consider that there is potential for the proposed development to significantly affect the character of the ACA.</p> <p>The site is not located within Flood Zone A or Flood Zone B.</p> <p>The site is served by a local urban road network.</p> <p>The development is situated on zoned serviced lands within the suburbs of Cork City at a remove from sensitive natural habitats, designated sites and landscapes of significance identified in the Cork City Development Plan 2022-2028.</p>

<p>Types and characteristics of potential impacts</p> <p>(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>	<p>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</p> <p>The closest European sites are Cork Harbour SPA (Site Code 004030) located approx. 1.5 km southeast of the site and Great Island Channel SAC (Site code 001058) located approx. 8 km east of the site.</p> <p>I do not consider that there is potential for the proposed development to significantly affect other significant environmental sensitivities in the area.</p>
Conclusion	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Inspector: _____ Date: _____