



### Development

Demolition of Rebrona Court House and 2 sheds and the construction of 17 apartment units in 2 blocks and all associated ancillary works including pedestrian access, improvements and landscaping, bin and bike store, drainage and landscaping.

### Location

Rebrona Court House, St Therasas Road and Ballymachthomas St, Gurrabraher, Cork.

### Planning Authority

Cork City Council

### Planning Authority Reg. Ref.

2443367

### Applicants

Siobhan and Michael O'Regan

### Type of Application

Permission

### Planning Authority Decision

Refuse Permission

### Type of Appeal

First Party Normal Planning Appeal

### Appellants

Siobhan and Michael O'Regan

### Observers

Margaret Higgins and others

### Date of Site Inspection

28<sup>th</sup> January 2026

**Inspector**

Siobhan Carroll

## Table of Contents

1.0	Site Location and Description .....	4
2.0	Proposed Development.....	4
3.0	Planning Authority Decision .....	4
4.0	Planning History.....	8
5.0	Policy Context.....	9
6.0	EIA Screening.....	14
7.0	The Appeal .....	14
8.0	Assessment .....	25
9.0	AA Screening.....	35
10.0	Water Framework Directive.....	36
11.0	Recommendation.....	37
12.0	Reasons and Considerations .....	37
	<b>Appendix 1: Form 1 EIA Pre-Screening .....</b>	<b>39</b>
	<b>Appendix 2: Form 2 - EIA Preliminary Examination .....</b>	<b>42</b>
	<b>Appendix 3 – Water Framework Assessment Screening.....</b>	<b>45</b>

## 1.0 Site Location and Description

- 1.1. The appeal site is located at St. Theresa's road and Ballymachthomas road in Garranabraher in the central suburbs to the north-west of Cork City Centre. The site is situated approximately 1.3km to the north-west of Patrick Street. The surrounding area is predominantly residential, and it is characterised by a mix of terraced housing and apartment buildings which were developed by the Council.
- 1.2. The site has frontage onto both St. Theresa's road (to the north) and Ballymachthomas road (to the east). It has a stated area of 0.07 hectares. It contains a Rebrona Court House a vacant two-storey building previously in residential and commercial use with a floor area of 530sq m. There are also 2 no. sheds on site.
- 1.3. The has frontage of circa 74m along St. Theresa's road. There is a vehicular gate entrance onto at the St. Theresa's road north-western side of the site. To the west of the site is a terrace of 3 no. two-storey dwellings no's 12-13A St. Theresa's road. To the south-east of the site lies residential properties at 6A and 5A and 5B Ballymachthomas Street. Hereford Place is situated to the south of the appeal site. It comprises a scheme of circa 20 no. apartments which were developed by an approved housing body.

## 2.0 Proposed Development

- 2.1. Permission is sought for the demolition of Rebrona Court House and 2 no. sheds and the construction of 17 no. apartments in 2 no. blocks and all associated ancillary works including pedestrian access, improvements and landscaping, bin and bike store, drainage and landscaping.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. By order dated the 22<sup>nd</sup> of October 2025 Cork City Council issued a notification to refuse permission for 3 no. reasons.

1. It is considered that the proposed development by reason of its scale, layout and design would constitute an excessive density and an inappropriate scale and

urban form of development which would be out of character with the established residential character of the area. The proposed development would represent overdevelopment of the site and would seriously injure the amenities of the area and of property in the vicinity by reason of overlooking and overbearing appearance. Having regard to Objective 11.3 of the Cork City Development Plan 2022-2028, it is considered that the proposed development would also not provide an acceptable standard of residential amenity for future residents. The development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the pattern and character of development in the area and the restricted nature of the site it is considered that the applicant has not demonstrated, to the satisfaction of the planning authority, that the proposed development, by reason of its height, design, prominent location and contextual relationship to adjacent and adjoining properties, would not: seriously injure the visual amenities of the area; provide adequate amenity for future residents and will not impact negatively upon the amenity of adjoining residents. The proposed development would be contrary to the requirements of Objective 11.1 Cork City Development Plan 2022-2028 that states that residential development should: “deliver a quality of life which residents and visitors are entitled to expect, in terms of amenity, safety and convenience and enhance and protect the built and natural heritage.” The development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. It is considered that with regard to the proposed development being located in an area served by public combined sewers which are Uisce Éireann assets, and as Uisce Éireann have refused storm water connection to the public combined sewer, the proposed development does not include a valid storm water drainage strategy and the proposed development is therefore considered to be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

- 3.2.1. Planning Reports
- 3.2.2. Report of Executive Planner dated 17/12/2024: Recommended to request further information.
- 3.2.3. Report of Acting Senior Executive Planner dated 18/12/2024: Report of the Executive Planner is noted and concurred with. Recommended to request further information.
- 3.2.4. Further Information was requested on the 18/12/2024 in relation to the following matters;
1. Density
  2. Design and Layout
  3. Shadow Impact
  4. Public Realm
  5. Urban Roads & Street Design
  6. Infrastructure Development
  7. Active Travel
  8. Construction Traffic
  9. Drainage
  10. Water/Wastewater
  11. Construction and Demolition Resource Waste Management Plan
  12. Operational Waste Management Plan
  13. Construction Environmental Management Plan
  14. Public Lighting
- 3.2.5. Report of Executive Planner dated 21/10/2025: Recommended to refuse permission.
- 3.2.6. Report of Senior Executive Planner dated 21/10/2025: The response submitted to the further information has not overcome the issues raised in relation to storm water runoff, Uisce Éireann requirements and substantive matters of design, layout, density and relationship to existing development. Recommended to refuse permission for three reasons.

- 3.2.7. Report of Senior Planner dated 22/10/2025: The contents of the reports of the Executive and Senior Executive Planner on the response to the Further Information request are noted. While residential development is acceptable in principle on this site and the applicant was afforded the opportunity to address the significant concerns of the Planning Authority via a Further Information Request, the applicant has not adequately addressed the issues raised. Recommended to refuse permission for three reasons.
- 3.2.8. Other Technical Reports
- 3.2.9. Drainage Division: report dated 18/11/2024: Further information requested. It should be noted that the area is served by a public combined sewer. The proposal shows storm water being discharged to the combined sewer. Provide a Confirmation of Feasibility from Uisce Éireann which explicitly consents to the discharge of stormwater to the public combined sewer.
- 3.2.10. Drainage Division: report dated 6/10/2025: Refusal of permission recommended on the basis that Uisce Éireann have refused a storm water connection to the public combined sewer. The proposed development does not include a valid storm water drainage strategy. In relation to the revised strategy for storm water drainage, it is proposed to retain all storm water on the site through the use of soakaways. The use of soakaways in this location is inappropriate as it is located between both proposed buildings with insufficient space. The applicant failed to address the impact of geology on water flows from infiltration drainage on the sloping site. There is a risk that this proposal could cause spring lines to develop or ground water flooding in existing developments downhill.
- 3.2.11. Environment Section: report dated 25/11/2024: Further information requested.
- 3.2.12. Environment Section: report dated 3/10/2025: No objections subject to conditions.
- 3.2.13. City Architects Department: report dated 11/12/2024: A substantially different site strategy and design is required in order to appropriately develop the site. Refusal recommended.
- 3.2.14. City Architects Department: report dated 9/10/2025: Notwithstanding some of the improvements made concerns remain regarding the quality of private open space,

the orientation of living spaces and the density of the scheme. Refusal recommended.

- 3.2.15. Urban Roads & Street Design: report dated 29/11/2024: Further information requested.
- 3.2.16. Traffic – Regulation and Safety: report dated 7/10/2025: No objections subject to conditions.
- 3.2.17. Housing section: report dated 6/12/2024: No objection subject to the attached of a condition referring to Part V.
- 3.2.18. Contributions: report dated 21/10/2025: No objections subject to conditions.

### 3.3. **Prescribed Bodies**

3.4. Uisce Éireann

### 3.5. **Third Party Observations**

- 3.5.1. The Planning Authority received 3 no. submissions/observations in relation to the application. The issues raised refer to the following; matters raised in the previous refusal of permission on the site were not addressed, party boundary wall ownership and accuracy of site drawings, traffic generation, lack of car parking proposed, impact of the proposed development on the public realm to the north, concern in relation to the design, scale and layout of the scheme and concerns that the drawings submitted do not reflect the layout of the proposed development.

## 4.0 **Planning History**

- 4.1. Reg. Ref. 20/39153 – Permission was refused for the retention for a change of use of ground floor level unit, from commercial office to a 2 bedroom residential apartment. Permission was refused for the following reason:
  - 1. Having regard to the objectives of the Cork City Development Plan 2015-2021, including the qualitative and quantitative criteria for residential and apartment developments, and to the guidance set out in the “Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018”, it is considered that the proposed development by reason of its inadequate floor space, lack of adequate provision of storage and private open space, and the

poor aspect, would be contrary to the provisions and criteria set out in the current City Development Plan and the above mentioned guidelines. It is considered that the proposed development would be substandard and would not provide an acceptable standard of residential amenity for residents. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

- 4.2. Reg. Ref. 16/37050 – Permission was refused for (1) internal alterations to and change of use of existing 2-storey office space and ancillary accommodation to provide new 1 no. 1 bedroom ground floor apartment and 1 no. 2 bedroom first floor apartment, (2) proposed alterations to existing south-facing elevation, (3) retention of existing 2 bedroom ground floor apartment and (4) all associated site works.

Permission was refused for the following reason:

1. Having regard to the objectives of the Cork City Development Plan 2015-2021, including the qualitative and quantitative criteria for residential and apartment developments, and to the guidance set out in the “Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities” (DoEHLG 2015), it is considered that the proposed development by reason of its lack of adequate provision of private open space, storage, poor quality of design and the poor aspect of the ground floor units in particular, would be contrary to the above mentioned guidelines and to the provisions and criteria set out in the current City Development Plan and the above mentioned guidelines. It is considered that the proposed development would therefore be contrary to the proper planning and sustainable development of the area.

## 5.0 Policy Context

### 5.1. Project Ireland 2024 – National Planning Framework – First Revision – April 2025

- 5.1.1. The NPF includes a Chapter, No. 6 entitled ‘People, Homes and Communities’. It sets out that place is intrinsic to achieving good quality of life.
- 5.1.2. National Policy Objective 7 seeks to “deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.”

- 5.1.3. National Policy Objective 8 seeks to “deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.”
- 5.1.4. National Policy Objective 43 seeks “to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.”
- 5.1.5. National Policy Objective 45 seeks to “increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.”

## 5.2. **Section 28 Ministerial Guidelines**

- 5.2.1. The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.
- Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024)
  - Planning Design Standards for Apartments, – Guidelines for Planning Authorities (2025)
  - Design Manual for Urban Roads and Streets (DMURS) (2019)
  - The Planning System and Flood Risk Management (including the associated ‘Technical Appendices’) (2009)
  - Urban Development and Building Heights – Guidelines for Planning Authorities (2018)

## 5.3. **Cork City Development Plan 2022-2028**

- 5.3.1. The site at Rebrona Court House, St. Therasas Road and Ballymachthomas St., Gurrabraher is located on lands zoned objective ZO 01 Sustainable Residential Neighbourhoods’ zone, where the objective is ‘To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses’. Primary uses in this zone include residential uses, crèches, schools, home-

based economic activity, open space and places of public worship. Development in this zone should generally respect the character and scale of the neighbourhood in which it is situated.

5.3.2. Chapter 2 refers to the Core Strategy

5.3.3. Relevant Strategic Objectives can be summarised as follows:

SO1 – Deliver compact liveable growth.

SO2 – Deliver homes at densities that create liveable integrated communities.

SO3 - Integrate land-use and transportation planning to increase active travel and public transport usage.

SO4 – Transition to a low-carbon, climate-resilient and sustainable future.

SO7 - Protect and enhance the unique character and built fabric of the city.

SO9 - Develop a compact liveable city based on attractive, diverse and accessible urban spaces and places.

5.3.4. Chapter 3 refers to Delivering Homes and Communities

5.3.5. 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. Cork City Council will seek to ensure that at least 33% of all new homes will be provided within brownfield sites in Cork.

5.3.6. Objective 3.5 – Residential Density

Cork City Council will seek to:

- a. Promote compact urban growth by encouraging higher densities throughout Cork City according to the Cork City Density Strategy, Building Height and Tall Building Study and resultant standards set out in Chapter 11: Placemaking and Managing Development and Mapped Objectives; and
- b. Ensure that urban density is achieved by development proposals providing for high quality sustainable residential development, ensure a balance between the protection of the established character of the surrounding area and existing residential amenities;

- c. Ensure that urban density is closely linked to creating successful neighbourhoods and ensuring that neighbourhoods are integrated and permeable to ensure short trips are possible to urban centres, local services and amenities.
- d. Ensuring high-quality architectural, urban and public realm design. Guidance is set out in Chapter 11: Placemaking and Management Development.

#### 5.3.7. Chapter 11 refers to Placemaking and Managing Development

#### 5.3.8. Objective 11.1 – Sustainable Residential Development

Residential development shall be sustainable and create high quality places which:

- a. Contribute to placemaking and to the 15-minute city and walkable neighbourhood concepts by planning for vibrant communities, with active streets, urban greening, versatile and creative use of spaces avoiding “dead” spaces;
- b. Prioritise walking, cycling and public transport, and minimise the need to use cars;
- c. Deliver a quality of life which residents and visitors are entitled to expect, in terms of amenity, safety and convenience;
- d. Provide a good range of community and support facilities, where and when they are needed and that are easily accessible;
- e. Present an attractive, well maintained appearance, with a distinct sense of place and a quality public realm that is easily maintained;
- f. Are easy to access for all and to find one’s way around, with a focus on permeability within sites and integration and connectivity into the surrounding urban environment to enable short trips by walking and cycling;
- g. Promote the efficient use of land and of energy, and minimise greenhouse gas emissions;
- h. Provide a mix of land uses and minimise transport demand;
- i. Promote social integration and provide accommodation for a diverse range of household types and age groups;
- j. Enhance and protect green and blue infrastructure and biodiversity;
- k. Enhance and protect the built and natural heritage.

- 5.3.9. Objective 11.2 – Dwelling Size Mix – Applications for 10-50 dwellings will need to provide a dwelling size mix that benefits from the flexibility provided by the dwelling size target ranges provided for the respective sub-area.
- 5.3.10. Table 11.2: Cork City Density and Building Height Standards - outlines a target Floor Area Ratio (FAR) of 2.5 – 4.5 and a density range of 50-150 dwellings per hectare for 'city fringe / corridor' areas.
- 5.3.11. Table 11.3 outline a dwelling mix for small apartment schemes.
- 5.3.12. Objective 11.3 – Housing Quality and Standards
- a. High quality functional design: Housing developments should be of a high quality design and provide adequately sized rooms with comfortable and functional layouts, which are fit for purpose without differentiating between tenures;
  - b. Housing quality: Qualitative aspects of development are key to ensuring successful sustainable housing. Table 11.10 sets out key qualitative aspects that should be addressed in the design of housing developments;
  - c. Dual aspect dwellings: Housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings. A single aspect dwelling should only be provided where it is considered to be a more appropriate design solution than a dual aspect dwelling, and it can be demonstrated that it will have adequate passive ventilation, daylight and privacy, and avoid overheating;
  - d. Daylight Sunlight and Overshadowing: The design of developments should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst, minimising overshadowing and maximising the useability of outdoor amenity space;
  - e. Waste: Housing should be designed with adequate and easily accessible storage space that supports the separate collection of dry recyclables, food waste and residual waste;
  - f. Minimum spatial standards: Housing developments are required to meet the minimum standards defined below.
- 5.3.13. Objective 11.4 – Daylight Sunlight and Overshadowing

All habitable rooms within new residential units shall have access to appropriate levels of natural/daylight and ventilation. Planning applications should be supported by a daylight and sunlight design strategy that sets out design objectives for the scheme itself and its context that should be included in the Design Statement.

5.3.14. Sections 11.90 to 11.94 set out quantitative and qualitative standards for apartment design.

#### **5.4. Natural Heritage Designations**

5.4.1. Cork Harbour SPA (Site Code 004030) is located approximately 3.9km to the south-east of the appeal site.

### **6.0 EIA Screening**

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

### **7.0 The Appeal**

#### **7.1. Grounds of Appeal**

A first party appeal has been submitted by McCutcheon Halley Chartered Planning Consultants on behalf of the applicants Siobhan and Michael O'Regan. The issues raised are as follows;

- It is submitted in the appeal that the proposed design and density are appropriate for the site's context. The proposal has been designed to integrate into the existing environment and minimise the potential impact on existing residential amenity.
- The first refusal reason issued by the Planning Authority refers to two matters, density and residential amenity.

- The proposed scheme has been carefully designed in accordance with the surrounding character of the area to make efficient use of an infill site which is in accordance with national, regional and local planning policy that encourages compact growth, infill and higher densities within established built up areas.
- The National Planning Framework (NPF) highlights the need to direct a greater proportion (40%) of future housing growth within the existing footprint of urban areas, advocating for the efficient use of underutilised land and building which includes infill, brownfield, vacant and under occupied buildings.
- NPO – 45 of the NPF seeks to “increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.”
- The site is located in Cork City, Table 3.1 of the ‘Sustainable Residential Development and Compact Settlement Guidelines’ provides the appropriate density ranges for the site.
- Three different density ranges for Cork City are set out in this table. (1) – City Centre - density ranges from 100uph to 300uph. (2) City – Urban Neighbourhoods - density ranges from 50uph to 250uph. (3) City – Suburban/Urban Extension - density ranges from 40uph to 80uph and up to 150uph in accessible locations.
- The Compact Settlement Guidelines emphasis the importance of encouraging higher densities in the most central and accessible locations. The guidelines refer to the concept of the ‘15 minute city’ which is used to describe compact neighbourhoods where a range of local services and amenities are within a short walk/cycle of home, should be the overarching objective when planning for sustainable residential development and compact settlements. In order to achieve compact growth, the guidelines notes that a more intensive use of existing buildings, properties and land is required.
- It is stated that the appellants respectfully disagree with the assessment of the Senior Executive Architect that the site is more akin to ‘suburban’ rather than ‘urban neighbourhood’.

- The site is identified as 'city centre' on the Council's Core Strategy map and it is within the 'city fringe/corridor' on the Council's Density and Building Heights Strategy map. The site is located circa 216m from the city centre zoning.
- It is submitted that the site is clearly a 'city centre' site and that densities of 100uph to 300uph should be acceptable. The proposed net density of 214uph is within this range set out in the Compact Settlement Guidelines. It is submitted that the Council have incorrectly identified the site as 'suburban' where densities of 40uph to 80uph and up to 150uph in accessible locations are considered acceptable. It is considered that the assessment by the Planning Authority contradicts the Development Plan which clearly outlines inner and outer suburbs which do not refer to the subject site.
- The site could be considered an 'urban neighbourhood' site due to its location within the 'city fringe' on the density strategy map, and its location outside the 'city centre' zoning.
- If the Commission are of the opinion that the site is an 'urban neighbourhood' site it is highlighted that the proposed density of 214uph is within the density range of 50uph to 250uph which is identified as appropriate for 'urban neighbourhood' sites in the Compact Settlement Guidelines.
- The site is located within 1.3km walking distance from Cork City Centre which provides access to employment, education/institutional uses and public transport and it is within a short distance of high frequency public transport.
- The site is located 750m from North Main Street, and 1.2km from St. Patrick's Street and Grand Parade. The site is therefore well served by the facilities and services available within Cork City Centre including shops, restaurants, schools, childcare facilities, parks and medical facilities.
- It is submitted that the site is in a central location however if it is considered an urban neighbourhood then it would be suitable for densities at or above the mid density range of 100uph to 300uph.
- Table 3.8 of the Compact Settlement Guidelines sets out criteria for assessing the accessibility of a site and identifies four different site locations. (1) High Capacity

Public Transport Node or Interchange (2) Accessible Location (3) Intermediate Location (4) Peripheral.

- High capacity public transport node or interchanges are identified as lands within 500m walking distance of an existing or planned high capacity Bus Connects Core Bus Corridor stop.
- The 202, 202A and 210 bus services are located on Cathedral Road, 250m from the site. The site also has excellent links to the wider Garranabraher area. Route 4 on the planned bus connects for Cork will run from Carrigaline to Holy Hill on a 7 to 10 minute frequency which will feature a bus stop located within 350m from the site which is a 5 minute walk.
- There are multiple existing Bus Eireann routes within close proximity to the site and the planned Bus Connects routes therefore the site can be considered as a high capacity public transport node/interchange.
- The site is in proximity of three future cycle routes in the Cork Cycle Network Plan. Therefore, the site provides excellent connectivity via active travel and is highly and is highly accessible.
- Therefore, it is considered that the site is suitable for a density of up to and above the mid density range of 50uph to 250uph. If the site were considered 'city centre' it would be suitable for densities at or above the mid density range of 100uph to 300uph.
- It is highlighted that the proposed development will not provide close to the maximum density of 250uph or 300uph as it would provide a net density of 214uph.
- If the site was to be considered 'suburban' as outlined by the Council then it is highlighted that the Compact Settlement Guidelines state that densities above the ranges are 'open for consideration' at accessible suburban and urban extension locations.
- Considering the site's location in the 'City Fringe/Corridor' on the density strategy map and a density range of 50uph to 150uph is the target for the site.

- Objective 3.1 of the Compact Settlement Guidelines states that the density ranges set out in the guidelines should be applied to Development Plans and in the consideration of individual applications.
- It is submitted that the Compact Settlement Guidelines density range of 100uph to 300uph is the appropriate density range for the site.
- It is stated that the proposed scheme has been carefully designed to respond appropriately to the site's context. Refinements were made at the further information stage to ensure that the proposed development would integrate with the receiving environment.
- The site currently consists of 3 no. vacant buildings which include 2 no. sheds and Rebrona Court house which comprises a commercial area on the ground floor and two no. apartments on the first floor which have been unoccupied for the last four years. The site contains a large concrete paved area which was previously used as a car park that is not longer in use.
- The proposed development entails the demolition of all 3 no. vacant buildings and the construction of 2 no. blocks consisting of 15 no. 1 and 2 bed apartments.
- The site is an underutilised site which does not benefit the streetscape. The site currently lacks active frontage, natural surveillance, landscaping, visual interest or functional use resulting in a neglected and inactive edge and offering no community benefit.
- The proposed scheme does not contain any car parking which reflects the sites accessibility to Cork City Centre and is in line with the national policies and objectives for reducing car dependency.
- The proposed scheme has been designed to respond to its surroundings by providing a compact and sustainable development that uses the elevation and height to integrate and respect the residential character of the area.
- It is submitted that the proposal will make a positive contribution to the area by removing the vacant buildings and sheds and provide a three-storey apartment development that will enhance the vitality of the area.

- It is stated that the height and massing of the development have been designed with sensitivity to the surrounding residential context with setbacks at sensitive interfaces to minimise the perception of overbearing with window orientation, screening measures and frosted glass to prevent overlooking concerns.
- The external finishes proposed include high quality materials and a palette which will integrate with the existing streetscape character with two materials proposed which are brick and plaster which will echo the finishes on surrounding properties.
- While there is a significant level of difference between the finished floor level of the ground floor of the southern residential development compared to the same of the proposed development the established ridges do not overcome the height of the closest neighbouring properties to the north.
- It is submitted that the proposed scheme transitions appropriately between the adjoining properties and that it reflects the prevailing urban grain of the area.
- At further information stage changes to the development were proposed including the reduction of the scale and massing of the development.
- It is submitted that the proposed new block to replace Rebrona Court House follows a very similar outline to the existing building and that the new building would be located further away from the dwelling providing an increased separation distance.
- The design is considered a contemporary response to its setting which would contribute positively to the visual amenity of the area through a contextually sensitive approach.
- It is submitted as demonstrated in the submitted photomontages that the proposed development does not represent overdevelopment of the site and that it would seamlessly integrate into the urban fabric which would enhance the character of the area.
- The report of the Senior Executive Architect states that the scheme “does not integrate successfully into the receiving environment for reasons of architectural form, language, massing and response to urban grain as well as overscaled fragmented and complex nature of the proposal”.

- In response to this it is stated that the receiving environment is not characterised by a uniform architectural pattern. There is a diverse mix of building typologies. The recently constructed residential development to the south of the site adds to the variety of existing house types in the area.
- There would be a sequential pattern of contemporary design which will contribute to revitalising the area. It is submitted that the proposal is compatible with the evolving character of the area with the design elements and materials collectively ensuring that the proposed development is visually balanced, legible and sympathetic to the receiving environment.
- The proposed landscaping design and upgrades to the footpath connections north of the proposed development help to soften the area and increase the greenery and amenity value. A detailed design approach was undertaken to ensure the safeguarding of the amenities of both the proposed and existing residents in the area. The proposed landscaping and boundary treatments to ensure privacy and soften visual impact.
- The applicant disagrees with the opinion of the Planning Authority that the development would not provide an acceptable standard of residential amenity for future residents in line with objective 11.3 of the Development Plan.
- Private and communal open space has been provided in accordance with the Design Standards for New Apartments. Private amenity space is proposed to serve each apartment adjoining the kitchen/living room.
- The guidelines outline that “for buildings refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, private amenity space requirements may be further relaxed, as a case by case basis subject to overall design quality.”
- A semi-private central courtyard is proposed as communal amenity space. In terms of solar path all apartments have openings in at least two orientations therefore taking advantage of natural light and are strategically located to minimise the impact on resident’s privacy.
- At further information stage the private amenity space for each apartment for each apartment was reviewed and revised with the private amenity space being

primarily located to the east, west and south of the blocks. The main amenity space is directly overlooked by the units and the area has been increased to 113sq m from 96sq m. The guidelines outline that for urban infill schemes on sites up to 0.25ha communal amenity space may be relaxed in part or whole. The proposed blocks have been set back from the southern boundary to provide a larger landscaping strip along the boundary. The landscaping will provide additional screening from the proposed development to the units to the south.

- It is submitted that the proposed scheme achieves a contextually appropriate density that reflects the sites proximity to existing services and public transport and does not constitute overdevelopment of the site but rather represents an efficient use of underutilised urban land which is consistent with policy.
- The second refusal reason refers to the Planning Authority's concerns in relation to height, design and contextual relationship with the established pattern of development in the area.
- It is submitted that the proposed schemes height and massing represent a logical and proportionate response to the setting which ensures an appropriate transition between adjacent properties while optimising the sites potential.
- While there is a significant level difference on the ground floor finish level of the southern residential development compared to the same of the proposed new development, it is highlighted that the ridges of the proposed development do not exceed the height of the closest northern neighbour. The Computer Generated Image (CGI) prepared by GNET shows the proposed development before the reduction in height as part of the further information response.
- It is submitted that the proposed development will provide a high quality design will positively contribute to the areas viability and vitality through the creation of compact and sustainable residential development enhancing the character of the area.
- The proposed development has been designed to respond sensitively to its surrounding context as the site is located within an existing residential area characterised by a mix of house types, scales and architectural forms. The

proposed development will integrate well with the surrounding architectural character.

- The proposed private amenity spaces are envisaged to maximise sun exposure and can be potentially used year round. Window placement and geometry have been reviewed at further information stage and it is considered that good levels of glazing to all the habitable areas within the apartment scheme.
- The proposed blocks have been set back from the southern boundary to provide a larger landscaping strip with the landscaped spaces providing additional screening from the proposed development to the units to the south.
- It is submitted that each apartment has a generous internal layout with good levels of daylight and adequate private and communal open space.
- The report of the Planning Officer following the further information response stated that, the daylight and sunlight assessment submitted “still relates to an overall development proposal that is not acceptable to the Planning Authority.”
- In response the applicant states that the daylight and sunlight report concludes that the results demonstrate that the proposed development will have a relatively low impact on the light receivable by the neighbouring properties. It is submitted that if the daylight and sunlight report were taken into consideration by the Planning Authority then they would have come to the conclusion that the proposed development will not negatively impact the existing and proposed residential amenity of residents in the area.
- The results demonstrate that the proposed development will have a relatively low impact on the light receivable by its neighbouring properties taking into account the overall high level of compliance with the BRE recommendations and the mitigating factors set out, the proposed development is acceptable in terms of daylight and sunlight with all gardens and open spaces tested meeting the BRE recommendations.
- It is stated that of the 25 windows that fall short of the target of 0.8 stated in the BRE guidelines, 18 achieve reduction ratios of between 0.67 and 0.77 which is only slightly short of the 0.8 recommendation set out in the BRE guide.

- It is stated that 5 of the 25 windows appear to serve bedrooms. The BRE guide states that daylight is required in living rooms, kitchens and bedrooms. In the context of daylight distribution the guide does not distinguish between the relative importance of daylight in respect of the vertical sky component test. It is generally considered that less weight should be given to bedrooms than living rooms on the basis that bedrooms are likely to be used less than living rooms during daylight hours.
- It is argued that permission should not be refused on the grounds of storm water drainage as the matter can be addressed through a revised stormwater management strategy to be agreed with Uisce Éireann and that it can be resolved through the attachment of a condition.
- The area is not served by a dedicated storm water network. It was proposed to discharge to the subsoils via a soakaway primarily along with proposals for localised rain gardens and permeable paving.
- It is proposed to install tree pits along the front of the development in conjunction with the landscaping design where surface water will be directed to the tree pits to provide infiltration and surface water cleaning. It is proposed to install an overflow pipe back to the main surface water infiltration system to prevent flooding scenario's where the tree pits are overwhelmed during periods of excessive rainfall.
- Tree pits can potentially filter out pollutants from runoff therefore reducing potential pollutant loadings within receiving waters. A permeable paving infiltration system is proposed to serve the development in the absence of explicit consent from Uisce Éireann to the discharge of stormwater to the public combined sewer.
- The use of tree pits will allow for the temporary storage and filtration of surface water from the proposed development whilst providing ancillary biodiversity benefits. These proposed measures provide a more logical solution to stormwater drainage than the existing situation where at present the stormwater runoff rate is not controlled.
- It is stated that the applicant is committed to continuing engagement with Uisce Éireann to ensure the storm water solutions on site are acceptable.

- It is requested that An Coimisiún Pleanála overturn the decision of Cork City Council to refuse permission.
- The applicant consider that the Council's assessment of the proposed development has not had sufficient regard to the details submitted particularly in regard to the site's location and context, the site's existing characteristics, the proposed revised changes made at the further information stage and the daylight and sunlight assessment in regard to existing and proposed amenity.
- The proposed development is within easy walking distance of Cork City Centre, it was carefully considered to ensure that the scheme would not be out of character with the pattern of development in the area. The proposed development will make a very positive contribution to the Garranabraher area.

## 7.2. Planning Authority Response

- None received

## 7.3. Observations

An observation to the appeal was submitted by Margaret Higgins and others. The issues raised are as follows;

- The proposed scheme is not in keeping with the character of the area and design and scale of surrounding housing. The proposal would have an excessive density.
- The proposed scheme would negatively impact upon the residential amenities of surrounding properties. Concern is expressed that the proposed scheme would not provide a satisfactory level of residential amenity to future residents.
- It is highlighted that Uisce Éireann have refused a storm water connection to the public combined sewer.
- No car parking has been proposed within the scheme. It is considered that at least 1 no. car parking space should have been provided per apartment. Currently there is insufficient car parking to serve residents on the adjoining St. Theresa's Road. The generation of additional car parking would result in further pressure on existing on street car parking and result in congestion.

- The footpath adjoining the site is a main route for children walking to and from school. Concern is expressed that should development be carried out on the site that it would cause a hazard for pedestrians.

## 8.0 **Assessment**

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

- Compliance with Development Plan policy
- Design and residential amenity
- Surface water drainage

### 8.1. **Compliance with Development Plan policy**

- 8.1.1. The first reason for refusal issued by the Planning Authority states that the proposed development would constitute an excessive density and that it would represent an inappropriate scale and urban form of development which would be out of character with the established residential character of the area. It also sets out that the proposed development would represent overdevelopment of the site and would seriously injure the amenities of the area and of property in the vicinity by reason of overlooking and overbearing appearance.
- 8.1.2. The site has an area of 0.07 hectares and 17 no. units are proposed. This would be equivalent to a density of 243 units per hectare. As detailed in report of the Planning Officer dated 17/12/2024 the site is described as being located on the boundary between the Inner Urban Suburbs area and the Fringe/Corridor/Centre area with the majority of the site being within the Fringe/Corridor/Centre area. Table 11.2 of the Cork City Development Plan sets out target ranges for height and density for different areas within the city. In relation to the Fringe/Corridor/Centre area a range of 50-150 dwellings per hectare is set out. In relation to building height a range of between 3 and

7 storeys is set out. The assessment of the Planning Officer stated that given the restricted nature of the site and the location within the Fringe/Corridor/Centre area that the proposed density would be well above the permitted density range and would not be acceptable on this basis. The report of the City Architects Department dated 11/12/2024 also highlighted that the proposed density would be well in excess of the prevailing neighbourhood density.

- 8.1.3. In response to the request for further information the design of the scheme was revised with the number of residential units reduced from 17 no. units to 15 no. units. The density of the scheme with the reduced number of units would be equivalent to 214 units per hectare.
- 8.1.4. In relation to the location of the site with reference to Map 01,02,03 City Centre and Docklands – Density and Heights in Volume 2 – Mapped Objectives of the Cork City Development Plan 2022-2028, I would note that the site at Garranabraher lies mainly within the primary urban corridors & principal towns designation which is also described in the development plan as Fringe/Corridor/Centre. Accordingly, in terms of this area a density range of 50-150 dwellings per hectare is set out in Table 11.2 of the Development Plan which refers to Density and Building Height Standards.
- 8.1.5. It is put forward in the appeal that National Policy Objective 45 of the National Planning Framework seeks to “increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.” The appeal also highlighted the provisions of the Sustainable Residential Development and Compact Settlement – Guidelines for Planning Authorities, 2024 and specifically Section 3.3.1 which refers to Cities and Metropolitan (MASP) Areas.
- 8.1.6. Table 3.1 of the guidelines refers to density ranges for the Dublin and Cork City and Suburbs. There are three different density ranges for Cork City. (1) – City Centre (comprising the city core and immediately surrounding neighbourhoods) - density ranges from 100uph to 300uph. (2) City – Urban Neighbourhoods - density ranges from 50uph to 250uph. (3) City – Suburban/Urban Extension - density ranges from 40uph to 80uph and up to 150uph in accessible locations.

8.1.7. In relation to the definition of city core and immediately surrounding neighbourhoods in Cork City, this is detailed in the guidelines, Cork City Development Plan 2022-2028 describes the City Centre as the City Centre Island, from MacCurtain Street and Shandon north of the River Lee to the South Parish area and Barrack Street to the south. I note that the appeal site at Garranabraher is located approximately 370m to the west of Shandon Street. I would consider that it would constitute a City – Urban Neighbourhood location in Cork in the context of it being within close walking distance of Cork City Centre. The proposed density of 243 units per hectare would be within the upper range of the densities of City – Urban Neighbourhoods as set out in Table 3.1 of guidelines. The guidelines indicate a range of up to 250 units per hectare from 50 units per hectare at this location while the Development Plan provides for a range of 50-150 units per hectare therefore a density of up to 150 units per hectare would be within both ranges. The density of 243 units per hectare as originally proposed and the density of 214 units per hectare as proposed with the revisions to the scheme submitted in response to the further information would both exceed the range as set out in table 11.2 of the Development Plan and would also be out of character with the prevailing density in the area.

8.1.8. The first reason for refusal refers to Objective 11.3 of Cork City Development Plan 2022-2028 which refers to Housing Quality and Standards. It is set out in the refusal reason that the proposed development would not provide an acceptable standard of residential amenity for future residents. I shall examine this matter in the subsequent section of the report.

## 8.2. **Design and residential amenity**

8.2.1. The second reason for refusal refers to the height and design of the proposed development and its contextual relationship to adjacent and adjoining properties. It was set out in the refusal that the proposal would seriously injure the visual amenities of the area.

8.2.2. Table 11.2 of the Development Plan refers to Density and Building Height Standards, it sets out that for City Fringe/Corridor where the appeal site at Garranabraher is situated that building heights of between 5 to 7 storeys are the target with the prevailing building heights being between 3 to 6 storeys. The prevailing building heights in the vicinity of the site are a mix of two-storey and three-storey buildings. The

dwellings to the north along St. Theresa's Road are two-storey and to the north-east of the site there are three-storey residential buildings at Mary Aikenhead Place. To the south of the appeal site the recently developed housing scheme at Hereford Place contains three-storey residential buildings with ground floor apartments and two-floor residential units.

- 8.2.3. The two proposed apartment buildings are three-storeys. As part of the request for further information the applicant was required to address the design of the proposed scheme. The Planning Authority advised that whilst three-storeys was considered to be a suitable height that there were concerns in relation to the massing of the proposal when compared to the design of the surrounding two-storey and three-storey terrace blocks on St. Theresa's Road and beyond.
- 8.2.4. In response to the matter the first party submitted that the proposed scheme has been designed to respond to its surroundings by providing a compact and sustainable development that uses the elevation and height to integrate and respect the residential character of the area.
- 8.2.5. In relation to the design of the proposed scheme as revised it comprises 2 no. three-storey buildings containing 15 no. residential units. The proposed buildings would have frontage of circa 55m along St. Theresa's Road. I note that as illustrated on the Proposed General Ground Floor Plan, Drawing no: 2684-P-102 Rev 02 that Block 01 would be located roughly on the footprint of the existing building on the site.
- 8.2.6. The proposed apartment buildings would be setback from the public road between 1m at the north-western corner of the site and 10m at the north-eastern corner of the site. The design of the scheme incorporates an additional internal footpath to the front of the buildings with two benches proposed within the landscaped area to the front of the buildings.
- 8.2.7. Regarding the elevational design of the apartments the report from the City Architects Department dated 11/12/2024 raised their concerns in relation to the massing and elevational composition which they considered overly complex within the context of the street and wider surrounding. Verified View Photomontages were submitted with the application. Having visited the site and reviewed the photomontages submitted on file, I am satisfied that the photomontages provided from the selected viewpoints which form the basis of the visual assessment are representative of the extent of the visual

impact upon the surrounding streetscape. There is variation in the elevational treatment which addresses St. Theresa's Road to the north with a mix of beige/buff brick and architectural cladding and fenestration with a vertical emphasis. While I note that the contemporary design of the scheme would be different to that of the traditional terraced houses along the northern side of St. Theresa's Road, I would also note that there is variation within the wider streetscape with the three-storey buildings at Mary Aikenhead Place located to the east and also a row of two-storey terraced dwellings with mono-pitched roofs located to the north-west of the appeal site. Accordingly, on that basis I would consider that a scheme of such contemporary design could be considered for the site.

8.2.8. In relation to the proposed rear elevations of the two apartment buildings, I would note that there is very little variation in the elevational treatment. With both rear elevations presenting as a mass of rendered wall over three-storeys. Having regard to the very close proximity of the housing at Hereford Place to the south and also the elevated nature of the appeal site relative to the properties at Hereford Place, I would consider that it would provide a very poor outlook and would also have an undue overbearing impact.

8.2.9. In relation to the design of the scheme the second refusal reason referred to Objective 11.1 of the Development Plan which relates to Sustainable Residential Development, and it seeks to deliver a quality of life in terms of the provision of amenity to residents. Specific concerns were raised by the Planning Authority in the request for further information regarding the quality of private amenity space and communal open space. The applicant was advised that much of the private amenity space is poor given the lack of a clear site strategy. In response to the further information requested the private amenity space for each apartment was reviewed and the applicant considered that it provided for a more regular layout with the private amenity space being proposed primarily to the east, west and south of the blocks. The main area of amenity space is proposed in the centre of the site between the two blocks at further information stage the area of this space was increased from 96sq m to 113sq m.

8.2.10. The report of the City Architects Department dated 9/10/2025 in response to the revised proposals stated that the quality of some of the private open space is not a good standard does not make the best use of orientation. In terms of the quantum of

private open space, I note that the development plan does not set out specific areas. Appendix 1 of Volume 1 of the Development Plan states that it has implemented the policies and objectives of Ministerial Guidelines under Section 28. The relevant guidelines in place at the time at the implementation of the Development Plan are listed and it includes “Sustainable Urban Housing, Design Standards for New Apartments: Guidelines for Planning Authorities” (2020). Under those guidelines minimum private amenity space for one bedroom units was 5sq m, for two bedroom units was 6sq m and 7sqm and for three bedroom units was 9sq m. Those minimum standards for private amenity space within apartments were maintained in the revised guidelines issued in 2023. The minimum standards for private amenity space within apartments in the revised guidelines issued in 2025 are essentially the same aside from the minimum standard for three bedroom units being revised to 7sq m for 4 persons. Having reviewed the proposed floor plans I note that all the proposed one and two bedroom apartments would be served by the requisite private amenity space.

8.2.11. In relation to the proposed communal open space under the “Sustainable Urban Housing, Design Standards for New Apartments: Guidelines for Planning Authorities” (2020) minimum communal amenity space for one bedroom units was 5sq m, for two bedroom units was 6sq m and 7sq m and for three bedroom units was 9sq m. Those minimum standards for communal amenity space within apartments were maintained in the revised guidelines issued in 2023. The minimum standards for communal amenity space within apartments in the revised guidelines issued in 2025 are essentially the same aside from the minimum standard for three bedroom units being revised to 7sq m for 4 persons.

8.2.12. The proposed scheme as revised at further information stage contains 8 no. one bedroom apartments (2 person), 5 no. two bedroom (4 person) apartments, and 2 no. two bedrooms (3 person) apartments. A total of 87sq m of communal open space is required. As illustrated on the Proposed General Ground Floor Plan, Drawing no: 2684-P-102 Rev 02 the total area proposed is 112.81sq m which is in excess of the 87sq m required. The communal amenity area is proposed to the centre of the scheme between the two apartment buildings and therefore it is accessible and overlooked by a number of the proposed units. I consider that the design and location of the communal open space would be acceptable.

### 8.3. Impact on residential amenities

- 8.3.1. It is set out in the first reason for refusal that the proposed development would seriously injure the amenities of the area by reason of overlooking and overbearing.
- 8.3.2. In response to the matter, it is set out in the appeal that the scheme has been designed with sensitivity to the surrounding residential context with setbacks at sensitive interfaces to minimise the perception of overbearing with window orientation, screening measures and frosted glass to prevent overlooking concerns.
- 8.3.3. In relation to the context of the site relative to the existing residential development, I note that the footprint of the proposed apartment buildings is roughly in line with the existing vacant buildings on the site. I note that there would be a minimum setback of between 20m-25m between the front elevation of the apartment buildings and the neighbouring dwellings to the north and north-west on St. Theresa's Road. Immediately to the south of the appeal site the recently developed housing scheme at Hereford Place is located. It contains three-storey residential buildings with ground floor apartments and two-floor residential units.
- 8.3.4. Regarding the issue of overlooking the housing to the south at Hereford Place is located between circa 5m and 7m from the proposed apartment building on the western side of the appeal site and between 7m and 11m from the proposed apartment building on the eastern side of the appeal site. While I note that a number of south facing apartments are proposed to be served by high level windows and windows with obscure glazing the proximity would result in potential overlooking and also the perception of overlooking. Accordingly, I would concur with the assessment of the Planning Authority that the proposed development would seriously impact the residential amenities of the area on the basis of overlooking impacts.
- 8.3.5. Regarding the impact of the proposed building upon the neighbouring properties in respect of overbearing I note that the appeal site as detailed above is in close proximity to the housing to the south at Hereford Place. The appeal site is elevated above the housing at Hereford Place. As illustrated on the Proposed Ground Floor Plan – Drawing No: 2684-P-102 Rev 2, the finished floor level of the proposed ground floor apartments is +41.00 and the finished floor level of the existing adjacent development is +36.00. Therefore, a difference of 5m is proposed between the ground floor finished floor levels of the two adjacent developments. Having regard to

the relative close proximity of the proposed three-storey apartment buildings to southern site boundary combined with the difference in site levels and the ground floor finished floor levels, I would concur with the assessment of the Planning Authority that the proposed development would seriously impact the residential amenities of the area and specifically the residential units located to the south of the site on the basis of overbearing impacts.

- 8.3.6. Item no. 4 of the further information required the submission of a Daylight and Sunlight Assessment to investigate the impact on the surrounding buildings and the quality of daylight and sunlight within the proposed development. A Daylight and Sunlight Report (with reference to neighbouring properties) was prepared by Right of Light Consulting Chartered Surveyors. The report of the Planning Officer in response to the submitted site and development specific daylight and sunlight assessment noted the contents of the report however they concluded that the submitted assessment still relates to an overall development proposal which was not acceptable to the Planning Authority.
- 8.3.7. It is submitted in the appeal that the conclusion of the Daylight and Sunlight Assessment states that the proposed development will have a relatively low impact on the light receivable by the neighbouring properties. They submit that the results of the assessment demonstrate that the proposed development will have a relatively low impact on the light receivable by its neighbouring properties taking into account the overall high level of compliance with the BRE recommendations and the mitigating factors set out, the proposed development is acceptable in terms of daylight and sunlight with all gardens and open spaces tested meeting the BRE recommendations.
- 8.3.8. It is highlighted in the appeal that 25 windows that fall short of the target of 0.8 which is stated in the BRE guidelines, 18 achieve reduction ratios of between 0.67 and 0.77 which is only slightly short of the 0.8 recommendation set out in the BRE guide. It is also highlighted in the appeal that 5 of the 25 windows serve bedrooms.
- 8.3.9. In relation to this matter, I would concur with the Planning Authority in their assessment in that while the BRE guidance does allow an amount of flexibility in the case of marginal shortfalls however given that the proposed development would exceed the density range as set out in table 11.2 of the Development Plan and would

also be out of character with the prevailing density in the area, I would not consider that the diminution in amenity standards of neighbouring residential properties and specially to living rooms, kitchens would be appropriate in that context.

#### **8.4. Surface water drainage**

8.4.1. The third refusal reason issued by the Planning Authority refers to surface water drainage and it states;

3 It is considered that with regard to the proposed development being located in an area served by public combined sewers which are Uisce Éireann assets, and as Uisce Éireann have refused storm water connection to the public combined sewer, the proposed development does not include a valid storm water drainage strategy and the proposed development is therefore considered to be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

8.4.2. As part of the further information issued by the Planning Authority on the 18/12/2024 item no. 12 stated that the area is served by a public combined sewer and that the proposed development is to discharge storm water to the combined sewer. The applicant was required to provide a Confirmation of Feasibility (CoF) from Uisce Éireann which explicitly consents to the discharge of stormwater to the public combined sewer.

8.4.3. In response to the matter a letter of Confirmation of Feasibility (CoF) from Uisce Éireann was issued to the applicant on the 15/8/2025 which advised that a water connection was feasible without infrastructure upgrade by Uisce Éireann and that a wastewater connection was feasible without infrastructure upgrade by Uisce Éireann with the condition that no stormwater shall be permitted to enter the Uisce Éireann wastewater network and that the applicant shall show at application stage how they intend to deal with stormwater on the site. The applicant's response to the further information highlighted that they were unable to obtain a CoF from Uisce Éireann which confirms acceptance of the attenuated discharge from the proposed site. Therefore, they stated that given the area is not served by a dedicated storm water network it is proposed to discharge to subsoils via a soakaway along with additional proposals for localised rain gardens and permeable paving. An Engineering Infrastructure Report & Drainage Impact Assessment prepared by MMOS Consulting

& Structural Engineers was submitted as part of the further information response along with revised draining drawings. The revised Surface Water Drainage Layout, Drawing no: 24307-MMS-ZZ-ST-DR-C-10001, indicates that it is proposed to install a soakaway with an area of 11m x 4m x 25m in the centre of the site between the two proposed apartment buildings.

- 8.4.4. The report of the Drainage Division in response to the further information dated 6/10/2025 recommended refusal on the basis that Uisce Éireann have refused a storm water connection to the public combined sewer and that the proposed scheme does not include a valid storm water drainage strategy. The Drainage Division were not satisfied with the proposal to locate the main soakaway between the two proposed buildings where they considered insufficient space was available. The Drainage Division considered that the design of the soakaway is inadequate as it is only sized for a 1 in 30-year storm event with an allowance for climate change and that they require all developments manage storm water for a 20% allowance for climate change. It was also raised in their report that no design details for the soakaway were provided, that no site or ground investigation information was provided and that the applicant did not address the impact of geology on water flow from infiltration drainage on the sloping site. Therefore, the Drainage Division had serious concerns that the proposed surface management could cause spring lines to develop and that groundwater flooding could occur in existing developments downhill.
- 8.4.5. It is stated in the appeal that the permission should not have been refused on the basis of surface water drainage and that the matter could be addressed if a revised stormwater management strategy were agreed with Uisce Éireann. The applicant states this could be conditioned. They highlighted that the stormwater management strategy includes proposals to install tree pits along the front of the development with an overflow pipe to prevent flooding where tree pits are overwhelmed during periods of excessive rainfall.
- 8.4.6. The applicant's points in relation to surface water drainage proposal are noted, however they did not respond to the concerns raised by the Drainage Division. The appeal did not provide design calculations for the proposed soakaway, no site or ground investigation information was submitted and the matter of the impact on water

flow from infiltration drainage on the sloping site was not addressed. The appeal site at Garranabraher adjoins a recently developed housing scheme at Hereford Place. The scheme at Hereford Place and surrounding housing to the south are downhill of the appeal site and therefore would be susceptible to groundwater flooding which could arise as a result of the proposed on-site attenuation of all surface water generated on the site.

8.4.7. Accordingly, in the absence of a detailed surface water management strategy for the site and in the absence of a Confirmation of Feasibility (CoF) from Uisce Éireann which explicitly consents to the discharge of stormwater to the public combined sewer then I am not satisfied that applicant has demonstrated that the proposed development including the on-site attenuation of all surface water generated on the site would not exacerbate and accentuate ground water flooding in the area.

## 9.0 AA Screening

- 9.1. I have considered case PL 500302-CC-25 in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2. The closest European Site, part of the Natura 2000 Network, is Cork Harbour SPA (Site Code 004030) which is located circa 3.9km to the south-east of the appeal site.
- 9.3. The proposed development comprises of the demolition of the of Rebrona Court House and 2 no. sheds and the construction of 17 no. apartments in 2 no. blocks and all associated ancillary works including pedestrian access, improvements and landscaping, bin and bike store, drainage and landscaping.
- 9.4. No streams/watercourses are identified on site. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:
- The nature and scale of the proposed development and the location of the site on developed serviced lands.
  - The absence of any ecological pathway from the development site to the nearest European Site.
  - Location-distance from nearest European site.

- Taking into account the screening report by the Planning Authority

9.5. 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.

9.6. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 **Water Framework Directive**

10.1. The proposed development has been subject to a screening for Water Framework Directive Assessment (refer to Appendix 3 of this report).

10.2. The subject site is located at St. Theresa's road and Ballymachthomas road in Garranabraher in the central suburbs to the north-west of Cork City Centre. It is a brownfield site containing a vacant building formerly in residential and commercial use. The soil type is man made. The bedrock is Sandstone and siltstone. The Bride River (Cork City\_020) which is a tributary of the River Lee is situated circa 650m to the east. The Lee (Cork) Estuary Upper transitional waterbody (IE\_SW\_060\_0950) is located 300m to the south. The Ballinhassig East (IE\_SW\_G\_004) groundwater body underlies the site.

10.3. The proposed development comprises the associated site works.

10.4. No water deterioration concerns were raised in the appeal.

10.5. I have assessed the proposed demolition of Rebrona Court House and 2 no. sheds and the construction of 17 no. apartments in 2 no. blocks and all associated ancillary works including pedestrian access, improvements and landscaping, bin and bike store, drainage and landscaping.

10.6. I 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.

10.7. The reason for this conclusion is as follows:

- The nature and scale of the development
- The project uses standard construction / pollution control methods, materials and equipment.
- A surface water management system including SuDS features is also proposed.

## **Conclusion**

10.8. 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.

## **11.0 Recommendation**

11.1. I recommend that permission is refused for the following reasons and considerations.

## **12.0 Reasons and Considerations**

1. It is considered that the proposed layout and design of the apartment development and by reason of the topography and the constraints of the site would produce a cramped and substandard form of development at a density that would be inconsistent with the prevailing density in the vicinity, it would result in overdevelopment of the site and would be contrary to the provisions of Table 11.2 of the Cork City and County Development Plan 2022-2028, which refers to Density and Building Height Standards. In addition, the proposal, by reason of its scale, height, massing and insufficient southern boundary setback, does not provide an appropriate transition in height to properties within the vicinity and will severely compromise and be seriously injurious to the residential amenity of these properties by reasons of overlooking, and being overbearing. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. On the basis of the information submitted with the application and appeal the Commission was not satisfied with the surface water drainage management strategy for the proposed development in the absence of a Confirmation of Feasibility (CoF) from Uisce Éireann which explicitly consents to the discharge of stormwater to the public combined sewer. The Commission was concerned that the development as proposed could exacerbate and accentuate flooding in the area in the absence of sustainable surface water and storm water disposal arrangements. The proposed development would, therefore, 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

---

Siobhan Carroll

Planning Inspector

21<sup>st</sup> April 2026

**Appendix 1: Form 1 EIA Pre-Screening**

<b>Case Reference</b>	PL 500302-CC-25
<b>Proposed Development Summary</b>	Demolition of Rebrona Court House and 2 no. sheds and the construction of 17 no. apartments in 2 no. blocks and all associated ancillary works including pedestrian access, improvements and landscaping, bin and bike store, drainage and landscaping.
<b>Development Address</b>	Rebrona Court House, St Therasas Road and Ballymacthomas St, Gurrabraher
<b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>	
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, no further action required.
(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)	

<p><b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b></p>	
<p><input type="checkbox"/> Yes, it is a Class specified in Part 1. <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b></p>	
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<p><b>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?</b></p>	
<p><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. <b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. <b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p>	<p>EIA is mandatory for developments comprising over 500 dwelling units or urban development over 10 hectares in size or 2 hectares if the site is regarded as being within a business district. The proposal is significantly below this</p>

<p><b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>threshold being 17 no. residential units and the site has an area of 0.07 hectares which is sub threshold.</p>
<p><b>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)?</b></p>	
<p>Yes <input type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix 2: Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	PL 500302-CC-25
<b>Proposed Development Summary</b>	Demolition of Rebrona Court House and 2 no. sheds and the construction of 17 no. apartments in 2 no. blocks and all associated ancillary works including pedestrian access, improvements and landscaping, bin and bike store, drainage and landscaping.
<b>Development Address</b>	Rebrona Court House, St Therasas Road and Ballymachthomas St, Gurrabraher
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (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).	<b>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</b>  The development has a modest footprint, comes forward as a standalone project. It does require demolition of the existing vacant building on the site. It does not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
<b>Location of development</b> (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use,	The development is removed from sensitive natural Habitats and designated sites and landscapes of identified significance in the County Development Plan. There are no protected species/habitats on site.

<p>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><b>Types and characteristics of potential impacts</b></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 modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
<p><b>Conclusion</b></p>	
<p><b>Likelihood of Significant Effects</b></p>	<p><b>Conclusion in respect of EIA</b></p>
<p><b>There is no real likelihood of significant effects on the environment.</b></p>	<p><b>EIA is not required.</b></p>

<p><b>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</b></p>	<p><b><del>Schedule 7A Information required to enable a Screening Determination to be carried out.</del></b></p>
<p><b>There is a real likelihood of significant effects on the environment.</b></p>	<p><b><del>EIAR required.</del></b></p>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## Appendix 3 – Water Framework Assessment Screening

<b>WFD IMPACT ASSESSMENT STAGE 1: SCREENING</b>			
<b>Step 1: Nature of the Project, the Site and Locality</b>			
<b>An Coimisiún Pleanála ref. no.</b>	PL500302-CC-25	<b>Townland, address</b>	Rebrona Court House, St. Theresas Road and Ballymachthomas St., Gurrabraher, Cork.
<b>Description of project</b>		The demolition of Rebrona Court House and 2 no. sheds and the construction of 17 no. apartments in 2 no. blocks and all associated ancillary works including pedestrian access, improvements and landscaping, bin and bike store, drainage and landscaping.	
<b>Brief site description, relevant to WFD Screening,</b>		The site is located at St. Theresa’s road and Ballymachthomas road in Garrabraher in the central suburbs to the north-west of Cork City Centre. It is a brownfield site containing a vacant building formerly in residential and commercial use. The soil type is man made. The bedrock is Sandstone and siltstone. The Bride River (Cork City_020) which is a tributary of the River Lee is situated circa 650m to the east. The Lee (Cork) Estuary Upper transitional waterbody (IE_SW_060_0950) is located 300m to the south. The Ballinhassig East (IE_SW_G_004) groundwater body underlies the site.	
<b>Proposed surface water details</b>		Soak aways proposed	

<b>Proposed water supply source &amp; available capacity</b>	Public mains
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>	Public sewer
<b>Others?</b>	No

**Step 2: Identification of relevant water bodies and Step 3: S-P-R connection**

<b>Identified water body</b>	<b>Distance to (m)</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>
River Waterbody	650m	Bride River (IE_SW_19B140300)	Poor	At risk	Urban runoff	Not hydrologically connected to the waterbody
Transitional Waterbody	300m	The Lee (Cork) Estuary (IE_SW_060_0950)	Moderate	At risk	Urban runoff Urban wastewater	Not hydrologically connected to the waterbody

Groundwater Waterbody	Underlying Site	Ballinhassig East (IE_SW_G_004)	Good	Not at risk	-	Free draining soil conditions	
<b>Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.</b>							
<b>CONSTRUCTION PHASE</b>							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	<b>Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.</b>
1.	NA	NA	NA	NA	NA	NA	NA
<b>OPERATIONAL PHASE</b>							
2.	Discharges to Ground	Ballinhassig East (IE_SW_G_004)	Pathway exists			No	Screened out
<b>DECOMMISSIONING PHASE</b>							
3.	NA	NA	NA	NA	NA	NA	NA