



An
Bord
Pleanála

Inspector's Report ABP-300690-18

Development	234 apartments
Location	The former Good Shepherd Convent site, Convent Avenue and Buckston Hill, Sunday's Well, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	17/37279
Applicant(s)	Moneda Developments Limited
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First & Third Party
Appellant(s)	Dermot & Mary Lanigan Tom J. Coleman Moneda Developments Limited Mick Barry TD
Observer(s)	Karen Hegarty O'Leary Victor Sullivan

Jurek Kirakowski
Cllr Kenneth Collins
Geoff & Liz Steiner-Scott
Sheila O'Byrne & Others
Mary Sharkey & Others
Fintan Bloss & Others
Susanne & Ruth Gamble
Mary Lyons
Maurice & Mary Lapthorne
Eva O'Mahoney
John Bowen
Senator Colm Burke
Bob Jackson
Cllr Mick Nugent
Bernard Allen
Jennifer O'Donoghue
Nollag O'Rourke
Michael Bennett
Neil & Catriona Brennan
Dr Eoin O'Sullivan
Cathleen Bowen
Martin Krasa
Dónal & Máire O'Mahony
Ray Coughlan
Colm de Barra
Survivors Community Garden Project
Dr James R. O'Callaghan
Colman & Triona Twomey
Don Spicer

Rachel O'Connell & Others

Andrew Sullivan

Date of Site Inspection

20th June, 2018

Inspector

Kevin Moore

1.0 Site Location and Description

- 1.1. The 3.16 hectare site comprises the former Good Shepherd Convent, Magdalene laundry and industrial school. The site also contains a gate lodge, bake house, outbuildings and a graveyard. The main structures are located along the northern side of the site and they front onto formal landscaped gardens which fall away in a southerly direction. The site slopes from north to south and is bounded by high stone walls. The site is accessed via Convent Avenue to the south-west. There is also a pedestrian access from Buxton Hill to the east. The Good Shepherd Convent, Magdalene laundry, industrial school and gate lodge are protected structures.
- 1.2. Development in the vicinity of the site includes residential properties on Blarney Street to the north and on Buckston Hill to the south-east, by a convent and residential properties on Lee View Place to the south, and by Cork City Gaol to the west. There is also a graveyard to the north-west of the site associated with the industrial school and laundry.

2.0 Proposed Development

- 2.1. The proposed development initially submitted with the application comprised:
- the partial demolition, redevelopment and extension of the former Good Shepherd Convent, Orphanage and Magdalene Home buildings,
 - demolition of all ancillary sheds and structures,
 - the conversion of the former Good Shepherd Convent, Orphanage and Magdalene Home buildings to 112 apartments over 4-6 storeys,
 - the conversion and extension of the former gate lodge to a part two-storey crèche,
 - the conversion of the former bake house to a part two-storey community facility/exhibition space,
 - the construction of 7 no. buildings ranging in height from 3 to 6 storeys to provide 122 apartments,

- the provision of 210 car parking and 234 bicycle spaces,
- site development works, internal roads, landscaping, an ESB substation, and bin stores, and
- alterations to the existing vehicular entrance from Convent Avenue and controlled pedestrian access from Buckston Hill.

The gross floor area of the proposed development at the stage of the submitted application was 27,278 square metres. Overall, the original scheme proposed 45 1-bed, 154 2-bed, 34 3-bed, and one 4-bed apartments.

- 2.2. Details submitted with the application included an Environmental Impact Statement, an Architect's Design Statement, 3D Visualisations, a Planning Report, a Site Infrastructure Report, a Conservation Report, a Tree Condition Survey, and a Part V submission.

3.0 Planning Authority Decision

3.1. Decision

On 13th December, 2017, Cork City Council decided to grant permission for the proposed development subject to 43 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Senior Executive Planner noted the site's recent planning history, development plan provisions, national policy guidance, reports received and third party submissions made. The report included the following:

- The principle of residential development on the site was considered acceptable, the designation of the majority of the area zoned Landscape Preservation Zone as open space was seen to accord with the zoning objective, and the retention and conservation of the protected structures was welcomed.
- Concern was raised about universal access to graveyards, the location of apartment blocks close to the south and east boundaries, random locating of

blocks and associated extensive surface car parking, and the need for replacement of blocks with own-door houses.

- Revisions to building heights in the northern section and the need for re-consideration and redesign of the southern section was referenced.
- The standard of accommodation being provided was viewed as acceptable, while the housing mix was seen to need revisions.
- The extent of surface parking in the southern section of the site was viewed as excessive.
- The design of Blocks B1-B5 was not seen to be sensitive to the landscape and to the relationship with adjoining properties. A revised visual assessment was recommended.
- With regard to impact on adjoining properties, it was considered that the fifth floor accommodation of Blocks A1, A2 and A4 should be omitted, that Blocks B2 and B5 should be redesigned as family dwellings and first floor balconies omitted, that Block B1 should be lowered by one storey, and Blocks B1 and B2 are given an additional set back from the eastern boundary.
- It was noted that the site is not located in an area with good road infrastructure. The recommendation of the Transportation Section was noted.
- The Roads Design Engineer's requirements were repeated.
- The modern history/archaeology of the site was considered to be inadequately addressed. Further information on the matter was recommended.

The submitted EIS was reviewed and a screening for Appropriate Assessment was undertaken.

It was concluded that Blocks B1-B5 required reconsideration, the provision of just 15% 3-bed units was unacceptable, and the objection of the Transportation Section left the Planner no option but to refuse permission. A refusal of permission for three reasons was recommended relating to traffic congestion arising from the proposal, the visual obtrusiveness of Blocks B1-B5, and the inadequacy of the proposed housing mix.

3.2.2. Other Technical Reports

The Roads Design Engineer requested further information relating to vehicular and pedestrian accesses, the internal road layout, parking, and the management of the development. A second report relating to development contributions requested further details on floor areas and set out what qualified for reductions under the development contribution scheme.

The Heritage Officer was satisfied with provisions relation to ecology/biodiversity and tree care. Access to the graveyard on site and the use of the bake house as an exhibition space were noted. A grant of permission subject to a schedule of conditions was recommended.

The Drainage Engineer had no objection to the proposal subject to a schedule of conditions.

A second Drainage Engineer's report, in considering noise, construction activity and air and climate, had no objection to the proposal subject to a schedule of conditions.

The Transport and Mobility Engineer expressed concerns relating to access arrangements, availability of public transport, inadequate public road network, and poor pedestrian connectivity. Cycling limitations were also identified. The need for assessment of the adequacy of public lighting was highlighted. The applicant's assessment of the impact of the development on the local road network was alluded to. It was estimated that 1,300 lorry movements would be required to remove an estimated 13,000m³ excavated material from the site over a nine week period. It was concluded that the site is well located relative to the city centre but is not in an area of good road infrastructure. It was considered that the development would exacerbate congestion at the Sunday's Well Road / Shanakiel Road junction. The benefits from the proposed new North Ring Road (a long term scheme) was seen to have minimum traffic benefits for the Sunday's Well area. A refusal of permission was recommended based upon traffic impacts on an already congested area, lack of public transport alternatives, and other appropriate mitigation measures.

In a second report, the Transport and Mobility Engineer stated that the recommendation that the application be refused still stood but that if further information was to be requested information could be asked for relating to reduced densities and a better mix of units to reduce the level of car movements, details

showing safe walking routes from nearby trip attractors, and the submission of the version of TRICS database used and details of the developments being used to form the trip generation information. Other requested details related to the submission of a realistic traffic model and all assumptions which link the priority junctions and which show the impact of the junctions on each other at peak times and to the submission of sensitivity test results for the traffic modelling work based on an assessment of the 85th percentile for the trip generation.

The Environment Engineer considered the visual impact of the development would be moderate. It was noted that open space provision was well in excess of development plan guidelines. Landscaping proposals were considered satisfactory. There was no objection to the proposal.

The Housing Officer noted discussions had taken place with the developer and stated that the preference is to acquire 25 units in one block to comply with Part V. There was no objection to the proposal.

3.2.3 Other Reports

Following the Planner's recommendation, the Director of Services drew up an Order requiring the submission of a range of further information.

3.3. **Prescribed Bodies**

Irish Water had no objections to the proposal.

An Taisce acknowledged the extent of damage to existing structures and welcomed the lack of new building in the Landscape Preservation Zone in the south-west part of the site and expressed concern about the proposal to incorporate new blocks up to six stories. Development plan provisions relating to architectural heritage were noted.

3.4. **Third Party Observations**

77 third party submissions were made to the planning authority after the submission of the original proposal. The grounds of the appeal reflect the range of significant issues raised.

3.5 A request for further information was requested by the planning authority on 10th April, 2017. This required further details on transportation and the scale of the proposed development, on road design, the design and layout of the scheme, on materials, roof treatment, section details, an updated visual assessment, archaeological issues, development contributions, and revisions to the EIS. A response to this request was received by the planning authority on 19th October, 2017 and included an 'Environmental Impact Assessment Report'. Revised public notices were also included. The response proposed:

- a reduction to 202 units, providing a density of 64 units/hectare, down from 74 units/hectare,
- a unit mix of 41 1-bed units, 94 2-bed units, and 67 3/3+ units,
- a mix of apartments and three-storey houses (in Blocks B2 and B5), and
- an increase in parking to 218 spaces.

3.6 An additional 67 third party submissions were made to the planning authority in response to the further information response.

3.7 Further to the submission of further information, the reports to the planning authority were as follows:

The Roads Design Engineer had no objection to the proposal and set out a schedule of conditions.

The Conservation Officer had no objection and recommended the attachment of a condition.

The Parks Superintendent submitted that the City Council, as owners of the burial ground, will explore options to develop and enhance the burial ground.

The Transport and Mobility Engineer welcomed the reduction in density of development and revision of the unit mix. It was considered that an increased population in the Sunday's Well area would add vibrancy and support the viability of an improved public transport offer for the area. The proposals to upgrade the pedestrian environment were seen to impact positively on the setting up of

sustainable travel habits for the area. It was concluded that, if permission was to be granted, a schedule of conditions set out in the report should apply.

The Archaeologist submitted that, in the event of a grant of permission, a comprehensive programme of archaeological mitigation measures is advised. She had no objection to the proposal and set out a schedule of conditions.

The Drainage Engineer had no objection to the proposal and set out a schedule of conditions.

The Senior Executive Planner noted the content of the inter-departmental reports. The proposed design and layout changes were generally welcomed with some proposed revisions that included the omission of Block B1, the omission of Level 4 of Block A3 and the repositioning of Block B2, reducing the scheme to 179 units. A grant of permission was recommended subject to conditions.

The Senior Planner concurred with the recommendation to omit Block B1 and to reposition Block B2 but disagreed with the recommendation to omit Level 4 of Block A3. A grant of permission was recommended.

4.0 Planning History

ABP Ref. PL 28.101968

Permission was granted by the Board in 1997 for the redevelopment of the site for the provision of a satellite campus for University College Cork.

P.A. Ref. 00/24660

Permission was granted by the planning authority for the construction of 99 three, four and five bedroom apartments to the rear and west of the existing laundry and industrial school buildings,

ABP Ref. PL 28.127177

Permission was refused by the Board for the construction of a five-storey extension to the western side of the main laundry building, the conversion of the ground floor of the laundry building, industrial school building and chapel to offices, and conversion of the first and second floors of the laundry building into recreational/service facilities and administrative offices.

ABP Ref. PL 28.127181

Permission was granted by the Board for the construction of a six-storey extension to the east of the development permitted under P.A. Ref. 00/24660.

ABP Refs. PL 28.128931, PL 28.128934 & PL 28.128937

Permissions were refused by the Board for these proposed developments which sought to provide a total of 183 student apartments.

ABP Ref. PL 28.219782

Permission was granted by the Board in 2007 for 184 residential units.

P.A. Ref. 07/32544

Permission was refused by the planning authority for alterations to the bakery building and a four-storey extension.

P.A. Ref. 09/34000

Permission was refused by the planning authority for alterations to the development permitted under ABP Ref. PL 28.219782.

5.0 Policy Context

5.1. Cork City Development Plan 2015-2021

Zoning

The site is zoned 'ZO 4 Residential Local Services and Institutional Uses'.

Residential development is acceptable in principle within this zone.

Landscape

The south-western section of the site is identified as a 'Landscape Preservation Zone' (W17). It is an objective to provide landscape structure and open space in any redevelopment. Landscape assets to be protected include tree canopy, natural features/cultural landscape, and public and private open space.

The site is also located within the designated 'Sunday's Well Area of High Landscape Value'. Objective 10.4 seeks to conserve and enhance the character and

visual amenity of Areas of High Landscape Value. There is a presumption against development where it causes significant harm or injury to the intrinsic character, or where it breaks the existing ridge silhouette, or the character and setting of buildings.

Architectural Heritage

The Good Shepherd Convent, Magdalene laundry, industrial school and gate lodge are Protected Structures (PS721).

The site is located within Sunday's Well Architectural Conservation Area, Sub-Area D: Former institutional lands. This ACA incorporates the Good Shepherd grounds and the former Cork Gaol to the west.

6.0 The Appeals

6.1.1 Grounds of Appeal by Moneda Developments Limited

The grounds of the first party appeal relate to Conditions 2, 3, 7(a) and 18(a) of the planning authority's decision to grant permission. The grounds may be summarised as follows:

Overview

- With regard to Condition 2(b), the reinstatement of Building B1 or its reinstatement with a reduction in height of one storey is requested.
- As a consequence of this request, the applicant is appealing Condition 2(a) which requires the repositioning of Building B2, Condition 3 which restricts the proposed development to 182 units, Condition 7(a) which requires a revised Masterplan to take account of the omission of Block B1, and Condition 18(a) which restricts car parking to 206 spaces.

The appellant refers to an extensive range of policy provisions which are submitted as supporting the scale and nature of development proposed. The appellant further refers to the proposed refurbishment works to the site's protected structures, the

proposals for the interpretation and memorialisation of the site's history, and the additional improvements that would result for the external road and street network.

Condition 2(b)

It is submitted that there is no reasonable basis for the imposition of Condition 2(b) having regard to the findings set out in the submitted EIAR, the proposal relative to that previously permitted by the Board under ABP Ref. PL 28.219782, and the conclusions drawn in the planning authority's interdepartmental reports.

The appellant submits that they are willing to accept the reinstatement of Building B1 with a reduction in height through the removal of the fourth floor, reducing the scheme to 197 units and a density of 62 units/hectare.

Condition 2(a)

Building B2 is two-storey on the southern elevation, is designed to avoid overlooking, has no balconies, and is c. 8.9m at its closest point from the southern boundary. It will have no impact on sunlight into the property to the south.

Reference is again made to the proposal previously permitted by the Board under ABP Ref. PL 28.219782 and the permitted block at that time in the vicinity of proposed Block B2.

Condition 3

If the Board is minded to remove Condition 2, it is requested that Condition 3 be modified to be aligned with the revised number of units.

Condition 7(a)

If the Board is minded to remove Condition 2, it is requested that Condition 7(a) also be removed from the Board's decision.

Condition 18(a)

If the Board is minded to remove Condition 2, it is requested that Condition 18(a) be modified to be aligned with the revised number of units determined suitable by the Board. The appellant is happy to accept a corresponding increase in cycle spaces (Condition 18(b)).

6.1.2 Grounds of Appeal by Dermot & Mary Lanigan

The appellants reside at 2 Homeville, 91 Sunday's Well Road. The grounds of the appeal may be summarised as follows:

- The proposal will worsen existing congestion in the area and extend it to adjacent areas. Concerns raised about the effectiveness of the Mobility Management Plan and implications for the emergency services.
- The Council's decision is not in accordance with the City Development Plan.

6.1.3 Grounds of Appeal by Tom J. Coleman

The grounds of the appeal may be summarised as follows:

- The high density of the proposal, given the poor road infrastructure and strategic location of the development, will cause exceptional traffic problems for commuters, parking difficulties. There is no evidence that effective traffic mobility management can be done.
- There is no evidence that the development will avoid seriously overlooking adjoining properties.
- There is no evidence that the proposal will not be visually discordant with the rest of the area.
- A proposal that does not take into account the geological structure of the area is premature and should not be allowed.
- Concern is raised about unmarked graves that may be affected by the development and the need for further geophysical surveying.

The appeal includes an evaluation of the EIAR text and a commentary on the conditions attached with the planning authority's decision.

6.1.4 Grounds of Appeal by Mick Barry TD

The grounds of the appeal may be synthesised as follows:

- The scale of the development represents a potential doubling of the local population in an area that is congested and has no public transport options.
- The local road network is not designed for a two-way system and the parking to be provided, and on-street parking, will have a dramatic impact on the quality of life of residents.
- Concern is raised about the ease of movement of emergency services.
- With steep hills, lack of safe cycling lanes, choke points in the road network that pose a safety risk, and poor footpaths, it is not realistic for residents to take up cycling or walking as primary modes of transport.
- Concern is also expressed about the density of development and the lack of respect to the history of the site.
- A survey of the entirety of the site is required to ascertain any unmarked graves or burial areas.

6.1. Applicant Response

The applicant's response to the appeals may be synthesised as follows:

Response to Tom J Coleman

- The validity of the appeal is questioned, having regard to the names and addresses of correspondence to the planning authority and that now set out in the appeal to the Board.
- The scheme previously granted by the Board under PL 28.219782 comprised 184 units and with the potential for further units in the north-east section. The Board is asked to dismiss the appeal on the basis of the nature of the appeal and the previous grant of permission.

- The site is no different to most urban brownfield development sites, presenting its own challenges. The site's planning history shows that a balance can be struck, with a positive outcome.
- The access roads serving the site generally operate in free flow conditions outside of peak periods and there is no impediment to emergency vehicle movement. The proposal has been designed to ensure emergency vehicles have good access to all the buildings.
- The proposal is not high density, but rather medium density in accordance with the City Development Plan.
- The EIAR demonstrates that the development can be successfully absorbed into the existing environment without overlooking and without significant traffic and visual impact.
- Provision of car and cycle parking is appropriate and a number of pedestrian and road improvements are to be made in the vicinity.
- A construction management plan and a mobility management plan will be prepared to manage the construction impact on traffic.
- The conditions attached with the decision to grant are necessary, relevant, enforceable, precise and reasonable and will be complied with in full.
- Regarding geological issues, the applicant will comply with Condition 40 of the planning authority's decision.
- The archaeological investigation undertaken is detailed, thorough and conclusive. The applicant is committed to a programme of archaeological monitoring within previously untested greenfield areas that will be impacted by the proposal. There is commitment also to an archaeological watching brief during ground reduction works and subsurface excavations within the immediate vicinity of the former convent buildings and there will be compliance with conditions 9-12 of the planning authority decision.

Response to Dermot and Mary Lanigan

- In relation to traffic, the proposed development was revised in response to the request for further information.

- The proposal does not constitute a material contravention of the development plan but rather is fully supported by it.

Response to Mick Barry TD

- The proposal is of appropriate scale for this suburban area in close proximity to the city centre, and the city's major employment nodes and institutional uses.
- It is not determined to create a significant traffic impact or hazard.
- In relation to interpretation and memorialisation of the site, the applicant has a conservation-led strategy to guide the site's redevelopment in a sensitive manner.
- The Council did not raise concerns in relation to access by emergency services.

6.2. Planning Authority Response

The planning authority welcomes the redevelopment of the site and the approach to the protected structures. The brownfield site is considered to be well located and is seen as an acceptable use on zoned lands. Reference is made to the Board's previous decision under ABP Ref. PL 28.219782 and to the interdepartmental recommendations. Regarding the first party appeal relating to Block B1, it was considered that the overall impact on the character of the site and of Buxton Hill would be considerably lessened with the omission of the Block. It was further noted that, under ABP 28.219782, a block was omitted such that there was not the same extent of buildings abutting the eastern boundary.

6.3. Observations

Karen Hegarty O'Leary

The observer raises concerns relating to scale, construction disruption, parking facilities, Architectural Conservation Area status, and the use of conditions to be agreed with the planning authority and without public input.

Victor Sullivan

The observer raises concerns relating to traffic congestion in the area and problems arising for occupants of the proposed development.

Jurek Kirakowski

The observer raises concerns relating to traffic impact, the character of the development, and the nature of conditions imposed by the planning authority.

Cllr Kenneth Collins

The observer raises concerns relating to the road infrastructure, public lighting, consultation, the height of apartments, building finishes, parking, social housing, Buxton Hill access, and access to grave sites.

Geoff & Liz Steiner-Scott

The observers raise concerns relating to impact on protected structures, the design of new apartment blocks, traffic congestion, parking, construction and operational access, provision of space for artists, and adequacy of a bond.

Sheila O'Byrne & Others

The observers request a respectful proposal that is mindful of women and children buried in unmarked graves.

Mary Sharkey & Others

The observers raise concerns relating to the scale of the development, traffic impact, and parking.

Fintan Bloss & Others

The observers raise concerns relating to the site's context, access, nature of the development relative to that previously permitted, the character of the development and appropriateness of planning conditions.

Susanne & Ruth Gamble

The observers raise concerns relating to facts stated to be misrepresented in the application, the visual character of the development, the loss of the brick entrance, the single vehicular access, dormer windows in the protected convent, lack of research on unmarked graves, and the vagueness of planning conditions.

Mary Lyons

The observer raises concerns relating to parking, traffic congestion, density of development, and misrepresentation of facts in the application.

Maurice & Mary Laphorne

The observers raise concerns relating to misrepresentation of facts in the application, traffic congestion, and the vagueness of planning conditions.

Eva O'Mahoney

The observer raises concerns relating to impact on an ACA, access, lack of public transport, the scale of development relative to the previously permitted development, the character of the development, and the vagueness of planning conditions.

John Bowen

The observer (No. 6 Buxton Hill) raises concerns relating to traffic impact, lack of public transport, and the lack of cycling option due to steep hills and heavy traffic, and the unsustainability of the development due to the doubling of the population in the area. It is submitted that Block B1 would overlook his house and prevent sunlight entering his gardens.

Senator Colm Burke

The observer raises concerns relating to misrepresentation of facts in the application, the scale of development relative to the previously permitted development, the character of the development, and the vagueness of planning conditions.

Bob Jackson

The observer raises concerns relating to traffic and safety, absence of adequate public transport, the visual character of the proposal, traffic noise, and impacts on the structural integrity of property.

Cllr Mick Nugent

The observer raises concerns relating to traffic congestion, parking, lack of public transport, the need for archaeological and geological surveys, visual intrusiveness, and the need to revise the scheme.

Bernard Allen

The observer raises concerns relating to misrepresentation of facts in the application, the scale of development relative to the previously permitted development, and the vagueness of planning conditions.

Jennifer O'Donoghue

The observer (2 Hollymount, Buxton Hill) raises concerns relating to adverse environmental, ecological and physical impacts that have been misrepresented, understated or not addressed, with reference made to geological impacts and the effect on her property.

Nollag O'Rourke

The observer raises concerns relating to geology, overlooking, access, traffic congestion, poor public transport, and appropriateness of planning conditions.

Michael Bennett

The observer raises concerns relating to geology, overlooking, access, traffic congestion, poor public transport, and appropriateness of planning conditions.

Neil & Catriona Brennan

The observers raise concerns relating to inadequate road infrastructure, car parking, geophysical hazards, and the scale and density of development.

Dr Eoin O'Sullivan

The observer raises concerns relating to insufficient local road quality and access, the impact on the historic area of Sunday's Well due to the size and character of the development

Cathleen Bowen

The observer raises concerns relating to traffic impact, lack of public transport, and misleading details relating to Block B1, its overlooking and overbearing impacts, impact on light, scale and form and consequent impacts on the ACA and protected structures.

Martin Krasa and Grace Neville

The observers (Buxton Villa, 107 Sunday's Well Road) raise concerns relating to the reinstatement of Block B1 and restoration of Block B2 and the adverse impacts arising from the proposal's size, mass, appearance, architectural incompatibility, density, traffic impact and overlooking. The observers reiterate traffic concerns and refer to lack of consultation. The observation includes details of travel times to a range of destinations in the city from the site and photographs showing traffic congestion in the area.

Dónal & Máire O'Mahony

The observers raise concerns relating to misrepresentation of facts in the application, traffic impacts, lack of public transport, visual character of the development and enforceability of planning conditions.

Ray Coughlan

The observer raises concerns relating to road infrastructure, congestion, impact on architectural character and heritage of the area, inadequate archaeological and geological considerations, capacity of the water services network, and the unacceptability of returning southern blocks to their original positions.

Colm de Barra

The observer raises concerns relating to traffic impacts and lack of public transport.

Survivors Community Garden Project

The observers ask that the Board will make consultation with survivors and family/loved ones connected to the institutions, for both the mass grave and bakehouse exhibition, a condition of any planning permission that is granted.

Dr James R. O'Callaghan

The observer raises concerns relating to traffic impacts, lack of public transport, poor access to services, and impact on emergency services.

Colman & Triona Twomey

The observers raise concerns relating to scale, traffic impacts, inadequate road infrastructure, public transport and public lighting, impact on the visual character of the area, and inadequacy of planning conditions.

Don, Eithne and Donald Spicer

The observers (2 Buxton Terrace) raise concerns relating to the reinstatement of Block B1, traffic impacts, inadequate road infrastructure and public transport, social housing sited in one block, the character of the new blocks, impact on fauna,

Rachel O'Connell & Others

The observers raise concerns relating to the traffic impact, overlooking and overshadowing of Blarney Street residential properties, structural impacts on the boundary wall, the architectural character of the development, lack of schools and facilities, lack of public transport, and non-compliance with the City Development Plan.

Andrew Sullivan

The observer raises concerns relating to the need for the development, demographic change, lack of amenities, construction and operational traffic impacts and parking, landscape impact, emergency services access, air pollution, impact of new development on protected structures, and lack of consultation. The observation includes three dash cam video files relating to traffic congestion in the area.

6.4. Further Responses

In response to the observation by Andrew O’Sullivan, the applicant submitted that it appeared that no new grounds are raised in the observation that have not already been addressed by the applicant in full.

Tom J Coleman counters the first party appeal submission by reference to the concerns raised with the planning authority and with the Board. The omission of Block B1 is viewed as not addressing serious problems in a significant way. It is further submitted that improvements to pedestrian and cycling facilities are physically impossible. It is noted that much of this response comprises further submissions on the planning authority considerations and on compliance with policy provisions.

In response to the observation by Andrew O’Sullivan, Tom J Coleman endorsed the submission made.

7.0 Assessment

7.1. Introduction

7.1.1 The proposed development will be considered by the Board ‘*de novo*’. Thus, while matters arising from the appeals and observations that have been made relating to conditions may be considered in some instances, the nature and extent of conditions arising from any grant of planning permission may vary from those attached with the decision of the planning authority.

7.1.2 This assessment will first undertake an Environmental Impact Assessment of the proposal, consider any matters relevant to Appropriate Assessment, and will then address any outstanding matters arising from the appeals and observations.

7.2. Environmental Impact Assessment

7.2.1 Introduction

The original application was submitted to the planning authority prior to 16 May 2017, the date for transposition of Directive 2014/52/EU amending the 2011 EIA

Directive. This application included the submission of an Environmental Impact Statement (EIS). However, following a request for further information (which sought amendments to the original proposal), an 'Environmental Impact Assessment Report' (EIAR) was submitted to the planning authority on 19th October, 2017. It is clear from the submitted EIAR that changes to the factors of the environment to be considered have not been wholly embraced in the applicant's Report. While 'Population and Human Health' replaces the section 'Human Beings' and a section entitled 'Ecology/Biodiversity' replaces what would previously have been termed 'Flora and Fauna', the applicant's EIAR does not expressly provide for the new factor 'Land' nor does it expressly consider 'the expected effects deriving from the vulnerability of the project to risks of major accidents and/ or disasters.' It is also apparent from the 'EIAR' that consideration of "climate" did not expressly include "climate change". The detail contained within the 'EIAR' would intimate that this document is effectively a revised EIS.

Accepting the above, I note Circular letter PL 1/2017 from the Department of Housing, Planning and Local Government wherein it provides that, where *an application* is made for planning permission on or after 16 May 2017, the 2014 Directive should be applied. The application in this instance was made before the 16th May, 2017. What was submitted by way of further information was a revised EIS. This application, thus, falls under the 2011 EIA Directive.

I am satisfied that the information contained in the submitted EIS and the revised EIS comply with article 94 of the Planning and Development Regulations 2000.

My considerations on the environmental impact of the proposed development are made with regard to the development permitted by the planning authority, in the context of the original and revised EIS, and are as follows:

7.2.2 Human Beings

The proposed development will evidently have a range of impacts at the construction and operation phases for the resident community, new occupants and construction workers in terms of traffic, noise, visual impacts, etc. These impacts and provisions being made by the applicant are considered in other sections of this EIA and

assessment. The proposed construction impacts would be guided by a Construction Management Plan. In terms of impact on population change, the proposal can be seen as resulting in a significant increase in the local population. This can reasonably be viewed as a likely positive impact on the sustainability of local services and community facilities. It further enhances a sustainable approach to planning by utilising a brownfield site for accommodating a suitable density of development in close proximity to the city centre. It will also provide an additional community service in the form of the crèche facility. The redevelopment of the derelict buildings and opening up of inaccessible lands will improve the amenity of the area.

7.2.3 Flora and Fauna

I note the applicant mapped the range of habitats of the site, undertook bat surveys, surveyed for invasive plant species, noted prevalent bird species, and undertook a mammal survey. I note also that an Appropriate Assessment Screening Report was prepared and was included as part of the submitted EIS.

The proposed development constitutes a brownfield site that was formerly in institutional use. As well as a significant number of structures, the site is made up of extensive amenity grassland that includes mature trees. It may reasonably be determined that the site contains highly modified habitats that are generally of low ecological value.

The proposed development would not have any direct impact on any Natura site and would not have any indirect impact due to the serviceability of the site and the standard construction methodologies that would be employed at the construction phase. There are no recorded rare flora species on the site. While a section of the site comprises a Landscape Preservation Zone, it is noted that the site constitutes an urban property that has been substantially modified. It consists of lands that are of no significant biodiversity value. It is further noted that there are no aquatic habitats on the site or beyond the site that would be affected by the scheme. The proposed development seeks to retain the Landscape Preservation Zone and most of the associated trees of amenity value. The latter is particularly relevant in terms of mitigation, along with the proposal to retain boundary walls, and to ensure that bats

that may be present are protected during the construction and operation phases. While I note that surveys indicated the presence of bats in the existing main structures, it is acknowledged that some displacement would result from the development. Replacement roosting sites are proposed to be provided.

Finally, I acknowledge that the site and existing structures have been the subject of redevelopment proposals on a number of occasions.

7.2.4 Soils & Geology

I note that there are no rock outcrops on the site, no karst landforms, and the subsoils at this location comprise made ground. There are no recorded sites of geological interest on or in the vicinity of the site. The site has previously been subject to ground investigation works. The proposed development would affect the site by way of ground preparation works which would include the excavation and removal of approximately 13,000m³ of material.

It is reasonable to determine that the employment of good construction management practices on this previously developed site should ensure that the proposed development would have no significant impact on soils. This site has been subject to previous planning permissions for substantial residential development and revisiting appellants' concerns relating to geology are not merited.

7.2.5 Water

There are no surface water features on or adjacent to the site. The site is not known to be subject to flooding.

The proposed development would include a new storm water drainage system which would connect to an existing culvert on Convent Avenue.

It is reasonable to determine that the employment of good construction management practices should ensure that the proposed development would have no significant impacts on surface and groundwaters on this urban site.

7.2.6 Air and Climatic Factors

Noise and Vibration

At the construction stage, construction activities and construction traffic would be the principal noise and vibration impacts on nearby residents. Traffic is most likely the significant factor at the operational stage. I acknowledge that no rock breaking or blasting is predicted to be required at the construction stage. Standard mitigation measures, in accordance with good work practice, at the construction phase is proposed, details of which are set out in Section 9.6 of the revised EIS.

Having regard to the relatively short-term nature of the construction phase, the lack of rock breaking and/or blasting, and the mitigation measures proposed, it is not anticipated that there would be any significant impact on the environment by way of noise and vibration.

Air Quality

The likely air quality impacts at the construction phase would result from dust and from traffic at the operation phase. A range of best practice mitigation measures are proposed at the construction phase to minimise dust generation and are set out in Section 10.6 of the revised EIS. This would include the provision of a dust minimisation plan.

With estimated air emissions not exceeding limit values and with mitigation measures employed, it is considered that there would be no significant air quality impact arising from the development at the construction and operation phases.

Climate

While the proposed development would increase traffic in the locality, it is reasonably determined that, where limit values for pollutants are not being exceeded, there would be no significant increases of greenhouse gases and, thus, no significant impact on climate arising at the construction and operation phases.

Overall, it is considered reasonable to determine that the proposed development would have no significant impacts on air or climatic factors.

7.2.7 Landscape and Visual Impact

The site of the proposed development lies within an Area of High Landscape Value (AHLV), as designated in the City Development Plan. It is an objective to conserve and enhance the visual amenity of these areas through appropriate management of development. The south-western section of the site is also designated a Landscape Preservation Zone (LPZ) where it is an objective to provide landscape structure and open space in any redevelopment. This part of the site includes a mix of mature broadleaf and evergreen trees. The site is also included within the area designated Sunday's Well Architectural Conservation Area (ACA).

The proposed development seeks to retain and re-use the existing main buildings on the site. The LPZ will be wholly retained. New buildings are to be constructed to the west, north and east side of the existing main structures and five new buildings are proposed at the south-east section of the site. The graveyard in the north-east part of the site is to be maintained.

In terms of visibility, the greater part of the site is not visible from the public realm at local level due to its enclosed nature by adjoining private properties and boundary walls. Due to the siting of the convent buildings on elevated lands, there are more distant views of the site at various locations from the south. The applicant's visual impact assessment and accompanying photomontages comprise a balanced consideration of the likely impacts arising from the proposed development. The greatest impacts will be those for adjoining private residential property owners and not from the public realm or from important city amenity locations, where distant views may arise.

It is noted that no structures would be erected within the designated Landscape Preservation Zone on the site. This area would be enhanced with improved access and walkways. A comprehensive landscape plan has been developed for the site. Linked footpaths, a perimeter path, and an upper terrace amenity path linking the on-site cemetery to the adjacent cemetery to the north-west would be developed. The scheme would include semi-mature tree planting to the east of buildings A5 and B1 and along the northern boundary of the site. The redevelopment of the derelict site, the protection of the Landscape Preservation Zone, and the proposed landscape measures would enhance the amenity of this area, bringing a significant under-utilised, vacant, brownfield site in this residential area back into appropriate

residential use. The proposed development would, therefore, have a positive impact on the landscape and would not undermine the landscape character of this site.

Finally, I note the nature and extent of development previously permitted by the Board on this site. The proposed development would not have any significantly greater landscape and visual impacts than that previously determined acceptable at this location.

7.2.8 Material Assets

Architectural and Cultural Heritage

The site of the proposed development is firstly of historical and social significance due to its former use as a Magdalene laundry and industrial school. The original buildings on the site were designed by G.C. Ashlin and are of architectural significance. They comprise three main blocks that consisted of the Magdalene Laundry, the Convent and an Industrial School, as well as a bakery, a coach house, and a gate house. These structures form an integral part of the Sunday's Well ACA. The convent building and chapel were gutted by a fire in 2003 and the former Magdalene laundry was gutted by fire in 2012. The cemetery at the north-east corner of the site contains the grave of Ellen Organ, a child known as Little Nellie of God.

The proposed development seeks to re-use the existing historic structures on the site, to redevelop them, and to allow access to and to maintain the existing on-site graveyard. An access route to the burial ground associated with the Magdalene laundry, which is outside the site and to the north-west, is to be restored and will follow a high level walkway along the northern boundary. A second route is proposed to run along the western boundary wall and would lead to the entrance to this cemetery. The former bake house is to be used as an exhibition space.

Overall, it may be determined that the proposed development would make a positive contribution to the architectural heritage of this area and would facilitate an understanding of the historical, social and cultural significance of the site.

Archaeological Heritage

I note that there are no recorded archaeological sites located within the proposed site or within 100 metres of its boundaries.

The proposed site was subject to a desktop survey, a geophysical survey, and archaeological test trenching. No artefacts of archaeological or cultural significance were found. The applicant proposes that a programme of archaeological monitoring would be undertaken within previously untested greenfield areas that may be impacted by the scheme. An archaeological watching brief is also proposed during ground reduction works and when subsurface excavations would be taking place in the vicinity of the former convent buildings. With regard to burial grounds, the proposal includes the retention and maintenance of the overgrown convent graveyard in the north-eastern part of the site and the retention and maintenance of the walkway to the gate of the Magdalene burial ground that lies outside of the site to the north-west. It is understood that the applicant does not own this latter burial ground and cannot legally provide access on to it. The applicant is committed to facilitating the access, management and maintenance of the burial ground.

I consider that it is reasonable to conclude that the proposed development would have no known adverse impacts on archaeological heritage at this location.

The Road Infrastructure - Traffic and Transportation

Existing Network:

Convent Avenue serves residential properties, the appeal site and the former Cork City Gaol, a major city visitor attraction. The road narrows to the south on the approach to the junction with Sunday's Well Road. There is on-street parking available along the road and this effects the flow of traffic, notably along its southern section. Sunday's Well Road to the south is a radial route to the city centre from the western suburbs. This is a relatively narrow road that permits on-street parking, which can impact on traffic flow on the approach to junctions along its length. The No. 201 bus runs along this road, with the nearest stop approximately 400m from the site. The No. 208 bus also serves the area, with the nearest stop being located on Western Road to the south of the site on the opposite side of the River Lee.

Construction Phase:

It is estimated that approximately 13,000m³ of excavated material will need to be exported off the site and it is proposed that this would occur over a 9-week period. Some of this material may be used for landscaping purposes on the site. The total volume of traffic generated at the construction phase during peak hour periods is estimated at 20 vehicles (including light goods vehicles and cars).

The applicant proposes to develop a Construction Traffic Management Plan and a Mobility Management Plan for workers which will seek to meet with the requirements of the planning authority.

Operation Phase:

The development would be served by a single vehicular access from Convent Avenue. It is proposed to be a priority-controlled junction. The existing gate would be widened to accommodate two-way flow. Traffic flow on Convent Avenue is estimated to increase by 38.6% in the AM peak in the opening year of the completed scheme and by 40.5% during the PM peak. The applicant's analysis has indicated that the Sunday's Well Road / Convent Road junction would operate within capacity during the morning and evening peaks after the completion of the development.

Mitigation measures to address external pedestrian access in the vicinity are set out in Section 8.7.3 of the revised EIS.

Assessment:

I must first acknowledge what has previously been permitted at this location as follows:

- Under ABP Ref. PL 28.101968, permission was granted by the Board in 1997 for the redevelopment of the site for the provision of a satellite campus for University College Cork.
- Under P.A. Ref. 00/24660, permission was granted by the planning authority for the construction of 99 three, four and five bedroom apartments to the rear and west of the existing laundry and industrial school buildings,
- Under ABP Ref. PL 28.127181, permission was granted by the Board for the construction of a six-storey extension to the east of the development permitted under P.A. Ref. 00/24660.

- Under ABP Ref. PL 28.219782, an application for 274 residential units resulted in permission being granted by the Board in 2007 for 184 residential units.

Having regard to the above, it must be clearly understood from the outset that this site has been considered appropriate for extensive residential development, notably with regard to the latter decision, and that the Board and the planning authority have already previously determined that the road network serving such extensive residential development is adequate to accommodate the vehicular traffic that would be generated by such developments. While acknowledging that there is serious local concern about traffic and transportation impacts arising from the proposed scheme, revisiting this proposed residential development on traffic and transportation grounds cannot reasonably be merited. The applicant's measures to improve pedestrian infrastructure is noted, as are the conclusions drawn by the planning authority's Roads Engineers and the obligation on the developer to provide a significant development contribution in respect of public infrastructure.

Parking:

The applicant proposes to provide 218 car parking spaces within the site to serve 202 residential units, comprising 74 at surface level, 141 at undercroft level, and 3 set-down spaces. Thus, the scheme provides at least one space per unit. The City Development Plan provides for maximum car parking standards at a rate of one space per one/two bed units, two spaces per three/three plus units, and 0.25 spaces for visitor parking per unit. It is my submission to the Board that, arising from the location of the development in close proximity to the city centre, one must seek to minimise an excess in car parking at this location and that the provision of 218 car parking spaces is suitable to promote more sustainable forms of transport in such a built-up city location.

The applicant proposes to provide 202 cycle parking spaces. This is more than adequate to meet the Development Plan requirement of 0.5 spaces per unit.

Utilities

The impact on utilities at the construction phase will be short term. It is accepted that there will be no long-term negative impacts on the electricity network, water and

drainage services at this time, with provisions being made as part of the development to provide for storm water attenuation, a new foul drainage system, and new mains water connections. The proposed development would make appropriate provisions for utilising available gas infrastructure, telecoms and waste collection services.

Land Use

The site is located within a wider residential community and it is accepted that the proposed residential land use would be compatible with the adjacent residential land uses and would not undermine the cultural use associated with the existing City Gaol to the west.

Use of Natural Resources

There are no known natural resources of significance on the site.

7.2.9 Inter-relationship between the Environmental Factors and Cumulative Impacts

By the nature of the proposed scheme, there would be a substantial number of interrelationships between environmental factors addressed above at the constructional and operational phases. The applicant's EIS also considered a number of relevant projects in the wider area that could have cumulative impacts. It is considered that these were the appropriate and relevant projects to assess cumulative impacts at the time of the preparation of the application. Having regard to the assessment set out above and with proposed mitigation measures employed, it is considered reasonable to determine that significant adverse impacts through interrelationships between environmental factors and significant cumulative impacts will not result from the construction and operation of the proposed residential scheme.

7.2.10 Conclusions on EIA

Having considered the Environmental Impact Statement submitted with the application and the revised EIS upon which the planning authority made its decision, it is considered that the application was adequate in identifying and describing the direct and indirect effects of the proposed development on the environment. Having completed an environmental impact assessment above, it is concluded that, subject to compliance with the mitigation measures proposed and with recommended conditions, the effects of the proposed development on the environment would be acceptable.

7.3 Screening for Appropriate Assessment

7.3.1 I note the applicant submitted the 'Report for Screening for Appropriate Assessment' (Appendix H1 of the revised EIS) and the conclusions drawn therein are acknowledged. If effects on a European site are considered likely to be significant or potentially significant then the process is required to move to Stage 2: Appropriate Assessment and the applicant would be required to submit a Natura Impact Assessment to the Board.

7.3.2 The Cork Harbour Special Protection Area (SPA) is the nearest European Site at a distance of some 4.4km to the south-east of the appeal site. The nearest Special Area of Conservation (Great Island Channel) is more than 10km from the site. Having regard to the distances involved, the urban built-up character and city location, the lack of any feasible pathways linking the site to the European Sites, the servicing of the site, the construction methodologies to be employed, and proposed containment of emissions from the site, it is considered that the proposed development would have no potential impact on any European Sites.

7.3.3 It is reasonable to conclude that, on the basis of the information on the file and the conclusions drawn above, which I consider adequate in order to issue a screening determination, the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on the Cork Harbour

SPA, Great Island Channel SAC or any other Natura 2000 site in the wider area. A Stage 2 Appropriate Assessment is, therefore, not required.

7.4 Outstanding Issues

7.4.1 Introduction

Prior to considering a number of other main planning issues arising from the appeals and observations, I must again note for the Board that other applicants have previously sought permission for significant residential developments on this site, which have been comprehensively assessed, and a number of significant schemes have been subject to grants of planning permissions. Therefore, many objections that question the developability of the subject lands cannot reasonably be sustained where they are premised upon issues of principle. Rather, what remains must be a consideration of the form, character, scale and layout of this proposed residential scheme, on lands where other residential schemes were previously permitted.

7.4.2 Validity of Tom J Coleman Appeal

I note that the applicant questions the validity of this appeal, having regard to the names and addresses of correspondence to the planning authority and that now set out in the appeal to the Board. I am satisfied to conclude that the applicant and the Board is fully cognisant of the *locus standi* of the appellant, who has been party to the application process throughout. There is no merit in the request to dismiss this appeal.

7.4.3 Density of Development

The revised scheme submitted to the planning authority proposes a total of 202 residential units on the site area of 3.16 hectares. This provides for a density of 64 units per hectare. Paragraph 16.41 of the City Development Plan suggests that an appropriate density of development on larger development sites in the suburban areas of the City would be a density of greater than 50 units per hectare. The density

of the proposed scheme on this brownfield site in close proximity to Cork city centre is wholly in keeping with the Plan provisions.

I note also the “Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas”, published by the Department of the Environment, Heritage and Local Government. The Guidelines state, in reference to Institutional Lands (Para. 5.10):

“In the development of such lands, average net densities at least in the range of 35-50 dwellings per hectare should prevail and the objective of retaining the open character of the lands achieved by concentrating increased densities in selected parts (say up to 70 dph).”

Given the density proposed, the retention of a significant proportion of the site as open space, the provision of other publicly accessible spaces in the form of courtyards, and the protection of the Landscape Preservation Zone within the site, I submit to the Board that this density of development at this location must reasonably be viewed as acceptable when one is seeking to promote a sustainable form of development in this serviced city location. The density is in keeping with Plan provisions and with the Guidelines.

7.4.4 Residential Mix

The revised scheme submitted to the planning authority comprises 20% 1-bed units (41 units), 47% 2-bed units (94 units), and 33% 3/3+-bed units (67 units). It is a mixed apartment/housing scheme. It also provides 10% of the units for social and affordable housing (23 units in Building A1). It is my submission to the Board that the mix of unit types in this scheme adequately caters for an appropriate mix of units at this location in close proximity to Cork city centre.

7.4.5 Open Space Provision

The proposed development would maintain the Landscape Preservation Zone, would provide courtyard spaces at the northern end of the site, would include an amenity

play area, and would maintain the on-site burial ground. There would be in excess of 27% of the site forming what may reasonably be determined as open space. This is well in excess of the minimum of 20% of public open space required in the development of institutional lands as set out in the Cork City Development Plan.

With regard to private amenity space, it is acknowledged that external amenity areas will be provided for most of the proposed apartments and these are in compliance with Development Plan standards.

7.4.6 Landscape Impact

There are no buildings proposed within the Landscape Preservation Zone (LPZ) on the site. Thus, there will be no direct impact of the development on the LPZ. The scheme is designed to incorporate this area as amenity space and a Tree Management Plan is proposed. It is apparent that the proposed development is in keeping with Development Plan provisions to protect the LPZ.

7.4.7 The Proposed Crèche

Having regard to the scale of the proposed residential development, it is reasonable to determine that the development of the Gate Lodge to serve as a crèche is an appropriate type of development to be provided as part of the scheme in order to be compliant with “Childcare Facilities: Guidelines for Planning Authorities”, published by the Department of the Environment and Local Government.

7.4.8 Remembrance

It is proposed that a part of the site’s Bake House will be developed for use as an interpretive facility. It is further proposed to develop an upper terrace amenity path linking the on-site cemetery at the north-east of the site to the adjacent cemetery to the north-west. The Survivors Community Garden Project ask that the Board will make consultation with survivors and family/loved ones connected to the institutions, for both the mass grave and bake house exhibition, a condition of any planning permission that is granted.

The development of these proposals and their continued functioning in a manner befitting their intent demands engagement with those connected to the institution that previously operated on this site. I consider that it is appropriate that a condition be attached with any grant of planning permission requiring consultation with the Survivors Community Project, together with the local authority, prior to the construction phase of the development. This consultation should seek to determine the nature and extent of the layout of the bake house interpretive facility and the interpretation concept to be developed, maintained and enhanced through its lifecycle. It should also consider the provisions to be made for the development of the path linking the two cemeteries in terms of form and layout and afford the opportunity to consider the manner in which the applicant will seek to achieve its objective of facilitating the owner of the burial ground to access, manage and maintain the site as set out in Section 5.8.12.7 of the revised EIS ('EIAR').

7.4.9 Scale and Character of the Proposed Development

I observe that the proposed development would be substantially enclosed by high boundary walls, established landscaping and adjoining private properties. This results in views from the public realm being very limited at local level. The visual impact on the wider public would be realised in the form of distant views from public spaces to the south. From these distant views, the proposed development would be understood as further urban structures in an urban context on rising ground to the north of the river, a development bounded by other urban structures. Further to this, it is again noted that the proposed development wholly retains the Landscape Preservation Zone on the site, which will respect the character of the former institutional use of the lands as required by the Cork City Development Plan. The proposed development also seeks to retain, redevelop and extend the protected structures on the site. This retention and redevelopment is an acceptable response to the declining character of these derelict buildings of important architectural heritage. The introduction of the new additional blocks flanking and forward of the established structures are evidently the structures the subject of most contention in third party submissions. However, it is apparent that they have been designed to be very clearly subservient to the scale and, indeed, character of the established protected structures. This is enabled also by the topography of the site, which

facilitates and maintains the visual dominance of the existing buildings, albeit that the proposed new buildings are already designed to be lower in height, with demonstrably less bulk and mass. The design and character of the proposed new blocks correctly contrast with the established structures and do not seek to emulate the immensity and domineering impact of the established structures. The choice of materials, building heights, and roof designs (inclusive of green sedum roofs) contribute to the contrast of new and old.

Overall, I am satisfied to conclude that the scale and character of the proposed development is appropriate, that there is an acceptable recognition of the significance of the existing protected structures, and the new blocks are at a respectful scale and provide a suitable design response to the context in which they are proposed to be placed.

7.4.10 First Party Appeal

The first party seeks the reinstatement of Building B1 or, alternatively, its reinstatement with a reduction in height of one storey. I note that utilisation is made of the topography of the site in the design and the building presents itself as a five storey building to the south (with parking at ground level) and as a four storey building to the north. This building is proposed to be located between Block A5, a four storey block, which is on significantly higher ground to the rear and adjoining the higher former industrial school building, and Block B2, a three storey block of terraced townhouses to the front. It, thus, forms part of a graded progression of increased building heights from south to north. In visual terms, this approach is not misplaced and it presents no particular difficulties as part of the overall scheme, where adequate separation distances are maintained between blocks, where the development responds to the natural topography of the site, and where Block B1 is understood from the public realm as being complimentary to and part of a complex of building blocks.

I note that the planning authority's reason for the attachment of Condition 2 was:

“In the interest of the visual and residential amenities of the area and the protection of the landscape character of the site, which is a designated Area of High Landscape Value.”

It is my submission to the Board that the visual amenities of the area are not adversely affected by this proposed block. It is a correct response to the site conditions and it has no adverse impact on the landscape character of the site, which is being protected. The principal concern with Block B1 would be its relationship with the nearby two-storey residential properties to the east on Buxton Hill. I, however, note the careful design approach taken and must acknowledge that the proposed block would have no adverse impact on the established residential properties to the east by way of overlooking, overbearing impact or overshadowing arising from the layout arrangement, relatively shallow block depth design, the separation distance between the block and nearby houses, and the management of fenestration and balcony provision in this block.

Overall, I do not see any necessity for the omission of this block that would result in further reduced density of development in this serviced city site. Furthermore, I see no particular merit in reducing this block by one storey when there are no significant adverse impacts arising from the block as proposed. This block should be retained as part of the proposed scheme. As a consequence, there would be no requirement to relocate Block B2.

7.4.11 Impact on Residential Amenity

The proposed development has the potential to adversely impact on the amenities of established residents who reside in adjoining properties. Blocks A1 and A5 flank the existing main protected structures and are designed to be subservient to them. Blocks A2, A3 and A4 comprise the main protected structures on the site and are intended to be redeveloped and extended. Block A6 is a small building intended to be redeveloped for interpretive and other uses. These blocks are, and would be, sited to the rear of properties which are located at a significant distance to the north that front onto Blarney Street. Furthermore, the buildings on the appeal site are, and would be, on lands that are substantially below the level of the rear garden spaces of the existing Blarney Street properties, effectively cut into the hill that exists at this location. These proposed blocks would have no significant impact on the properties

on Blarney Street. I note that the scheme proposes the development and enhancement of the elevated walkway along the rear of the site to link the burial grounds inside and outside of the appeal site. I consider this walkway to be an integral part of the overall scheme that will not interfere with the amenities of residential properties due to the established enclosure of the site and the maintenance and improvement of boundary landscaping.

The principal concerns relating to the scheme are the effects of the development on residential properties on Buxton Hill to the east and Lee View Place to the south. Having regard to the design, layout and separation distances, I do not accept that the proposed development would have significant adverse impacts on the amenities of residential properties further south fronting onto Sunday's Well Road or onto Convent Avenue.

I first acknowledge that it is proposed that there would be no access from the proposed development onto Buxton Hill. The Board should note that there is an existing access onto Buxton Hill and, while this was initially proposed as part of the scheme, this feature was omitted due to the poor receiving environment for pedestrians and cyclists on Buxton Hill, according to Section 8.7.1 of the revised EIS. It is my submission to the Board that, from the perspective of connectivity and permeability for pedestrians, the omission of this access is most undesirable, notably where there is an established gate already at this location. Pedestrian access should be facilitated for reasons of improved connectivity and permeability through and beyond this site. I note that the public road forming Buxton Hill is narrow. However, it functions as a public road serving many dwellings and is used by pedestrians. Its layout and limited width facilitates slow vehicular movement along its length. It would reasonably be considered to be a logical and valuable asset to reintroduce the use of this established gate if the proposed development was to proceed to completion. It is unnecessary to limit all pedestrian access beyond the site via Convent Avenue alone and to block pedestrian access onto Buxton Hill. This omits a qualitative access attribute that could readily be accommodated. The *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas* and the accompanying *Urban Design Manual: A Best Practice Guide*, published by the Department of Environment, Heritage and Local Government, actively promote linkage to road networks and connectivity to neighbourhoods in new residential

schemes. I can see no merit in excluding this existing access from use and, indeed, consider its omission as being contrary to the proper planning and development of this scheme. I consider that the Board should attach a condition with any grant of permission requiring the reopening of this existing access as a pedestrian access and requiring gateway details to be agreed with the planning authority prior to commencement of development. There would be no significant impacts on the amenity of adjoining property from the reopening of this established gate and it would facilitate improved access to the scheme, the on-site amenity grounds and the burial grounds on and adjoining the site.

With regard to the impact of the proposed structures on dwellings on Buxton Hill, I have previously addressed the provision, design and siting of proposed Block B1 and reiterate its acceptability as proposed. With regard to proposed Block B2, I note that this would be a block of three storey townhouses, with the uppermost floor recessed. Each of the houses would be provided with back gardens to depths averaging approximately 9 metres. I acknowledge the established house to the south of this block adjoining Buxton Hill. This house would be substantially below the level of the site for Block B2 and has been developed such that its northernmost part abuts the boundary of the appeal site. It is my submission to the Board that the proximity of the existing dwelling to the common boundary, its siting at a substantially lower ground level, the separation distance that would be provided between the block and the dwelling, and the provision of an appropriate site boundary treatment at the end of the townhouse gardens would adequately address concerns relating to impact on privacy and amenity at this location. Finally on Block B2, I do not consider that the proposed townhouses would have any adverse impact on the amenities of the residential property to the east of Buxton Hill at this location. The design ensures there would be no impact on privacy or other potential nuisance arising.

With regard to the impact of proposed Block B5 on the pair of dwellings to the south-west of the house on Buxton Hill referenced above and on houses forming Lee View Place, I first note the prevailing conditions. The former referenced houses and the houses in Lee View Place are located on lands that are significantly lower than the location for proposed Block B5. The pair of houses east of Lee View Place are somewhat masked by the development of a detached structure to the north of these houses. Furthermore, it is particularly notable that all of these houses are sited in

very close proximity to the southern boundary of the appeal site. It is, thus, evident that, due to their proximity to the common boundary and their siting at a substantially lower ground level, the provision of an appropriate site boundary and associated screening would more than adequately address concerns relating to the impact on the amenities of these properties. I acknowledge that the proposed townhouses would each have back gardens with depths in excess of 13 metres. I further note that the planning authority raised no particular concerns about the impact of this block of townhouses on neighbouring properties.

Overall, I am satisfied to conclude that the proposed scheme, as designed to form the applicant's response to the planning authority's request for further information, would not result in any significant adverse impacts on the residential amenities of established properties.

7.4.12 The Development in the Context of the Cork City Development Plan

Having regard to my considerations above and to the conclusions drawn by the planning authority on the proposal, I am satisfied to submit to the Board that the proposed development is in keeping with the provisions of the current Cork City Development Plan.

8.0 Recommendation

- 8.1. I recommend that permission is granted in accordance with the following reasons, considerations, and conditions.

9.0 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 the proposed development would not adversely affect the character and setting of the protected structures on the site, would not adversely

impact on the residential amenities of adjoining properties, would be acceptable in terms of visual impact, would not endanger public safety by reason of traffic hazard and would otherwise 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.

10.0 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 drawings and details submitted to the planning authority on the 19th 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. Prior to the 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 the 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, footpaths, etc. 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 the commencement of development, the developer shall establish a local consultative group, including representatives of the developer, the local authority, the Survivors Community Project, and members 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. The plan shall be agreed in writing with the planning authority prior to the commencement of development.

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 interest 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 off-site disposal of construction/demolition waste.

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

11. Site development and building works shall be carried out only 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.

12. 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 apartment 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.

13. Proposals for 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.

14. No dwelling units within the proposed development shall be sold separately, 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.

15. 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 apartment.

Reason: In the interests of amenity and public safety.

16. 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 section

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 of the area.

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

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

18. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may

facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Kevin Moore
Senior Planning Inspector

28th June 2018