



An Bord Pleanála

PLANNING AND DEVELOPMENT ACTS 2000 TO 2006

Cork City

Planning Register Reference Number: T.P. 06/30540

An Bord Pleanála Reference Number: PL 28.219782

APPEAL by Bridget Healy and Lucy Dawn Lane care of 4 Lower Janemount, Sunday's Well, Cork and by Mary Noonan of 3 Lee View Place, Sunday's Well Road, Cork and by Frinailla Limited care of McCutcheon Mulcahy of 6 Joyce House, Barrack's Square, Ballincollig, County Cork against the decision made on the 30th day of August, 2006 by Cork City Council to grant subject to conditions a permission to the said Frinailla Limited in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Redevelopment of the former Good Shepherd Convent (Protected Structure, PS 721). The proposed development includes the demolition of modern additions to the side and rear of the existing Home, Convent and Orphanage buildings and the demolition of all ancillary sheds and structures to facilitate a residential development of 274 number units. The proposed development provides for the conservation of the original Home, Convent and Orphanage buildings and their conversion to 26 number apartments, including seven number three bedroom apartments and 19 number two bedroom apartments. The proposed development makes provision for the conservation and conversion of the existing Gate Lodge to a two bedroom dwelling. The proposed development includes the construction of 10 number apartment buildings which range in height from three to eight stories and consist of 237 number residential units including 37 number one bedroom apartments, 165 number two bedroom apartments and 35 number three bedroom apartments. The proposed development also provides for 10 number three-storey, four bedroom townhouses. Parking for the development will be primarily provided in a three level basement car park and the proposed development will include alterations to the existing vehicular entrance to provide for improved vehicular and pedestrian access and all ancillary site development works, all at the former Good Shepherd Convent, Convent Avenue, Sunday's Well Road, Sunday's Well, Cork (as revised by further public notice received by the planning authority on the 5th day of July, 2006).

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 provisions of the Cork City Development Plan 2004, to the “Residential Density Guidelines for Planning Authorities” published by the Department of the Environment and Local Government in September 1999, to the pattern of existing development in the vicinity, to the proposals to conserve and re-use existing buildings of architectural heritage value on the land and to the planning history of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not seriously detract from the character and setting of the existing protected structure, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the proposed conservation and re-use of the main historic buildings on the site, together with the proposed landscaping and modification of the new build element in accordance with the conditions set out below, would enhance the character and visual context of the site sufficiently to support a grant of planning permission. The Board considered that the quality of residential accommodation proposed is generally reasonable and that the information submitted in relation to the historic built fabric could be supplemented by condition.

CONDITIONS

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the drawings and further particulars received by the planning authority on the 5th day of July, 2006, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. Prior to commencement of development (other than required by condition number 4(1) below), amended drawings shall be submitted to the planning authority for written agreement, incorporating the following modifications and the development shall be carried out in accordance with the said modifications.
 - (a) Building A shall be reduced in height by the omission of two floors, at second and third floor levels.
 - (b) Building B shall be reduced in height by the omission of one floor at first floor level.
 - (c) Building C shall be reduced in height by the omission of one floor at first floor level.
 - (d) Building D shall be reduced in height by the omission of one floor at first floor level.
 - (e) Building E/E1 and Building O shall be omitted. The existing historic building, the Bakery, shall be retained. Any revised proposal for this area of the site, to be subject of a separate application for planning permission, shall be for a significantly smaller scale of development, which makes appropriate provision to retain and enhance the setting of the graveyard and environs, with generous open space provision and includes reinstatement and a new use of the Bakery building.

Reason: To protect the character of the protected structure and the setting of the historic buildings.

3.
 - (1) Prior to commencement of development (other than required by condition number 4(1) below), a phasing programme for the development, including the works to the historic buildings, shall be submitted to the planning authority for written agreement.
 - (2) The conservation and reinstatement works to the Convent, Home Building and Orphanage shall be completed to the satisfaction of the planning authority, as confirmed in writing by the planning authority, before completion of the first three of any of the new residential buildings.

Reason: To provide for the orderly development of the site and to protect the character of the protected structure.

4. (1) Temporary structural support measures to protect the Convent building shall be put in place before any other development commences.
- (2) A protection plan for all retained historic structures, in the form of a co-ordinated engineering plan, consistent with the tree protection measures, shall be drawn up before development (other than required by (1) above) commences. In particular, this shall include measures to protect historic structures, including buildings and walls, during construction of the proposed basement car-parking areas. Details in this regard shall be submitted to the planning authority for written agreement and the agreed plan carried out to the satisfaction of the planning authority. In default of such agreement, the matter shall be referred to the Board for determination.

Reason: To protect the integrity of the protected structure.

5. (1) Prior to commencement of development (other than required by condition number 4(1) above), a conservation programme, detailed drawings, method statement and specification in respect of the conservation and reinstatement works to the historic structures (Convent, Home Building, Orphanage, Lodge, Bakery, entrance gateway, boundary walls, statues and graveyard) shall be drawn up by a qualified conservation architect and shall be submitted to the planning authority for written agreement.
- (2) The conservation programme shall include details of the treatment or replacement (where necessary) of historic building fabric and fitments, including windows, doors, roof finishes, rain-water goods, floor structures and finishes, wall and ceiling finishes, joinery and also of the provision of new service runs.
- (3) In the Orphanage, the existing arcades on all floors at each end and the cast-iron columns on the second floor are to be retained. In the Home Building, existing cornices, fireplaces and surrounds and the second floor ceiling form are to be retained. In the Convent, the ground floor arcade is to be retained. At the entrance gateway, the existing gates are to be retained.
- (4) Construction work on the historic buildings shall not commence before the planning authority has confirmed its agreement to the conservation programme in writing. The development shall be carried out in conformity with the agreed conservation programme. In default of agreement, the matter shall be referred to An Bord Pleanála for determination.
- (5) The conservation and reinstatement works to the historic buildings shall be carried out under the supervision of a qualified conservation architect.

Reason: To protect the integrity and character of the protected structure.

6. Prior to commencement of development (other than required by condition number 4(1) above), details of the materials, colours and textures of all the external finishes to the development shall be submitted to the planning authority for agreement. In this regard, Building A shall be finished in a light colour cladding or self-finish render.

Reason: In the interest of orderly development and the visual amenities of the area.

7. Additional storage facilities at basement or ground level and at least one cycle parking space per residential unit shall be provided to serve the residential units. Details in this regard shall be submitted to the planning authority for written agreement, prior to commencement of development (other than required by condition number 4(1) above).

Reason: In the interest of residential amenity.

8. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

9. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed requirements of the planning authority for such works.

Reason: In the interest of amenities and public safety.

10. Prior to commencement of development (other than required by condition number 4(1) above), a public lighting scheme for the development shall be submitted to the planning authority for agreement. The scheme shall employ low level lighting and a high pressure sodium (SON) or similar white light source.

Reason: In the interest of amenity and public safety and to minimise light pollution.

11. 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. In this regard, details of storm run-off retention arrangements and supporting calculations shall be submitted to the planning authority for written agreement, prior to commencement of development (other than required by condition number 4(1) above).

Reason: In the interest of public health and to ensure a proper standard of development.

12. Other than indicated on the submitted drawings, no plant, equipment, aerials or antennas shall be erected above roof level without a further grant of permission.

Reason: In the interest of visual amenity.

13. The site shall be landscaped in accordance with the scheme of landscaping shown on the Landscape Masterplan, received by the planning authority on the 17th day of February, 2006. The areas shown as open space on the lodged plans shall be reserved for such use. Details of the landscaping, including a phased timescale, shall be submitted to the planning authority for agreement.

Reason: In the interest of visual amenity.

14. All trees and groups of trees specified for retention shall be enclosed within a stout fence(s), details of which shall be agreed with the planning authority. The fence(s) shall enclose at least the area covered by the spread of the branches, shall be erected before any site works begin (other than required by condition number 4(1) above) and shall be maintained during the construction period.

Reason: To ensure the survival of such trees and shrubs during the construction period, in the interest of visual amenity.

15. The developer shall facilitate the planning authority in preserving, recording or otherwise protecting 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 but not including works required by condition number 4(1) above) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

- (c) provide satisfactory arrangements for the recording and removal of any archaeological material which may be considered appropriate to remove.

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

- 16. An architectural record, in the form of drawings and photographs, of all historic structures on the site, including those, which are to be removed in whole or in part, shall be submitted to the planning authority prior to commencement of development (other than required by condition number 4(1) above). A copy shall be forwarded to the Irish Architectural Archive.

Reason: To make a record of the built heritage of the site.

- 17. Prior to commencement of development (other than required by condition number 4(1) above), a Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, off-site disposal of construction waste and a scheme for dust and dirt control.

Reason: In the interest of amenity and public safety.

- 18. (1) Bored or augured piles shall be used where piling is required.
- (2) The proposed excavation works shall be carried out in such a manner as to protect and ensure the continuing stability of the adjoining properties. All such works shall be carried out under the supervision of a suitably qualified engineer.

Reason: To protect the amenity and stability of adjoining properties.

- 19. Prior to commencement of development (other than required by condition number 4(1) above), the developer shall submit, and obtain the written agreement of the planning authority to, 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.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

- 20. Prior to commencement of development (other than required by condition number 4(1) above), proposals for a name/numbering scheme for the development and associated signage shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development.

21. Prior to commencement of development, (other than required by condition number 4(1) above), a management scheme providing adequate measures relating to the future maintenance of open spaces, roads and communal areas in a satisfactory manner shall be submitted to the planning authority for agreement.

Reason: To ensure the adequate future maintenance of this private development in the interest of residential amenity.

22. Prior to commencement of development, (other than required by condition number 4(1) above), 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 social and affordable housing in accordance with the requirements of section 96 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 (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board 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.

23. Prior to commencement of development, (other than required by condition number 4(1) above), 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, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 the Board for determination.

Reason: To ensure the satisfactory completion of the development.

