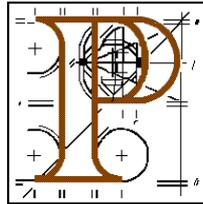


An Bord Pleanála Ref. PL28.219782

An Bord Pleanála



Inspector's Report

Development: Demolition of Existing Home, Convent and Orphanage, and Construction of 274 no. Residential Units at Former Good Shepherd Convent, Convent Avenue, Sunday's Well Road, Cork (Protected Structure)

Planning Application

Planning Authority: Cork City Council
Planning Authority Ref.: 06/30540
Applicant: Frinailla Limited
Type of Application: Permission
Planning Authority Decision: Grant with Conditions

Planning Appeal

Appellant: B. Healy & L. Lane
M. Noonan
Frinailla Limited
Type of Appeal: 3rd vs. Grant
1st vs. Conditions
Observers: An Taisce
Date of Site Inspection: 6 March 2007

Inspector:

Juliet Ryan

1 THE SITE

- 1.1 The subject site, with a stated area of 3.14 ha is situated in the Sunday's Well area of Cork, some 1.5km northwest of the City Centre, between Blarney Street to the north and Sunday's Well Road to the south.
- 1.2 The site is regular in shape and is characterised by its sloping ground, which falls from north to south. Currently, access to the site is via Convent Avenue to the south. A second access exists from Buxton Hill to the east, but does not appear to be in current use.
- 1.3 The site is bounded to the north by Blarney Street, which comprises terraced residential dwellings with long rear gardens (the latter abut the northern site boundary); to the south-east by detached dwellings on Buxton Hill; to the south by the terraced dwellings and the rear yards of Lee View Place, and by an existing school/convent; and to the west by Cork Gaol (a Protected Structure), which now operates as an interpretative centre.
- 1.4 The communal boundary with Cork City Gaol is defined by a stone wall, which varies in height along the western boundary from 3.5-6 metres. A stone retaining wall of c. 3 metres height also defines the communal boundary with the rear gardens of terraced dwellings on Blarney Street.
- 1.5 The site is currently unoccupied, and has been out of use since the complex's closure in the 1990s. During the site inspection it was apparent that the complex has been the subject of considerable vandalism.
- 1.6 A number of structures exist on site including the original George Ashlin designed Home Building, Convent Building (to the rear of which are the remains of the chapel), and Orphanage Building, all of which are Protected Structures. These are aligned along a west-east axis in the north-eastern quadrant of the site, and as such are situated on the site's most elevated area, on an artificially created terrace.
- 1.6 A small gate lodge, which is likely to have also been designed by George Ashlin, is located on the northern side of the main entrance gates at Convent Avenue. This is also a Protected Structure.
- 1.7 The Home, Convent, and Orphanage buildings were originally designed and built as detached structures in the 1870s. However, additional infill and linking buildings that were constructed in intervening years currently exist between the original structures.
- 1.8 Arising from a fire in 2003, which damaged much of the complex, The Convent Building is currently in bad state of repair (and appears to be particularly at risk), with only the external walls remaining intact.

- 1.8 A small graveyard is located in the eastern part of the site, with derelict ancillary sheds and outbuildings located centrally at the site's southern boundary. Adjacent (west) of the graveyard and generally to the rear of the orphanage building are located a coach house and a bake house. The remaining site is characterised by open grassland generally comprising its south-eastern quadrant. Contrastingly, to the front of the Protected Structures (i.e. the south-western quadrant) the character is that of a formally landscaped space with mature trees and hedges and specimen trees including, *inter alia*, cypresses and copper beeches.
- 1.9 A winding avenue runs from the main entrance towards the convent buildings, rising gradually towards the north. This is flanked on both sides by mature hedging and trees, and circumvents the formally landscaped area to the front of the structures. The landscaped area is on lower ground than the main structures, and a formal set of central steps leads down to same from outside the Home Building.
- 1.10 Convent Avenue runs from Strawberry Hill to the west to Sunday's Well Road to the south. It is relatively lightly trafficked with on-street parking provision. It is dominated by Cork Gaol on its northern side. The surrounding context of the site is characterised by residential dwellings of various types and sizes. Sunday's Well Road is a busy strategic road with single lane traffic in both directions and on street disc parking. Buxton Hill is a narrow route with the character of a laneway. Given its constrained width, it experiences little or no through traffic and functions chiefly for access to its residential dwellings.

2 THE PROPOSED DEVELOPMENT

- 2.1 It should be noted that the proposed development was changed significantly at Additional Information stage. The summary below notes these material changes, which are detailed in the First Party's Additional Information submission of 4th July 2006.
- 2.2 The subject proposal seeks to demolish non-original elements of the existing structures on site (Home, Convent and Orphanage buildings) and to demolish ancillary structures (including the Bake House and Coach House) and to develop residential units (mixture of 1, 2, 3, 4 bed apartments / duplexes and 4 bed town houses and 2 bed gate lodge). Originally, a total of 274 no. units were proposed. This was reduced to a proposed 260 no. units at the Additional Information stage. The Board is referred to the architectural drawings and Section 3.4 of the EIS (and the First Party's Additional Information Response) for a detailed description of the proposed development, which is summarised below.
- 2.3 The Home, Convent, and Orphanage buildings are proposed to be converted for 26 no. apartments. In addition, the existing gate lodge is to be converted to a two-bedroom residential unit. The graveyard will be retained and public access to same facilitated.

- 2.4 In addition to the redevelopment of the existing structures on site, it is proposed to construct twelve new residential buildings, ranging in height from three to eight storeys (reduced heights were proposed at Additional Information stage and are outlined below). Some 10 no. three storey, 4 bed townhouses are also proposed adjacent to the site's south-eastern boundary.
- 2.5 The proposed new structures are generally aligned along an east west axis to the rear (north) and sides (east and west) of the Home, Convent and Orphanage buildings. A series of landscaped courtyard spaces are situated between these seven buildings and the adjacent three Protected Structures.
- 2.6 At additional information stage, modifications were made to Building A (west of Home building) such that its plan is reworked to produce a western courtyard and its height reduced from eight storeys to predominantly six storeys (with five storey and setback seven storey elements).
- 2.7 Buildings B and D (to the rear of the Home building and the Orphanage building, respectively) were reduced from eight storeys to seven storeys at additional information stage.
- 2.8 Buildings E and E1 (west of the graveyard) were modified significantly at additional information stage, such that they now interlink and have been reduced from eight storeys to a mix of 4/5/6/7 storeys.
- 2.9 An oval formed apartment building is proposed adjacent to the western boundary in the formal landscaped area (this requires the removal of a mature specimen English Yew and a mature specimen Cypress, but the remaining landscaped area will remain intact). At additional information stage, this building (Building J) was redesigned such that all living spaces and balconies are oriented south-east and do not overlook the adjacent Gaol.
- 2.10 Two buildings are proposed to form a courtyard adjacent to the Buxton Hill entrance. These will comprise a five storey apartment building and a three storey duplex/apartment building.
- 2.11 The proposed town houses are aligned along the southern boundary with south facing rear gardens. A curved apartment building is located north of these town houses and addresses a central grassed open space area. A crèche of c. 100 sq m has been included at the ground floor western elevation of this curved apartment building (Building H) as a result of Additional Information. A dedicated crèche play area is located immediately to the west of this building. The intervening space between the town houses and curved building will be treated as a streetscape.
- 2.12 Basement car parking on three levels will comprise 295 no. spaces, with a further 48 no. spaces provided at surface level. Car parking provision equates to 1.25 no. spaces per unit.
- 2.13 It is proposed to access (pedestrian and vehicular) the development via the existing vehicular access at Convent Avenue (this will involve the

repositioning of the original entrance gates to facilitate a wider entrance). Pedestrian access is provided from Buxton Hill, which is situated at the eastern site boundary.

- 2.14 Construction will be carried out on a phased basis over a period of 24 no. months. The existing northern retaining wall will be structurally reinforced prior to the commencement of development. A concrete retaining wall will be built at a distance generally no less than 5 metres from the supported existing wall such that the new concrete wall will support the ground onto which the existing wall is built.
- 2.15 Hydrocarbon interceptors will be used to prevent potential pollution to surface or groundwater. A stormwater attenuation pond will be constructed in the south-western part of the site with outflow rates equivalent to greenfield flows. A number of protection measures during the construction period are set out in S.11.5 of the EIS.
- 2.10 The Applicants cite a total public open space provision of 5,500 sq m, equating to 17.5 per cent of the site area.
- 2.11 The Applicant expresses willingness to provide payment in lieu of providing land or units for social and affordable housing. The Design Statement submitted with the Planning Application, however, states that Part V may not be applicable in the instant case, given that the site is not zoned for residential or mixed use development.

3.0 ENVIRONMENTAL IMPACT STATEMENT

The Applicants submitted an EIS, prepared by ARUP Consulting Engineers, to accompany the planning application. The EIS includes the following topics:

- Non Technical Summary
- Introduction and Background to the Proposed Development
- Proposed Site and Scheme Description
- Planning and Policy Context
- Landscape and Visual Assessment
- Roads and Traffic
- Construction Activities
- Noise and Vibration
- Air Quality and Climate
- Flora and Fauna
- Soils, Geology, Surface and Groundwater
- Material Assets
- Archaeological and Cultural Heritage
- Architectural Heritage
- Human Impacts
- Sustainability

- Interactions
- Summary of Interactions and Mitigation Measures

The adequacy of this EIS is assessed in Section 9.1 below.

3.1 Opening Topics

The NTS, introductory description, detailed description of the proposal, and the Planning and Policy Context sections outline the site context and history (including planning history); contain a rationale for the proposed development, and an evaluation of the proposal in respect of accordance with statutory and strategic planning policy.

3.2 Landscape and Visual Impact Assessment

A desktop study and site (and surrounding area) survey were carried out between May and September 2005. Some eight photomontages of the proposal are presented (Figures 5.4-5.11).

Given the location and topography of the site, a distant visual envelope and a near visual envelope are identified. The former is defined as comprising areas in and around Bishopstown and Togher, some 3km south of the site. The near visual envelope is identified as immediately adjacent to the site, and is presented in Figure 5.3. Impacts to views from adjacent Buxton Hill are described as slight to significant. A moderate negative impact is described arising from views of Buildings A and J from within the grounds of Cork Gaol. Views from the Mardyke Sports Arena (Figure 5.7) are described as slight and positive, arising from the greater transition towards the adjacent residential area achieved by buildings to the east of the Protected Structures. The visual impact when viewed from Fitzgerald Park (Photomontage 5.8) is classed as moderate and negative, particularly arising from the visibility of Building E.

The following mitigation measures are proposed:

- Tree Planting
- Predominantly underground parking
- Vegetative roofs on four buildings
- On site collection of stormwater
- Low level directional lighting

3.3 Roads and Traffic

Whilst the site is within 15 minutes of the city centre by foot, it is noted that pedestrian provision within the vicinity of the site is poor, with narrow footpaths and in many cases only on one side of the street(s).

Planning permission exists for some 405 no. units and a crèche on Blarney Road (adjacent to St Anne's Hospital), west of the subject site.

The existing access will require modification (repositioning of entrance pillars) in order to accommodate two-way traffic.

Manual count trip rates are used (as surveyed at Monastery Hill, November 2004), which are higher than those calculated by the TRICS database. The proposed 274 no. units are predicted to generate some 200 no. and 197 no. traffic movements in the morning and evening peak hours, respectively.

Table 6.7 of the EIS sets out the predicted increase in peak hour traffic flows arising from the proposal. The greatest increase in traffic is predicted at Convent Avenue South and Strawberry Hill (+67% and 19%, respectively). A percentage increase of 5.2% and 3.7% are projected for Sunday's Road West, and East, respectively. A minimal increase in traffic above that previously granted permission will be generated.

Junction Analysis indicated that the Shanakeil Road / Sunday's Well Road junction will operate beyond capacity in the design year with or without the proposal. The subject development would exacerbate the situation. It is proposed that a combination of traffic signals and management of on-street parking would improve the capacity of the junction to levels, whilst still above capacity, would be an improvement on the do nothing situation (see Tables 6.9 and 6.10). The Lee Road / Thomas Davis Bridge / Sunday's Well Road junction currently operates significantly beyond capacity, and is predicted to continue doing so with or without the proposal (see Tables 6.11 and 6.12), albeit with the removal of parked cars and the introduction of a signalised junction considered critical to improving the situation.

Arising from construction works, some 6,000 HGV movements over a period of three or four months are envisaged.

3.4 Construction Activities

Construction will be carried out over 24 months. Some 60,000 cubic metres of rock and overburden will be excavated and removed from the site. A Construction Waste Management Plan will be implemented.

Maintenance of spillages etc on the public footpath is proposed, as is the use of a wheelwash facility for vehicles exiting the site.

3.5 Noise and Vibration

Baseline noise measurements were undertaken in June 2005 at three locations outlined on Figure 8.1. The main determinant in local noise levels was found to be road traffic noise, with quiet / moderate characteristics at Convent

Avenue and Buxton Hill and relatively high noise levels on Sunday's Well Road.

Construction noise is not envisaged to exceed 70 dB (A) at any stage. No blasting is proposed in the subject development.

Noise arising from traffic is the most significant noise impact during the operational stage. This is projected to range from an increase of 0.2 – 2.4 dB, with the southside of Convent Avenue experiencing a 2.3 dB increase. This is predicted as just discernable, and slight.

3.6 Air and Climate

Baseline air pollutant levels are sourced from Cork City Council's recently published *Air Pollution in Cork City 2005*.

Some seven receptors on roads near the development were used to model annual average concentrations of pollutants in the design year for a do nothing and a do something scenario. These are set out on Figure 9.1. The receptor at the site entrance experiences the greatest increase in pollutant levels, with the receptor on Sunday's Well Road (southwest of site) experiencing greatest increase in pollutant concentration. It is not predicted that either of these increases will exceed the standard over a maximum daily running 8-hour mean concentration.

No significant macro or micro climactic effects are envisaged.

3.7 Flora and Fauna

Two site visits were carried out in September 2005, with a bat survey carried out over two evenings. Some 15 no. Pipestrelle bats were noted on the first evening. One Daubentons bat was observed on the first night, but it is likely that this bat was just passing. It is likely that the Pipestrelle bats breed on site in and around existing structures at its western end.

Additional bat surveys are recommended prior to commencement of development. This would inform various mitigation measures such as minimising disturbance; use of bat boxes; positioning of external lighting etc.

3.8 Material Assets

The main Site Entrance is shared with the adjacent convent building to the south of the main site. Access will be facilitated at all times during the construction and operational stages. In addition, public access to the graveyards will be facilitated.

3.9 Archaeological and Cultural Heritage

A desktop and archaeological field survey (June 2005) were carried out. No known archaeological monuments are located on site. Table 13.1 outlines five recorded archaeological monuments within 500m of the subject site.

The Good Shepherd Order founded their first convent and associated Magdalene Home in 1870 just east of the subject site and subsequently acquired the subject site, which was greenfield at the time. In the period 1872-1890s the Magdalene home and convent building, the orphanage and industrial school, the chapel, gate lodge, coach house and laundries were all constructed. Original buildings were designed by George C Ashlin. Numerous extensions and additions were added, including the bakehouse in 1910.

The complex was operational until the mid 1990s but has been vacant and subject to fire and vandalism since then, which, most notably, destroyed the chapel building.

From a Cultural Heritage perspective, particularly from a religious viewpoint, the complex's association with Little Nellie is significant (see Section 13.4 of the EIS). Her grave is located in the graveyard at the north-eastern part of the site.

Archaeological test trenching is recommended prior to construction in the central open area, and archaeological monitoring during construction is advised.

3.10 Architectural Heritage

The Board is referred to Section 14 of the EIS, some of the implications of which are set out herewith.

Remaining structures on site are good examples of George Ashlin style, and are important features of later Victorian Irish architecture. The convent is considered an excellent example of his use of the Venetian Gothic style.

It is proposed to preserve the walls of the convent building and construct an infill structure within.

All works to the Protected Structure will involve minimum intervention and reversibility.

Subsequent to fire damage in 2003, all buildings to the rear of the convent, home and orphanage were demolished. One of these was the chapel.

Positive impacts are envisaged to the convent, Magdalene Home, Orphanage, and gate lodge, given that they will be restored/refurbished and provided with a sustainable use. Positive impacts are also envisaged arising from the

consolidation and stabilisation of the walls, and the relocation of statues to the nun's graveyard. The demolition of infill buildings is seen as positive insofar as they detract from the original Ashlin architectural composition. The demolition of the coach house and bake house is seen to be negative at a local level of significance, but the structures are not considered to be of particular architectural or historical merit.

3.11 Human Beings

The study area's population has experienced consistent decline since the 1980s. Given the type and sizes of the residential units proposed, it is anticipated that they will largely function as starter homes for persons in the 20-40 years population cohort. It is estimated that the new residential community on site will comprise in the region of 630 no. persons. This may generate additional demand for services, although given the site context; many facilities and services are already in existence.

4 PLANNING POLICY CONTEXT

4.1 Development Plan

The statutory planning policy document in respect of the subject site per Pt II Chpt 1 S.(9)&(10) of the *Planning and Development Act, 2000* is the Cork City Development Plan 2004, wherein the subject site is located in the North-west Sector and is accorded a Landscape Protection zoning objective (Zone A) as follows:

“Visually important land, including land forming the setting for existing landmark buildings.”

Under this zoning objective, there is a presumption against development unless it can be demonstrated satisfactorily (by means of landscape assessment and design proposals) that the development would enhance the overall landscape character of the site and its visual context (S.8.20). The surrounding area is subject to a residential zoning objective.

Variation 3 of the Cork City Development Plan (variation adopted 15 January 2007) accords Sunday's Well a view type of 'Significant Townscape and Landscape Significance'. Following from this variation, Policy BE21 states that development should have regard to the locally distinctive character of a site, and that proposals that would negatively impact on such character should not be permitted. In assessing this impact, regard should be had to the following:

- Landform and setting
- Building pattern, plots, streets etc
- Significant open spaces and gardens
- Palette of locally traditional materials and details

- Scale and proportion of existing buildings
- Building height, relationship to topography, views, vistas and landmarks

The Sunday's Well area is identified as a prominent ridge per Figure 10.6 of Variation No.3. Any development that would negatively affect a Ridge Protection Zone will not be permitted (Policy NHR5).

The existing Home, Convent, Orphanage, and Gate Lodge buildings on site are Protected Structures per the Development Plan.

Variation No. 2 of the Cork City Development Plan amends Table 5.3 in respect of dwelling size and mix, requiring a greater proportion of larger dwellings (e.g. 3+ bedrooms). The amended table is appended to this report. Variation No. 2 also sets out the following minimum dwelling sizes:

- 1 bed / person – 45 sq m
- 2 bed / person – 65 sq m
- 3 bed / person – 80 sq m

Policies in respect of provision for cyclists are also included in Variation No. 2. Some 0.5 cycle spaces per dwelling unit are required in residential developments.

Per Table 11.3 of the Development Plan, some 0.5 car parking spaces per inner urban unit are required.

4.2 Residential Density Guidelines

- 4.2.1 Notwithstanding the generally open character of the subject site, it would be most akin to the Residential Density Guidelines' description of brownfield sites (S.3.2) and/or institutional lands (S.3.5). In both cases, the Guidelines acknowledge the need to consider the urban form and design approach relative to the existing character of the area and the need to protect the existing amenities of neighbouring properties.
- 4.2.2 Subject to sensitivity to the character of the area (and retention of the open nature of the site in cases where this is a notable site characteristic), and meeting various qualitative and quantitative standards, the Guidelines advocate that sites in excess of 0.5 hectares should be capable of setting their own density.

4.3 Architectural Heritage Protection Guidelines

The Guidelines recognise that the best way to extend the life of Protected Structures is to ensure their continued use. As such, they generally support the principle of material changes of use to Protected Structures.

The Guidelines set out comprehensive conservation principles and make detailed recommendations with regard to works to Protected Structures. They also recognise the importance of attendant grounds in contributing to the quality and character of the structure(s), and S. 13.7.2 sets out a list of considerations when assessing works within the curtilage of a Protected Structure.

In short, the Guidelines underline the benefits of protecting the built heritage, and recognise that this can often involve adaptation, re-use and structural intervention. As such, the Guidelines advocate that a balance be struck between redevelopment of Protected Structures and ensuring that their character and integrity is not adversely affected in so doing.

5 PLANNING HISTORY

5.1 1996: PL.28 101968 (20571/96)

An Bord Pleanála upheld Planning Authority's decision to grant permission for redevelopment of site for academic purposes by University College Cork. The application included the conservation of listed buildings and interiors, demolitions and extensions, construction of new teaching accommodation, and car parking, landscaping and site works. This permission was not implemented

5.2 2000: 00/24660

Phase 1

The Planning Authority granted permission for 99 no. student apartments in 5 no. six storey blocks located to the rear (north) of the existing complex, and for the demolition of extensions and outbuildings adjacent to the Protected Structures, and provision of 51 no. car parking spaces.

5.3 2002: PL.28.127177 (00/24748)

Phase 2

An Bord Pleanála overturned Planning Authority's decision to grant planning permission for the construction of a five storey structure accommodating 18 no. 3, 4, and 5 bedroom student apartments; change of use of orphanage, chapel and convent to offices on ground floor with student accommodation on first and second floors; and ancillary site development works and car parking for the following three reasons:

- 1. Having regard to the location of Block A, in close proximity to the former city gaol and the Home Building, both protected structures, it is considered that the proposed development would be visually obtrusive, would materially and adversely affect the setting of these protected structures*

and would, therefore, be contrary to the proper planning and development of the area.

2. *It is the policy of the planning authority, as set out in the current Development Plan for the area, "to support the development [of this site] for academic purposes, subject to amenity considerations". This policy is considered reasonable. The office development, as proposed, would conflict with this policy and would be incompatible with the permitted uses on the overall site. The proposed development would, therefore, be contrary to the proper planning and development of the area.*
3. *Having regard to the status of the existing structures on the site as protected structures, with particular reference to the chapel, the Board is not satisfied, on the basis of the drawings and submissions made in connection with the planning application and the appeal, that the proposed development would not materially and adversely affect the building fabric and the character of protected structures.*

5.4 2002 :PL.28.127181 (00/24763)

Phase 3

An Bord Pleanála granted permission (subject to conditions) for construction of six storey building (Block G) accommodating 14 no. apartments for student accommodation to the east of the orphanage building, and refused planning permission for a proposed Block H.

5.5 2002:PL.28.128937 (01/25747)

Phase 4

An Bord Pleanála upheld Planning Authority's decision to refuse planning permission for the construction of 63 no. three, four and five bedroom apartments for student accommodation with ancillary site development works and car parking for the following three reasons:

1. *Taken in conjunction with the existing and permitted development on the site, the proposed development, by reason of its excessive height, scale and bulk, would constitute overdevelopment of the site, would be visually obtrusive and would be out of character and conflict with the pattern of development in the area. The proposed development would, therefore, seriously injure the amenities of the area and would be contrary to the proper planning and development of the area.*
2. *The existing buildings at The Good Shepherd Convent are Protected Structures listed in the current Development Plan*

for the area. The proposed development, by reason of its excessive height, scale and bulk would materially affect the setting of the Protected Structures, would intrude, detract and obscure near and distant views of the buildings and would, therefore, adversely affect the character of the Protected Structures. The proposed development would, therefore, be contrary to the proper planning and development of the area.

3. *The proposed development, by reason of its excessive height, scale, bulk and proximity to neighbouring property, together with the number of windows overlooking adjoining residences would seriously injure the amenities of those properties by reason of overlooking and visual intrusion. The proposed development would, therefore, be contrary to the proper planning and development of the area.*

5.6 2002:PL.28.128931 (01/25754)

Phase 5

An Bord Pleanála upheld the Planning Authority's decision to refuse planning permission for the construction of a six-storey structure accommodating 48 no. three, four and five bedroom apartments for student occupation with ancillary site development works and car parking. The three reasons for refusal match those for Phase 4 outlined above.

5.7 2002:PL.28.128934 (01/25769)

Phase 6

An Bord Pleanála upheld the Planning Authority's decision to refuse planning permission for the construction of two six-storey structures accommodating 72 no. three, four and five bedroom apartments for student occupation with ancillary site development works including surface car parking and construction of a multi-storey car park for the following two reasons:

1. *Taken in conjunction with the existing and permitted development on the site, the proposed development, by reason of its excessive height, scale and bulk, would constitute overdevelopment of the site, would be visually obtrusive and would be out of character and conflict with the pattern of development in the area. The proposed development would, therefore, seriously injure the amenities of the area and would be contrary to the proper planning and development of the area.*
2. *The existing buildings at The Good Shepherd Convent are Protected Structures listed in the current Development Plan for the area. The proposed development, by reason of its excessive height,*

scale and bulk would materially affect the setting of the Protected Structures, would intrude, detract and obscure near and distant views of the buildings and would, therefore, adversely affect the character of the Protected Structures. The proposed development would, therefore, be contrary to the proper planning and development of the area.

6 PLANNING AUTHORITY ASSESSMENT

6.1 Submissions / Observations

A number of Third Party submissions were made in respect of the proposal, including one from An Taisce. The issues raised in these observations are generally reflected by those of the Appellants and Observers in the subject appeal, which are summarised in Section 6 below. Among the issues raised by An Taisce (who broadly welcomed the principle of the proposal), were, *inter alia*, concerns in respect of views from the adjacent Gaol, long range adverse visual impact; and constrained floor to ceiling heights proposed within the Protected Structures not in keeping with their character.

A submission from DoEHLG recommended that archaeological monitoring take place during construction.

6.2 Additional Information

Among the notable issues raised in interdepartmental reports were concerns in respect of the capacity of the existing drainage network and proposals for attenuation of storm water runoff.

The Council issued a Request for Additional Information in respect of a number of items, to which the following aspects of the First Party's response are notable:

- Changes to design of structures (outlined in S.3 above)
- Provision of small crèche
- Photomontages of views from southern ridge of city
- Additional bat surveying commissioned
- Soakaway included for surface water
- Proposed new 150mm diameter waterman to be constructed down Strawberry Hill

6.3 Decision

The Planning Authority, by Order dated 30 August 2006 decided to grant permission subject to 37 no. conditions. Of these, I note the following:

- Alternative elevational treatment to Building A
- Setback of Building O from northern boundary
- Material Changes to Height & Omission of Units (to proposal as amended by Additional Information) as follows:

Building	Omission	Unit Nos.	Total Units to be omitted	Height as Proposed at AI Stage	Height as Conditioned
A	North-eastern Section & 2 nd & 3 rd Floors	14-26 incl 5-8 incl 32-37 incl	23 Units	6 Storey (with setback 7 th storey)	4 Storey (with setback 5th storey)
B	1 st & 2 nd Floors	6 no. units	6 Units	7 Storey	5 storey
C	1 st & 2 nd Floors	6 no. units	6 Units	6 Storey	4 storey
D	1 st & 2 nd Floors	4 no. units	4 Units	7 Storey	5 storey
E/E1	2 nd & 3 rd Floors	18 no. units	18 Units	4/5/6/7 storey	2/3/4/5 storey
F	2 nd & 3 rd Floors	10 no. units	10 Units	5 storey	3 storey
G	Ground Floor	4 no. units	4 no. units	3 storeys	2 storey

Buildings H, I, J, O, N were not subject to conditions in respect of unit or height reduction. Accordingly, a total of 76 no. units were conditioned out of the revised scheme, equating to a total of 184 no. permitted units, and producing revised heights ranging from two to five storeys.

7 GROUNDS OF APPEAL

7.1 Third Parties

Some two Third Party Appeals have been made in respect of the Planning Authority's decision. I note that Bridget Healy and Lucy Daw Lane have requested that the Board hold an Oral Hearing. The Board has decided that an Oral Hearing is not required in the instant case.

7.1.2 For the convenience of the Board, and having regard to the duplication of many issues in the two appeals, there follows below a grouped summary of the grounds of the appeals:

- Unacceptable proximity of townhouses to Lee View Place with consequent overshadowing and adverse impact on privacy
- Adverse impact on local drainage infrastructure
- Adverse impact on residential amenity
- Devaluation of property
- Adverse traffic impact
- Overdevelopment
- Adverse impact to Protected Structures
- Developer's history of poor protection of existing structures on site
- Adverse impact on Flora and Fauna

- Adverse visual impact

7.2 First Party Appeal

The First Party has appealed four conditions, namely: Condition Nos. 2, 7, 12, 36. I refer the Board to the Cork City Council's Manager's Order for the full wording of these conditions, which may be summarised as follows:

Condition No. 2

Alterations made to proposal are unwarranted and inconsistent with advice received from Planning Authority during the planning process.

Condition No. 7

Reword such that more flexibility in relation to the timing of works to the Protected Structures is provided for.

Condition No. 12

Requirement for 10 metre buffer is not warranted given that the proposed basement car park will not undermine the structural stability of the Protected Structures.

Condition No. 36

Miscalculation of levy required in accordance with the General Contribution Scheme.

7.3 First Party Response To Third Party Appeals

In a submission dated 27 October 2006, McCutcheon Mulcahy, Chartered Planning Consultants, on behalf of the First Party, submitted a response (which included inputs in respect of traffic and design from the First Party's Design Team) to the Third Party appeals, which may be summarised as follows:

- Proposal will contribute to redressing continued decline in population in local area
- Proposal will cater to families and thus be advantageous to local community
- Closest point of proposed structures to communal boundary with Lee View Place is 11metres, and thus accords with accepted standards
- Proposed development is located to north of Lee View Place and so will not cause overshadowing or interference with natural light
- Comprehensive surface water drainage measures will ensure no adverse impact to Lee View Place

- Infill buildings and ancillary structures (including bakehouse) are of lesser architectural merit than principal three George Ashlin designed structures
- Demolition of ancillary structures has been permitted twice previously
- Generous provision of open space, with private open space in particular far exceeding requirements
- Site not readily identifiable or visible from southern ridge of city
- Buildings B and D will provide improved roofscape insofar as they extend above the ridge line of the existing structures
- Alterations made to structures at Additional Information stage respond to the concerns of the Appellants. Particularly with regard to visual amenity
- Condition No. 28 of the Planning Authority's decision addresses the protection of bats
- Low density development of site would be note be economically viable

7.4 Planning Authority Response

In a response to the Board dated 27 October 2006, the Planning Authority responds to the First Party Appeal. No specific comments in response to the Third Party Appeals is offered. In summary:

- Alterations required by Condition No. 2 necessary to produce good quality environment that also respects Protected Structures and residential amenity of existing properties in area.
- Condition No. 7 is required to safeguard Protected Structures
- Condition No. 12 reduces basement car parking (and responds to reduction in units required by Condition no. 2), and also ensures structural stability of Protected Structures
- Condition No. 36 is grounded on detailed calculations, which are submitted to the Board
- Conservation Officer's recommendations are based on sound Conservation Principles.

8 STATUTORY CONSULTEES

The following prescribed bodies have been notified by the Board:

- Failte Ireland (submission deadline 19 January 2007)

- An Chomhairle Ealaíon (submission deadline 19 January 2007)
- The Heritage Council (submission deadline 19 January 2007)

No responding submissions have been received.

9 ASSESSMENT

I consider the main issues to be addressed are as follows:

- Adequacy of EIS
- Principle of Proposal
- Impact on Protected Structures
- Design and Layout
- Visual Impact
- Traffic
- Other Issues
- Appealed Conditions

9.1 EIS

Further to the outline summary of the EIS contents in Section 2.1 above, I would make the following observations:

The EIS is accompanied by a non-technical summary. This is considered appropriate.

Landscape and Visual Assessment

The Photomontages illustrate the proposed development during summer (i.e. when trees are fully in leaf). This therefore conveys a best-case scenario in terms of visual impact.

Given the quantum and height of buildings proposed; the height of the existing structures to be retained; the location of new structures immediately to the north of existing sizeable structures; the proposed courtyard layouts and the proximity of the proposed structures to each other, it is unfortunate that a shadow analysis has not been provided. Similarly, given that this is a residential development, a sunlight and daylight analysis would be instructive. Notwithstanding these shortcomings, however, I consider this section of the EIS to be adequate in respect of required information.

[I am mindful of the site's zoning and the requirement that an Applicant demonstrates that a proposed development enhances the site's character and visual context. I note at this point that an EIS's Landscape and Visual Impact Assessment Chapter is considered to be of a completely separate nature, purpose, methodology, and format than a landscape and visual impact assessment for the purposes of demonstrating that a proposal enhances the landscape characteristics of a site. The former should be, concerned with,

inter alia, the objective identification of potential impacts, the characterisation of same, and the setting out of ameliorative measures in this regard. The latter would be more descriptive and less dependent on the standard systematic approach of an EIS.]

Roads and Traffic

The traffic impact assessment includes the committed 405 no. residential units and crèche (extant permission west of the subject site on Shanakiel Road) in its design year ‘do something’ and ‘do nothing’ modelling. This is considered good practice. It should be noted, however, that this reduces the percentage increase in traffic arising from the proposal vis a vis the current baseline situation. It would have been preferable were this also provided so that a clear comparison with how traffic compares with the existing (as well as the permitted) situation could be made.

Section 6.5.4 of the EIS offers scant detail with regard to construction traffic impact, and merely predicts that impact would be less than that during the operational phase. Further detail was submitted at Additional Information stage in respect of quantity of projected traffic movements (Table 2.9 of Arup document), but this was not contextualised nor assessed.

I note the Third Party submission in respect of the outdated nature of certain baseline traffic data, and would agree with this criticism. However, on the whole, and having regard to the information submitted at Additional Information stage, I consider the assessment of traffic impact to be adequate.

Air Quality and Climate

Baseline air pollutant levels are sourced from Cork City Council’s recently published *Air Pollution in Cork City 2005*. This is considered acceptable.

Architectural Heritage

Little detail in respect of the works to the Protected Structures is set out in the EIS. Accordingly, the Architectural Heritage Chapter of the EIS is deficient insofar as the impact of interventions is not assessed in a thorough manner. Similarly, the reversibility of the proposed works is not assessed in detail.

The structural stability of the convent building is not assessed in full, and I would consider this an important part of the baseline description. Further, whilst it would not be likely that asbestos is contained within the Protected Structures, no confirmation that later additions are asbestos free is contained in the baseline information. I would consider it important to establish whether there is asbestos on site, and if so, that a qualified professional be appointed during the demolition/construction stage. Were the Board so minded to grant permission, this could be managed by way of condition.

Few recommendations are offered with regard to acceptable materials or methods in the proposed renovations. Having regard to best practice, and

particularly to Chapter 6 of the *Architectural Heritage Protection Guidelines*, it would be desirable that a detailed method statement and specification of works and their impacts were prepared. This, combined with detailed architectural drawings of the proposed external and internal interventions to the Protected Structures, would have informed a significantly more comprehensive Architectural Impact Assessment. I would consider it imperative that were the Board so minded to grant permission that more detail with regard to structural work to the Protected Structures be prepared by a qualified Conservation Architect prior to the commencement of development.

I would draw the Board's attention to correspondence on file to the Planning Authority from the project architects (dated 24 August 2006). This correspondence contains a copy of earlier correspondence (August 2005) to the Planning Authority, which sets out a general proposed conservation strategy. This earlier correspondence pre-dates the planning application, and appears to have formed part of the pre-planning consultation process. I would consider that this would not come within the provisions of S.38(1)(a) of PDA 2000. Accordingly, were the Board so minded to grant permission, I would consider that a full specification and method statement would be required by condition, notwithstanding the presence of correspondence in respect of same on the instant Appeal file.

Having regard to the above, I am in agreement with Third Parties that there are certain inadequacies in the Environmental Impact Assessment. A certain degree of this (with particular reference to Architectural Heritage) is attributable to the distinct lack of information as to the nature and extent of structural interventions to the Protected Structures. Notwithstanding this, however, I am satisfied on the whole that the EIS complies substantially with the requirements of the Planning & Development Regulations 2001-2007.

9.2 Principle of Proposal

It is noted that the principle of residential development is established at the subject site by reference to the six storey student accommodation development having been permitted in 2000. I note, however, that this was granted within the policy context of a previous statutory Development Plan. That permission provided for 99 no. residential units, equating to a residential density of c. 32 no. units per ha (c.13 per acre). This permitted level of density would fall just short of what the Residential Density Guidelines class as the most efficient use of land (35-50 dwellings per ha). Having regard to the open nature of the site, however, and the need to protect both the mature landscape and the setting of the Protected Structures, I would consider the permitted density to be towards the upper limit of what would be appropriate on this site.

In the previous Development Plan (1998) the subject site was designated such that development might be restricted or prevented for amenity reasons. This was grounded, in the case of the subject site, on the important role of the site as a setting for a landmark building. In the current Development Plan, the site is a designated Landscape Protection Zone; again, related largely to its

important role as the setting for the Protected Structures. As outlined above, S.8.20 of the Development Plan plainly states that there is a presumption against development in such zones unless it can be demonstrated satisfactorily that the development would enhance the overall landscape character of the site and its visual context.

Having regard to the above, I do not consider that the zoning of the subject site supports the principle of the subject proposal on the subject site. Indeed, the very wording of the S.8.20 is precautionary, whereby any proposed land use will be considered inappropriate unless the Planning Authority is satisfied that it will constitute an enhancement of the site. Arising from this, and notwithstanding that a previous residential development has been permitted on site, I consider that the onus is on the Applicant to demonstrate that a proposal will enhance and complement the character of the site. In this regard, I consider the primary issues to be addressed by the Board are whether the contents of the Appeal file contain appropriate detail and comfort as to the ability of the subject proposal to enhance the appeal site's landscape character and visual context; and whether the subject proposal might generate unacceptable adverse impacts to any Protected Structures and their settings.

Whilst Third Parties advocate a future use of the site for a luxury hotel or nursing home to be appropriate, I would consider residential development, whilst not acceptable in principle, to be more in keeping with the wider character of the area, which is an established residential area. However, I consider the retention of the open character of the lands; the protection of the attendant grounds of the Protected Structures; protection of the site's mature landscape, combined with the need to respect the site's wider setting in an established residential area would place significant constraints on the residential density achievable on site. In this regard, I am in agreement with Third Parties insofar as a moderate density would be more appropriate except where the design response would merit otherwise. Accordingly, I consider the quality of the design approach to be a central determinant in whether certain levels of residential density may be achieved on site, and, indeed, whether the development as a whole would be appropriate.

9.3 Impact on Protected Structures

The Board is referred to drawing no. L004 Revision B 'Proposed Site Layout', received by Cork City Council on 5 July 2006 in reference to the overall site layout.

The Development Plan's Record of Protected Structures alludes to the 'Good Shepherd Convent' as a Protected Structure. The imprecision of this designation is unfortunate. However, having regard to S.57 of PDA, 2000 I would agree with Third Parties insofar as the entire site must be considered to be Protected. Notwithstanding this, however, I consider it reasonable to distinguish between those elements of the site that can accurately be considered Protected Structures by virtue of their special architectural interest,

and elements of the attendant grounds that would more accurately be described as contributing to the special character and setting of the structures.

In my opinion, The Protected Structures in the instant case on site are as follows:

Building K = Home Building
Building L = Convent Building
Building M = Orphanage Building
Gate Lodge

Off Site, adjacent to the western boundary of the site, Cork City Gaol is a Protected Structure.

Having regard to the above, and based on my site inspection, I would consider the entire grounds of the Gaol to be central to the special character of that Protected Structure, given that it is laid out in a classic walled courtyard style. In respect of the subject site, I would consider the landscaped entrance avenue and south-western quadrant to be fundamental to the setting of the Structures. I would also consider the graveyard and the open area in the south-eastern quadrant to be important elements of the open setting and contributory elements to its architectural, cultural, and historical interest. I do not consider the area to the rear of the Protected Structures to be an integral part of their setting, particularly given that it is not visually prominent, and given that it comprises an area of derelict land where buildings have been demolished. The high retaining wall along the northern boundary, however, contributes significantly to the character of the site in my opinion.

The location and nature of the bakehouse and coach house are such that they do not dominate or define a strong character area of the site nor do they possess a commanding character in themselves. Whilst they are part of the site's cultural heritage, I do not consider that they play a fundamental role in the site's character or special interest. Similarly, whilst the hen house and various outbuildings are significant from a cultural and historical perspective, I do not consider their position on the periphery and lower level of the site contributes significantly to its character, nor do I consider that they are special architectural components of the site in themselves.

Having regard to the above, I am satisfied that the overall approach to the development of the site is sound, given that it proposes to adapt the Protected Structures; locates the majority of new building to the rear of the Protected Structures; and maintains the graveyard, entrance avenue and formal landscaped area; and a sizeable part of the open grassed area in the south-eastern quadrant. I also welcome the provision of basement car parking, which will minimise through-traffic and the visual clutter associated with parked cars. Whilst I consider the general approach to the site appropriate, more detailed issues of layout; interrelationship of structures; and the impact of the proposal on the site's special landscape character is assessed separately below.

Most of the alterations that have been carried out to the original structures on site are of interest from a cultural and historical viewpoint in the subject case (i.e. the operation of the complex). However, I do not consider that they have made an important contribution to the structures themselves. Accordingly, I do not consider that the demolition of the non-original existing elements will adversely affect the integrity of the Protected Structures. Notwithstanding this, however, given that additions to the original structures appear to have commenced soon after their construction, certain parts of the rear extensions do contain notable architectural features (materials and detailing), which, whilst not original, are very much in keeping with the architectural character; such as the limestone walls. In this regard I agree with the Planning Authority's Conservation Officer that a detailed survey and record of all buildings should be carried out prior to commencement of works, such that a full architectural record of structures to be demolished can be prepared.

I agree with the comments of the Planning Authority's Executive Architect in respect of the need for an appropriate hierarchy of structures in order to preserve the identity of buildings on the site and achieve compatibility with the surrounding context. In this regard, the alignment of the front elevations of Buildings E and A with the front elevations of the Protected Structures, in my opinion, does not exhibit an appropriate deference to the Protected Structures. I do not consider that providing book ends to the Protected Structures represents an appropriate design response to the site given that it is characterised by objects in a landscape rather than a continuous row of buildings. This will clearly be even more the case if, as proposed, the non-original additions to the Protected Structures are demolished. Were the Board so minded to grant permission, I would recommend that the front (southern) elevations of Buildings A and E be set back by c. 7 metres, to align with the central axis of the Protected Structures.

In respect of the adjacent Gaol and its attendant grounds, I consider Buildings A and J pose potential impacts in this regard. I consider the proposed vertical timber cladding and green roof for building A to be appropriate, and in keeping with its location in the landscaped area. Whilst the upper two floors of the structure will be visible from the Gaol, I consider the materials and simplicity of this structure will not adversely affect the character of the Protected Structure to an unacceptable degree. I am in agreement with the Conservation Officer that all opes at this location (i.e. western elevation) should be omitted, not because they are unacceptable in themselves, but they could become areas of visual clutter associated with the internal residential use. They therefore have the potential to become an eyesore when viewed from the adjacent Gaol and thus adversely impact its character significantly. Whilst the Conservation Officer recommends their omission, I cannot see how this might be achieved whilst affording adequate light to the units. The floorplan of the building could be resized and rotated c.45 degrees, or it could be conditioned that units at this western elevation be treated similarly to those at the south-eastern elevation, whereby windows are set back within the outer envelop of the structure. The internal quality and residential amenity achieved by this structure is assessed further below.

It is regrettable, however, that a specimen mature yew in good condition will require removal in order to facilitate Building J (tree survey No. 560). Given the zoning of the subject site, the Board may wish to consider whether the removal of this tree would be conducive to the overall enhancement of the landscape character of the site and its visual context.

I consider Building A will have an unacceptable adverse impact on the adjacent Gaol. Its protruding seven storey southern elevation with balconies will be visually dominant when viewed from the Gaol, and detract significantly from the eastern wing of the latter. I note that this southern elevation was originally proposed in red brick, which I consider would have an unacceptable and jarring impact on the Gaol and would not provide an appropriate contrasting material to the Protected Structures on the subject site. At additional information stage, this material was changed to render, which I consider a significant improvement with a lighter appearance. I would advise that this be conditioned to be self-coloured render for its durability and resistance to weathering. Whilst I note the Planning Authority's conditioned treatment of same with timber (Condition No. 3(b)), I consider that this would be too similar to the Protected Structures in colour, and would not provide ample contrast. Whilst I note that the conditioned omission of floors 2 and 3 (Condition 2 (a)) will reduce Building A's dominance (and reduce its impact on the Home Building), I am not satisfied that this addresses its adverse impact on the Gaol. In this regard, I would refer the Board to my recommendation above, that were it so minded to grant permission, that in addition to the conditions of the Planning Authority, that Building A be set back by c. 7 metres.

Following from my review of the appeal file and EIS (see S. 11.1 above), I would agree with the Planning Authority's Conservation Officer that a lack of survey information in respect of the existing buildings, and a vague approach to the adaptation and works to same characterises the information provided by the First Party. There are no drawings indicating detailed works to Protected Structures or specifications as to how the interior of these buildings will be treated during construction. I consider this deficient. As one example, it appears that a new entrance and ramp are proposed for access to the rear of Building K, with accompanying stainless steel treatment in this location (northern elevation). Apart from the plans and elevations drawing, this does not seem to be detailed on architectural drawings in respect of specific interventions / works to the Protected Structure that would constitute material alterations, nor are the interventions and their impacts to the Protected Structure assessed. This is considered unsatisfactory.

Whilst I fully agree with the Planning Authority's Conservation Officer's emphasis on the important social and cultural history of the site, I do not consider that certain features (e.g. bakehouse / coachhouse / henhouse / engine shaft feature) are necessarily vital to the protection of this heritage insofar as they are of limited architectural merit; no longer support their original function (the basis of their significance); and might compromise the overall redevelopment vision for the site. For example, in the subject proposal, the retention of the coach house and bake house would compromise Block E and

would detract from this building's important role in the proposed courtyard composition. Further, the retention of these structures would effectively relegate them to the rear of a significantly larger structure and render them incongruous and at the bottom of the site's structural hierarchy. In short, I consider that this relegation would be an unfortunate contrast to their previous vitality in the functioning of the overall complex. I do not think the significant historical and social heritage of the site would be well served by retaining concrete elements that would detract from the overall sensitive redevelopment of the site. Having said this, however, I consider that the appropriateness or otherwise of demolishing these elements of the complex is tied up in the acceptability or otherwise of what will be constructed in their place. Accordingly, I would consider that the design of the proposed development must be of the highest standard, and the layout must achieve noticeable coherence in order to merit the demolition of these structures.

Notwithstanding the above, I concur with the Conservation Officer's recommendation that features / objects should be retained and re-used where practical. In particular, I agree that the bakehouse plaque should be re-mounted (I would consider Building E the most appropriate location) in the event that planning permission is granted.

9.4 Design and Layout

As noted above, I consider the overall approach to the site layout to be appropriate. In particular, I consider the proposed landscaping treatment to contain a welcome variety of spaces and character areas, and to present a good mix of hard and soft landscaping with open areas and more intimate spaces. The proposed planting repeats many of the elements already in the formal landscaped area, thereby achieving continuity. The proposed central meadow will provide a good contrast to the more formal courtyard and planted areas. However, the integrity and openness of this space is effectively sliced up by Building H.

The proposed green roof systems for buildings J, H, F, and G will be visually pleasing when viewed from the structures on higher ground. I would, however, have reservations as to the provision of active open space. Whilst the proposed meadow areas are considered appropriate, they will not be conducive to active recreation (football etc). Similarly, the proposed courtyards with ornamental planting and small grassed areas will not facilitate active recreation. Indeed, only a small area between blocks C and D, measuring some 48 sq m, approximately, is dedicated for play (apart from the crèche play area). This is considered insufficient provision for a development of this size. If the Board were so minded to grant permission, I would recommend that a larger open space area enjoying passive supervision be conditioned. That part of the proposed meadow between buildings M and H might be considered appropriate.

I would also have reservations as to the amenity of the courtyards to the rear of the Protected Structures, having regard to the shadow that will be cast by the

latter onto these spaces. The First Party has not submitted a shadow study, which would have helped in assessing the quality of the proposed open spaces.

Aside from my reservations with regard to Building J (see above and below), and the removal a mature yew that is in good condition, I am satisfied that the design of the scheme has provided for the retention of the maximum number of trees and original landscape elements, thus also protecting the site's existing flora and fauna. If the Board are so minded to grant permission, a condition should be attached such that protection measures for trees on site are put in place prior to commencement of construction.

Third Parties maintain that the design as permitted lacks cohesion and represents a substandard compromise resulting from changes responding to the various misgivings of the Planning Authority. I am not in total agreement, although I do consider that certain elements of the design are incongruous. For the convenience of the Board, I will assess each of the proposed structures separately below.

Building A

The Planning Authority has conditioned a reduction in the height of this structure by omitting floors 2 and 3. It has also conditioned the removal of its north-eastern part. I consider this appropriate, and will provide more sunlight to the northern elevation of Building K, and will reduce overshadowing to the courtyard between these buildings. As noted above, the reduction in height will provide appropriate deference to building K, and the eaves line established by same. This, combined with a setback of the southern elevation by c. 7 metres, should ensure no adverse impact to the adjacent Protected Structure (Gaol). Further, I would recommend that this structure utilise a light-coloured cladding material for its external treatment.

In respect of internal amenity, I note that units are dual aspect, with balconies and living areas orientated southwards. This is acceptable.

Building B

The Planning Authority has conditioned the reduction in height of this structure by two floors. This is considered acceptable. I am not satisfied, however, that adequate internal amenity will be afforded to these residential units, given their east-west orientation (whereby only the southern units have a southerly aspect); the proximity of Block C; and the obstruction by Block K of light from the south. Without a sunlight and daylight analysis, I am not satisfied, based on the information to hand, that this structure presents adequate residential amenity. I would therefore recommend, that were the Board so minded to grant permission, that it be omitted.

Building C

Per Condition No. 2 (c) of the Planning Authority's decision, the height of Building C has been reduced by two floors to four storeys. This is considered appropriate. Whilst the middle units in this block will not have a dual aspect, all units are so oriented to have south facing living areas. I note, however, that this building is located directly north of Building L. Given the general ridge height of Building L, in the region of 15 metres above ground level, and given a general separation between the two structures of 20 metres (15 metres where Building L's central part protrudes), I am not satisfied that adequate separation is provided to ensure satisfactory light and privacy for Building C. Furthermore, I consider the intervening open space will suffer from considerable shadow. I would therefore recommend that this building be omitted were the Board so minded to grant permission.

Building D

The Planning Authority has conditioned the reduction in height of this structure by two floors to five storeys. This is considered acceptable. I am not satisfied, however, that adequate internal amenity will be afforded to these residential units, given their east-west orientation (whereby only the southern units have a southerly aspect); the proximity of Block M; and the obstruction by Block M of light from the south. It is also noted that Block M will cause significant overshadowing of the Proposed open space areas on either side of Building D. Without a sunlight and daylight analysis, I am not satisfied, based on the information to hand, that this structure presents adequate residential amenity. I would therefore recommend, that were the Board so minded to grant permission, that it be omitted.

Building E

This structure has been revised significantly as a result of Additional Information, and further modified by Condition no. 2 (e), requiring the omission of two floors, producing a height of 2/3/4/5 storeys. I note that the ground floor units at the northern elevation are single aspect with east and west orientation, respectively. Similarly, the centre unit at the western elevation on all floors is single aspect with a westerly orientation. I would therefore recommend that were the Board so minded to grant permission, that the ground floor units at the northern elevation be omitted, and that the central units at the westerly elevation be omitted on all floors. The building will require significant redesign and structural assessment arising from these proposed alterations. On the whole, however, I consider this building to be acceptable, particularly given that its stepped nature, combined with the conditioned removal of two floors, will reduce any adverse impact its open space area.

I consider a light coloured elevational treatment in this location will provide an appropriate contrast to the Protected Structures. I would advise that this be self-coloured render.

Buildings F & G

Overall, I consider these buildings provide an appropriate transition in scale from the higher structures to the north, and have been sensitively designed by reference to the adjacent housing to the east and south. Notwithstanding this, however, all but two of the first floor units in Building G will have single aspect north facing living areas. For this reason, and having regard to adjacent properties, I agree with the Planning Authority that this building be redesigned as a terrace of two storey houses with south facing living areas. In the interest of the residential amenity of Buildings E and G, and having regard to the composition and interrelationship of buildings F and G, I would also consider it more appropriate (and agree with the Planning Authority's condition) for Building F to be reduced by two floors to a three storey structure. The use of vertical timber cladding is considered appropriate in this location, particularly having regard to its visual subtlety.

Building H

I would ideally like to see photomontages / views south towards Building H. These have not been provided by the First Party.

I consider Building H to be a sensitively designed and efficient use of this part of the site. Its three storey height is appropriate having regard to its location in a lower part of the site. Its curved form prevents it from having a monolithic horizontal character. I also note that all living areas enjoy south facing orientation. The use of vertical timber cladding will suit this building's location in the less formally landscaped meadow area.

Notwithstanding the above, I consider the character of the central grassed area to be an integral element of the site's special landscape character and open nature. I would have concerns that Building H would reduce significantly both the quantum of grassed area, and the open nature of the remaining meadow, given that this will effectively be reduced to a space between Buildings H and M linking to a space to the west of Building H. Furthermore, one of the chief qualities of the existing large open grassed area on site is the views it affords southwards. Building H will obstruct all views southwards from the meadow area to its north. Only the open space area to the west of Block H will continue to afford uninterrupted views south. Arising from the above, I consider the important issue in assessing Building H to be whether it enhances the special landscape character and visual context of this part of the site. Whilst the building in itself is considered acceptable and well-designed, I am not satisfied that it is appropriate in this location; nor do I consider that it enhances the landscape character, visual context, or views available from the site.

Building I

Building I represents an appropriate transition towards the residential development adjacent to the site's southern boundary. Its three storey northern elevation will complement Building H opposite, whilst its two storey southern elevation is in keeping with the existing dwelling units at Lee's Place. I do not consider that an unacceptable adverse impact will arise in respect of the latter units. A separation distance to the communal boundary of 11 metres accords with minimum standards. This, combined with the proposed planting will protect the existing and proposed residential amenity. I further note that due to the levels of the site and the comparatively lower ground of Lee View Place, that the proposed structures will have little or no view of the ground floor and private open space areas of properties to the south; rather, views will be over the roofs of these adjacent dwellings, and only from the upper floors of the proposed structures.

Building J

The Board is referred to Section 11.3 above. In addition, I would note that whilst the units on the eastern side of this structure would appear to receive adequate daylight and enjoy southerly oriented living spaces, the western units would appear to be in significant shadow arising from the adjacent large, mature lime tree. This restricted access to daylight would be compounded were the opes at this elevation set back within the building as I have suggested above. On balance, therefore, I do not consider that the combination of this building's sensitive location and surrounding mature landscaping will provide for adequate internal residential amenity.

Building K

I am in full agreement with the Conservation Officer's concerns with regard to the lack of information provided by the First Party in respect of works to the Protected Structures. Notwithstanding this, the proposed layout of units in Building K is considered acceptable and conducive to a high standard of internal residential amenity, particularly arising from views southwards.

Building L

My comments in relation to Building K generally apply here also. Whilst a good spacious living environment with a favourable aspect is proposed, I would note that the proposed living areas at first and second floor level on the western elevations will be directly opposite the proposed living areas on these floors of the adjacent Building K. Given that a separation distance of c.9 metres exists between these structures, this is considered unacceptable, and will have an adverse impact on privacy and residential amenity.

Building M

Again I note the lack of detailed drawings of proposed interventions. In addition, I would have concerns as to the amenity of the lower ground floor units and the levels of sunlight and daylight available to same. A sunlight and daylight analysis would have aided assessment in this regard.

Building N

The renovation of this unit and re-use as a residential dwelling is welcomed. The existing yard area to the rear of the property is constrained and comprises less than 20 sq m, approximately. Accordingly, it would not meet the minimum 48 sq m required by the Residential Density Guidelines. Given that this is an existing Protected Structure, however, requiring sensitive adaptation, I consider it reasonable to overlook this shortcoming. However, the proposed flat roof extension to the Gate Lodge, which would provide a bedroom, bathroom, and corridor, would reduce the size of this courtyard further - to less than 10 sq metres. Given that this is proposed as a two-bed unit, and that the minimum standard of the Cork City Development Plan 2004 for City and inner urban areas is 30 sq m private open space, and 48-60 sq m minimum for suburban areas, I would consider the subject proposal to be substandard in this regard.

I would consider the existing yard to be the very minimum of private open space provision that would be acceptable. The Board is also advised that the Gate Lodge as exists contains two upstairs bedrooms and a W.C., but it appears (notwithstanding that no details of works / interventions have been provided) that the adaptation of this structure will comprise ground floor accommodation only, with double height rooms; hence the need for the flat roof extension.

Building O

Whilst I consider the Conservation Officer's concerns reasonable insofar as this building is located abutting the original boundary wall, which would be structurally vulnerable, I consider that provided the First Party ensures the stability of the original wall during construction (for which proposals have been made), that this structure is acceptable given that all units enjoy a southerly aspect and adequate separation from Block M. Whilst this structure will abut the boundary with the rear gardens on Blarney Street, I consider its three storey height; combined with the sizeable gardens of Blarney Street, and the fact that no windows are proposed at this elevation, will ensure no unacceptable adverse impact to the existing residential amenity.

Basement

The provision of a majority of parking in a three level basement is considered acceptable in principle. However, I agree with the Planning Authority's Conservation Officer's recommendation that it be pulled back from the Protected Structures by at least 10 metres in all cases. In this regard, I would recommend that the northern part of Level -1 be reduced to one line of parking and a circulation area. The bin storage in this location should be relocated. This would reduce the number of parking spaces by approximately 55 no. in this location. I note that areas for bicycle storage are located beside stairwells, which is convenient. I would recommend that in the event of planning permission being granted, that at least one cycle parking space per residential unit be conditioned.

9.4.1 Design and Layout – Conclusions

I have commented above that the overall approach to the site development is considered sound. The concentration of built structures towards the northern boundary serves to preserve the open character of the site and reduce visual impact where the site is most visible (i.e. views from south). Given that I consider the central elements contributing to the special landscape character of the site to be the formal landscaped area; graveyard; and open grass area I would consider that these should be preserved as much as is possible. This has been achieved in respect of the former two areas, but I consider building H, will have an adverse impact on the latter area and the amenity provided by its openness and provision of views southwards.

I am not satisfied that a coherent hierarchy of buildings has been achieved on site, albeit recognising that the various modifications and conditioned alterations would have affected the original composition. Whilst the provision of a series of intimate residential courtyards serving the buildings to the rear of the Protected Structures is acceptable in principle, I do not consider that the arrangement of buildings in this location is conducive to producing ample amenity in the courtyards. Further I do not consider that buildings A,B,C, D, E and O achieve an appropriate interrelationship or integrity of composition. Their layout and form appears relatively haphazard. Whilst I recognise that design compromise is an inevitable part of developing in a sensitive and constrained area, I do not consider that the quality of layout and overall design merits the demolition of the bakehouse and coach house, for example. Similarly, I do not consider that the level of coherence of proposed structures presented in the proposed layout does justice to this distinctive site.

In addition to the above, I have concerns in respect of the internal amenity provided in a significant number of the proposed residential units, as noted above.

9.5 Visual Impact

Policy BE21 of the Development Plan states that development should have regard to the locally distinctive character of a site, and that proposals that would negatively impact on such character should not be permitted. In assessing this impact, regard should be had to the following:

- Landform and setting
- Building pattern, plots, streets etc
- Significant open spaces and gardens
- Palette of locally traditional materials and details
- Scale and proportion of existing buildings
- Building height, relationship to topography, views, vistas and landmarks

The above considerations will inform my assessment of visual impact.

In considering the visual impact, the Board is referred to Chapter 5 of the EIS; The A3 booklet of Photomontages submitted with the application; the A3 reductions of drawings and montages received by the Board on 26 September 2006 (to the front of which are a number of photomontages); and to the Long Range View Analysis prepared at AI stage (and contained in a separately bound A4 booklet). The Board is also referred to the appended photos taken during site inspection.

At the outset, I note that the site is not visually prominent in its immediate vicinity, and only the Gate Lodge and entrance gates are readily apparent on Convent Avenue. The site is not readily visible from Sunday's Well Road or Blarney Street. Good views of the site are afforded at Buxton Hill, however, particularly at its bend.

9.5.1 Internal Views

It is regrettable that the First Party has not provided internal views of the proposal from the southern or central part of the site looking north (i.e. towards existing and proposed structures) or towards the northern elevation of the curved Block H. However, I consider that the combination of reduced heights (as conditioned by the Planning Authority) and the setting back of Buildings A and E from the building line will ensure the continued primacy of the Protected Structures. The finishing of the buildings surrounding the Protected Structures in a contrasting light colour will complement the red brick and limestone materials.

The Board is referred to View 6 of the A3 reductions received on 26 September 2006. It is instructive to note how the use of red brick jars with the autonomy of the Protected Structures and adversely affects same. Whilst the proposed structure evident here is Building C (which I have recommended to

be omitted), it is notable that a lighter finish would have preserved the integrity of the Protected Structures by providing a suitable contrast.

9.5.2 From Cork City Gaol

I have addressed this above. In short, I consider Building A should be set back such that it is not visible from the Gaol. Whilst I do not consider that Building J will produce an adverse visual impact, I have recommended that this be omitted in any case, given the questionable level of internal residential amenity that it would afford.

9.5.3 From Buxton Hill

In assessing views from the south city, the Board's attention is drawn to Variation No. 3 of the Cork City Development Plan, whereby Sunday's Well is accorded the status of 'Significant Townscape and Landscape Significance'. Policy BE21 of the varied Development Plan states that new buildings must have regard to the locally distinctive character of a such sites.

Only one view from Buxton Hill has been assessed by the First Party (cf View 2 in the EIS). This is a considerable shortcoming, given that the site is most visible in its immediate vicinity from this location. Further, the existing residential dwellings here are most sensitive and exposed to potential visual impact from the proposed development adjacent. Notably, this view is taken from that part of Buxton Hill that will experience relatively slight impact arising from the proposal. The Board is referred to the appended site inspection photos, which illustrate, *inter alia*, the visibility of the site from the bend at Buxton Hill (i.e. west of View 2).

Whilst Buildings E, F, and G will be visible from Buxton Hill, I consider that the reduced height of these structures will be in keeping with the general scale of surrounding structures. Further, I consider the proposed vertical timber cladding of Buildings F and G will ensure that the visual impact to adjacent properties will not be unacceptably negative. I would consider it important that Building E be finished in a light coloured cladding. Were this structure finished in brick it would detract significantly from views of the Protected Structures. Furthermore, it would combine with the latter to read as a bulky mass of structures from Buxton Hill, and thus detract from the scale and proportion of these structures when viewed from Buxton Hill.

The proposed landscaping will further reduce any adverse impact to properties at Buxton Hill.

9.5.4 From South City

As noted above, the Board's attention is drawn to Variation No. 3 of the Cork City Development Plan, in respect of the site's 'Significant Townscape and Landscape Significance'.

The First Party states that the set back floor of A, E and E1 will rise above the ridge level of the Protected Structures but submits that this will not be 'readily visible' and will only be read from longer distances to the south. It is further submitted that the use of zinc on the upper floor of the southern elevations of these buildings will create an improved backdrop for the Protected Structures by giving the impression of a roofscape. I do not agree with the latter assertion, and refer the Board to Views 4-8 inclusive in the EIS. In the first instances, the height of structures detracts from the roofscape rhythm of the Protected Structures. Whilst buildings F, G, H and I are visible in glimpses, their scale and materials do not detract from the Protected Structures. Contrastingly, Building E dominates the orphanage, and appears out of character and urban in this context. Building D detracts from the roof of the orphanage and obstructs the composition of the Protected Structures by dominating the space between the orphanage and the convent in views from the south. Figure 5 shows Building D rising behind the roof of the orphanage and becoming the highest structure on the skyline.

Having regard to the above, I would conclude that the proposal has the potential to significantly detract from the character of the site and its Protected Structures when viewed from the south. Notwithstanding this, I consider that the use of light coloured external cladding instead of red brick, the omission of certain buildings, and the reduction in heights (such that no structure rises above the ridge height of the Protected Structures) will combine to rectify these potential adverse impacts and preserve views of the Protected Structures.

9.5.5 From the North

The site is not prominent from the north given the topography of the area. Whilst glimpsed views are possible from Orrery Park, I do not consider that the proposal will adversely affect the visual amenity of areas to the north of the subject site.

9.6 Traffic

The Board is advised that the 2000 permission provided for 51 no. parking spaces. The number of parking spaces permitted by the Planning Authority in the instant case (per Condition no. 12(a)) is 230 no.

I agree with Third Parties that traffic in the vicinity of the subject site is congested. However, I do not consider that this is site specific, and would note that the city and inner urban areas of Cork suffer from significant traffic

congestion and its associated adverse impacts. Whilst I consider Third Party concerns with respect to traffic impact to be reasonably made, I do not consider that traffic congestion in and of itself is reason enough to refuse planning permission in the subject appeal, given that in the current climate it could be applied to almost any situation in built up areas. Indeed, I would consider the site's location within waling distance of the City Centre and UCC to be in its favour in terms of traffic impact given that it would reduce over-reliance on the car.

I consider that the proposed traffic signalling changes and management of on-street parking will help manage the traffic situation in the locality.

Notwithstanding the above, I would consider that a maximum of one parking space per unit be permitted were the Board so inclined to grant permission.

9.7 First Party's History Of Maintenance Of Subject Site

Third Parties submit that the current owners have neglected the upkeep and protection of the subject site. I would note that, generally, the complex is in a disturbingly bad state of repair, which is remarkable given that it is relatively recent that it was in use. I note, however, that the Applicants have acquired the site quite recently.

Given the location and nature of the site (particularly its boundary treatment), I would consider it relatively difficult to secure from vandalism. Unfortunately, therefore, the potential for this to occur is outside the proprietor's control. However, I would note that on consecutive days, I witnessed no formal security of any kind in place on the site. Whilst Section 35 of PDA, 2000 provides for refusal of planning permission for past failures to comply, this provision is restricted to consideration of substantial non-compliance with previous permissions. Given that the maintenance and security of the subject site would not fall within the provisions of S.35, the Board cannot have regard to alleged wilful neglect, and thus the upkeep of the site is not a material consideration in the subject appeal.

Notwithstanding the above, I note that S.59 of PDA, 2000 provides for the serving of notice by the Planning Authority requiring that an owner of a Protected Structure carry out specific works to prevent the Structure from continuing endangerment.

In respect of alleged unauthorised demolition by the current proprietors, this would be a matter for the Enforcement Section of the Planning Authority, and not within the remit of the Board to consider in the subject Appeal.

9.8 Appealed Conditions by First Party

Condition No. 2

I have considered the various modifications required by Condition No. 2 above, and consider them reasonable and in the interest of visual amenity and safeguarding the Protected Structures (except where noted otherwise, above). I therefore recommend that this condition remain should be Board be so minded to grant permission.

Condition No. 7

Given the vulnerable state of the convent building in particular and all structures on site in general (particularly having regard to ongoing vandalism) I consider Condition No. 7 to be wholly appropriate and in the interest of safeguarding these important Protected Structures. I consider it imperative that all structures be made structurally sound, watertight, and secure from vandalism as a matter of urgency.

Condition No. 12

I have recommended above that in the event that permission is granted that the basement be pulled back from Protected Structures by 10 metres in all cases, and that a maximum parking provision of 1 no. space per unit be permitted. The First Party has not submitted sufficient structural information to provide comfort as to the acceptability of basement works within 10 metres of the Protected Structures.

Condition No. 36

Notwithstanding that the Board may not decide to grant permission, or may decide to condition alterations such that the appealed Condition No. 36 is superseded, I have outlined my calculations below for the Board (my full calculations are appended).

Based on the revised floor areas on file (as conditioned), a total gross floor area of 36,101.98 sq m is established. The Gross Floor Area of the Protected Structures (K,L,M,N) is subtracted from this, given that Protected Structures are exempt from levies per Table 5 of the scheme. Accordingly, a Gross Floor Area of 30,109.85 sq m is established.

The following levies are thus calculated:

Class 1 @ 37.16 per sq m = €1,118,882.03

Class 2 @ 23.92 per sq m = €720,227.61

Class 3 @ 7.17 per sq m = €215,887.62

TOTAL LEVY = €2,054,997.26

Accordingly, I recommend that if the Board is so minded to grant permission in line with that granted by the Planning Authority, that the amount at Condition No. 36 be amended from €2,329,254.40 to €2,054,997.26.

I note that the gross floor areas above have included the basements, which comprise parking for the residential units. In some S.48 schemes, particularly those that apply levies per unit, as opposed to per sq m, parking ancillary to residential development would not be levied. However, in the subject instance, given that no provision for the separation of parking is provided for in the scheme, and given that the scheme calculates levies for residential development based on gross floor area as opposed to number of units, the inclusion of the basement area appears to accord with the provisions of the scheme. I further note that the First Party has not appealed the inclusion of basement areas in the calculation of floor area to be levied.

10 RECOMMENDATION

I have read the submissions on file and visited the site and surrounding area. Having due regard to the provisions of the Development Plan, in which the site is zoned 'A' as visually important land; to Policy S.8.20 of the Development Plan, whereby there is a presumption against development in 'A' zones unless it can be demonstrated satisfactorily that the development would enhance the overall landscape character of the site and its visual context; to the Protected Structures on site; to the nature of the site and the context of the surrounding environment; together with all other issues arising, I recommend that planning permission for the proposed development be refused for the following reasons:

1. The Good Shepherd Convent is included on the Record of Protected Structures within the current Development Plan serving the area. It is a requirement of the Planning and Development Regulations, 2001, that a planning application for development consisting or comprising the carrying out of works to a Protected Structure shall be accompanied by such photographs, plans and other particulars as are necessary to show how the development would affect the character of the structure. Having regard to the drawings and other particulars submitted with the application and appeal, (including the EIS), it is considered that the impact of the proposed development on the existing structures has not been adequately shown, and, therefore, the Board is not satisfied that the proposed development would not materially and adversely affect the character (and integrity) of the Protected Structures. Accordingly, the proposed development would be contrary to the proper planning and sustainable development of the area.
2. The subject site is within a Landscape Protection Zone in the current Development Plan for the area. It is a stated policy of the Planning Authority, as set out in the Development Plan, that there will be a general presumption against development in Landscape Protection Zones unless it can be demonstrated by means of a landscape assessment and appropriate landscape and building design proposals that the proposed development will enhance the overall landscape character of the site and its visual context, and that the onus is on the Applicant to demonstrate this. This policy is considered reasonable. Having regard to the drawings and other particulars submitted with the

application and appeal (including the EIS), it is not considered that the impact of the proposed development on the landscape character and visual context of the site has been adequately shown, and therefore, the Board is not satisfied that the proposed development would not materially and adversely affect the landscape character and visual context of this Landscape Protection Zone. Accordingly, the proposed development would be contrary to the proper planning and sustainable development of the area.

3. Having regard to: -

- a. the location, layout and orientation of the proposed structures,
- b. the position of the proposed courtyards in relation to existing and proposed structures
- c. the number of apartments with single aspect only,

it is considered that the proposed development does not achieve appropriate design and visual coherence; would adversely affect the open character of the site; would have an adverse impact on views southwards from within the site's open spaces; would result in a substandard form of development for future occupants; and would, therefore, be contrary to the proper planning and sustainable development of the area.

Juliet Ryan
Inspector

30 March 2007