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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Cork City Council**

**Planning Register Reference Number: 17/37279**

**Appeal** by Dermot and Mary Lanigan of 2 Homeville, 91 Sunday's Well Road, Cork and by others and by Moneda Developments Limited care of Coakley O'Neill Town Planning Limited of NSC Campus, Mahon, Cork against the decision made on the 13<sup>th</sup> day of December, 2017 by Cork City Council to grant subject to conditions a permission to the said Moneda Developments Limited care of Butler Cammoranesi Architects of 6 George's Quay, Cork in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The development described in the public notices submitted with the planning application on the 13<sup>th</sup> day of February, 2017 was as follows: Partial demolition, redevelopment and extension of the existing former Good Shepherd Convent, Orphanage and Magdalene Home buildings, and the demolition of all ancillary sheds and structures to facilitate a residential development of 234 number apartments. The proposed development provides for: the conservation of the former Good Shepherd Convent, Orphanage and Magdalene Home buildings and their conversion to 112 number apartments over four to six storeys including 19 number one bedroom apartments, 63 number two bedroom apartments, and 30 number

three/three plus bedroom apartments, the conservation, conversion and extension of the former Gate Lodge to a part two-storey crèche, and the conservation and conversion of the former Bakehouse to a part two-storey community facility/exhibition space, and the construction of seven number buildings which will range in height from three to six storeys and which will consist of 122 number apartments, including 26 number one bedroom apartments, 91 number two bedroom apartments, and five number three/three plus bedroom apartments. The proposed development also provides for 210 number car parking spaces (112 number undercroft and 98 number surface spaces), 234 number cycle spaces in racks with canopy/secure storage, all site development works including drainage, and internal roads/footpaths/walkways, all landscaping works, including new gardens, Electricity Supply Board substation and bins stores, alterations to the existing vehicular entrance from Convent Avenue, and controlled pedestrian access from Buckston Hill. The proposed development will consist of works to the former Good Shepherd Convent, Orphanage, and Magdalene Home buildings, and former Gate Lodge Protected Structures (PS721) as well as works within the curtilage of these Protected Structures. The proposed development also consists of works to the exterior of structures which are located within the proposed Sunday's Well Architectural Conservation Area.

**The proposed development was amended by the revised public notices received by the planning authority on the 19<sup>th</sup> day of October, 2017.** The proposed development as set out in the revised notices is as follows: Partial demolition, redevelopment and extension of the existing former Good Shepherd Convent, Orphanage and Magdalene Home buildings, and the demolition of all ancillary sheds and structures to facilitate 182 number apartments and 20 number houses (202 number units in total). The proposed development provides for the conservation of the former Good Shepherd Convent, Orphanage and Magdalene Home buildings and their conversion to 102 number apartments over four-five storeys including 19 number one bedroom apartments, 54 number two bedroom apartments and 29 number

three/three plus bedroom apartments, the conservation, conversion and extension of the former Gate Lodge to a part two-storey crèche, and the conservation and conversion of the former Bakehouse to a part two-storey community facility/exhibition space, five number buildings which will range in height from three storeys over undercroft parking to five storeys and which will consist of 80 number apartments, including 22 number one bedroom apartments, 40 number two bedroom apartments, and 18 number three/three plus bedroom apartments, and two number three-storey buildings which will consist of 20 number four bedroom houses. The proposed development also provides for 218 car parking spaces (141 number undercroft and 77 number surface spaces), 202 number cycle spaces in racks with canopy/secure storage, all site development works including drainage, and internal roads/footpaths/walkways, all landscaping works, including new gardens and the completion/reinstatement of existing boundary walls, Electricity Supply Board substation and bins stores, and alterations to the existing vehicular entrance from Convent Avenue. The proposed development will consist of works to the former Good Shepherd Convent, Orphanage and Magdalene Home buildings, and former Gate Lodge Protected Structures (PS721) as well as works within the curtilage of these Protected Structures. The proposed development also consists of works to the exterior of structures which are located within the proposed Sunday's Well Architectural Conservation Area. All at the former Good Shepherd Convent site, Convent Avenue and Buckston Hill, Sunday's Well, Cork (circa 3.16 hectares).

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to the zoning provisions for the site as set out in the current Cork City Development Plan and to the design, character and layout of the development proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the character and setting of the protected structures on the site, would not seriously injure the residential amenities of adjoining properties, would be acceptable in terms of visual impact, would be acceptable in terms of traffic safety and convenience and would be in accordance with the provisions of the current Cork City Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Appropriate Assessment Screening**

Having regard to the information on file and to the Inspector's assessment which is noted, the Board is satisfied, having regard to the location of the proposal, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European Site, in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not, therefore, required. In this regard, the Board concurred with and adopted the Planning Inspector's conclusions in respect of Appropriate Assessment Screening.

## **Environmental Impact Assessment**

The Board considered that the Environmental Impact Statement submitted with the planning application, supported by the reports, assessment and conclusions of the Inspector and other submissions on file, was adequate in identifying and describing the direct, indirect, secondary and cumulative effects of the proposed development. The Board completed an Environmental Impact Assessment and assessed the likely significant effects of the proposed development, and concluded that the mitigation measures proposed and residual effects were acceptable. The Board concluded that, subject to the implementation of the mitigation measures proposed and subject to the conditions attached, the effects on the environment of the proposed development would be acceptable.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 19<sup>th</sup> day of October, 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed residential blocks shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. The proposed scheme shall provide for the reopening of the existing entrance onto Buxton Hill as a pedestrian entrance only. Prior to commencement of development, details of the design of the pedestrian gate shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of residential amenity and to improve connectivity with the established neighbourhood and permeability throughout the scheme.

4. Prior to commencement of development, the following shall be submitted to, and agreed in writing, with the planning authority:
  - (a) detailed drawings showing internal access road, shared surfaces and footpaths to meet the requirements of the planning authority,
  - (b) traffic management provisions, inclusive of road signage and internal footpath connectivity,
  - (c) final designs for the provision of external road improvements to be provided at the developer's expense, and
  - (d) Road Safety Audits on the internal road layout and external road improvement schemes.

**Reason:** In the interest of traffic safety.

5. Prior to commencement of development, the developer shall establish a local consultative group, including representatives of the developer, the local authority, the survivors' community project, and representatives of the local community. This group shall constitute a forum to prepare a plan to determine the nature, extent, and interpretation concepts associated with the redeveloped Bake house/coach house, and its development, maintenance and enhancement throughout its lifecycle. In addition, the plan shall provide details of the path linking the burial ground to the north-west of the site and the on-site burial ground and shall advise on the manner in which the developer will seek to facilitate the owner of the burial ground to the north-west of the site in terms of access, management and maintenance.

**Reason:** In the interest of protecting the cultural significance of the site.

6. The site shall be landscaped in accordance with the submitted landscaping scheme and trees to be retained shall be protected in accordance with the submitted tree protection measures. In addition, prior to commencement of development, a comprehensive boundary treatment scheme shall be submitted to, and agreed in writing with, the planning authority and shall include the provision of screen walls/fencing along the southern site boundary adjoining existing residential properties.

**Reason:** In the interests of residential and visual amenity.

7. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.



8. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

9. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of communal open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

10. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise and vibration management measures and traffic management measures.

**Reason:** In the interests of public safety and residential amenity.

11. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

12. Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

13. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

14. Proposals for a street name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs, and apartment numbers, shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility.

15. No dwelling units within the proposed development shall be sold separately or independent from associated car parking provision. All the proposed car parking spaces shall be for occupants of the residential units and shall be sold off with the units and not sold separately or let independently from the residential development.

**Reason:** In the interest of orderly development.

16. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling unit.

**Reason:** In the interests of amenity and public safety.

17. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and 96(2) and 3 (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

19. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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**Paul Hyde**

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2018.**