

PLANNER'S REPORT**Ref: TP 17/37279**Cork City Council
Development Management
Strategic Planning and
Economic Development

Permission type	Permission
Description	permission for development at the former Good Shepherd Convent site, Convent Avenue and Buckston Hill, Sunday's Well Cork (3.16 ha). The proposed development will consist of the partial demolition, redevelopment and extension of the existing former Good Shepherd Convent, Orphanage and Magdalene home buildings, and the demolition of all ancillary sheds and structures to facilitate a residential development of 234no. apartments. The proposed development will consist of works to the former Good Shepherd Convent, Orphanage, and Magdalene Home buildings, and former Gate Lodge protected structures (PS721) as well as works within the curtilage of these protected structures. The proposed development also consists of works to the exterior of structures which are located within the proposed Sunday's Well Architectural Conservation Area (ACA)
Applicant	Moneda Developments Limited
Location	The Former Good Shepherd Convent site Convent Avenue And Buckston Hill Sunday's Well Cork
Recommendation	Refuse Application

1. SITE DESCRIPTION

The site is c. 3.16ha (7.81 acres) in area. It falls from north to south, and houses the former Good Shepherd Convent, Orphanage, and Magdalene Home, as well as a gate lodge, bakehouse, and outbuildings/ancillary structures and a graveyard. The principal structures are located in the northern section of the site, aligned on a west-east axis, and front onto formal landscaped grounds with mature hedging and specimen trees. The main access to the site is via Convent Avenue to the south-west, with a secondary pedestrian access from Buxton Hill to the east.

The site is bounded by the residential properties of Blarney Street to the north, by the residential properties of Buckston Hill to the east, by an existing convent and the residential properties of Lee View Place to the south, and by the Cork City Gaol (Protected Structure PS539) to the west. There is a nun's graveyard, including the grave of Little Nellie, to the north-west of the site. I note that there is also a Magdalene Graveyard sited adjacent to the north western boundary of the site.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

As per the submitted development description, the proposed development will consist of:

- the partial demolition, redevelopment and extension of the existing former Good Shepherd Convent, Orphanage and Magdalene Home buildings, and the demolition of all ancillary sheds and structures to facilitate a residential development of 234 no. apartments.

PLANNER'S REPORT

- the conservation of the former Good Shepherd Convent, Orphanage, and Magdalene Home buildings and their conversion to 112no. apartments over 4-6 storeys including 19 no. 1-bed apartments, 63 no. 2-bed apartments, and 30 no. 3/3+bed apartments;
- the conservation, conversion and extension of the former Gate Lodge to a part 2-storey crèche and the conservation and conversion of the former Bakehouse to a part 2-storey community facility/exhibition space;
- the construction of 7no. buildings which will range in height from 3-6 storeys and which will consist of 122no. apartments, including 26 no. 1-bed apartments, 91no. 2-bed apartments, and 35no. 3/3+bed apartments.
- The proposed development also provides for 210no. car parking spaces (112no. undercroft and 98no. surface spaces);
- 234no. cycle spaces in racks with canopy/secure storage;
- all site development works including drainage, and internal roads, footpaths and walkways;
- all landscaping works, including new gardens;
- ESB substation and bins stores;
- alterations to the existing vehicular entrance from Convent Avenue, and controlled pedestrian access from Buckston Hill.
- The proposed development will consist of works to the former Good Shepherd Convent, Orphanage, and Magdalene Home buildings, and former Gate Lodge Protected Structures (PS721) as well as works within the curtilage of these Protected Structures. The proposed development also consists of works to the exterior of structures which are located within the proposed Sunday's Well Architectural Conservation Area (ACA).
- An Environmental Impact Statement (EIS) has been prepared in respect of the proposed development.

3.1 RECENT PLANNING HISTORY

The former Good Shepherd Convent site has a long planning history and has been the subject of three separate proposals for redevelopment in the past by three separate owners, University College Cork, Derinacarah Limited and Frinaila Developments Limited.

T.P. 20571/96 & PL28.101968

Provision of a satellite campus for University College Cork which was permitted by An Bord Pleanála in 1997;

This development included proposals to maintain and conserve the three main buildings and demolish all ancillary and linking structures to the rear and side to facilitate proposed new build. The proposed new build was located to the rear and side of the existing structures and the development was to provide a satellite campus for UCC.

PLANNER'S REPORT

Derinacarah Limited applied for the development of the entire site in a series of six planning applications in 2000 and 2001 involving the following planning applications T.P. 00/24660 (Phase 1), T.P. 00/24748 & PL 28.127177 (Phase 2), T.P. 00/24763 & PL 28.127181 (Phase 3), T.P. 01/25747 & PL 28.128937 (Phase 4), T.P. 01/25754, & PL 28/128931 (Phase 5), 01/25769, & PL 28.128934 (Phase 6).

Phase 1 of the Derinacarah Ltd. proposal for the construction of 99 no. three, four and five bedroom student apartments to the rear and west of the existing Home Building and Orphanage Building (T.P. 00/24660) was permitted by Cork City Council in November 2000. The decision of Cork City Council was not appealed to An Bord Pleanála.

Phase 2 originally proposed the construction of a large five-storey extension to the western side of the main Home Building and for the conversion of the ground floor of the Home Building and the entire Orphanage Convent Building and chapel into offices with a total floor area of 4,000m². It was proposed to convert the first and second floors of the Home Building into recreational/service facilities and administrative offices for the overall complex. -The Board decided to refuse Phase 2 for three reasons based on visual intrusion, the negative effect on Protected Structures and it was considered that the proposed office development was contrary to the policies of the City Plan.

Phase 3 made provision for the construction of a six-storey extension to the east of the permitted Phase 1, to the east of the Orphanage and adjacent to the graveyard. The Board decided to grant permission for a revised Phase 3.

Phases 4, 5 and 6 related to the construction of apartment blocks on the southern part of the site for a further 183 No. apartments for student accommodation (791 no. bed spaces). These applications were all refused by An Bord Pleanála on appeal.

Frinaila Developments Limited

T.P. 06/30540 – Permission for a residential development of 274 units. Cork City Council granted permission for the proposed development but the alterations specified by Condition 2 omitted 76 units and reduced the development to 184 units. An Bord Pleanála partly upheld the decision of Cork City Council and omitted various elements of the proposed development, reducing the development to 183 no. units.

Condition 2 (e) of the Board's decision specified the following:

e) Building E/E1 and Building O shall be omitted. The existing historic building, the Bakery, shall be retained. Any revised proposal for this area of the site, to be subject of a separate application for planning permission, shall be for a significantly smaller scale of development, which makes appropriate provision to retain and enhance the setting of the graveyard and environs, with generous open space provision and includes reinstatement and a new use of the Bakery building.

T.P. 07/32544 and PL28.219782 Alterations to the existing bakery building and provision of a 4-storey extension to the side to provide for six residential units and a 6-storey apartment building adjacent to the existing Orphanage Building accommodating 34 no. units as replacements for the previously proposed Building E/E1 as specified by Condition 2 (e).

Cork City Council refused permission, based on grounds of design and housing mix.

T.P. 09/34000 Alterations to development permitted previously under T.P. 06/30540 / PL 28.219782. Cork City Council refused permission for the proposed development based on design and traffic reasons.

3.2 PRE-APPLICATION CONSULTATIONS

4 no. pre-planning meetings were held in relation to the proposed development. The minutes are attached to the file.

4. POLICY CONTEXT

4.1 The proposed development aligns with a range of national, regional and local economic and planning policy documents. At a national level, these include the National Spatial Strategy, the Framework for Sustainable Development and the recently published *Rebuilding Ireland – An Action Plan for Housing 2016*.

4.2 CORK CITY DEVELOPMENT PLAN 2015-2021

4.2.1 Land-use Zoning

Chapter 15 of the City Development Plan relates to land-use zoning objectives. The site is located in the north-western suburbs of Cork City and is primarily zoned 'Residential, Local Services and Institutional Uses' where the principle of a residential development is acceptable in principle.

The south-western section of the site is identified as a Landscape Preservation Zone (NW17 and not NW15 as shown), as illustrated below. The site specific objective for this LPZ is to provide landscape structure and open space in any redevelopment. The Landscape Assets to be protected include tree canopy; natural features/cultural landscape and public and private open space. ZO 12 Landscape Preservation Zones seeks to preserve and enhance the special landscape and visual character of landscape preservation zones. There will be a presumption against development within these zones, with development only open for consideration where it achieves the specific objectives set out in Chapter 10, Table 10.2 and safeguards the value and sensitivity of the particular landscape.

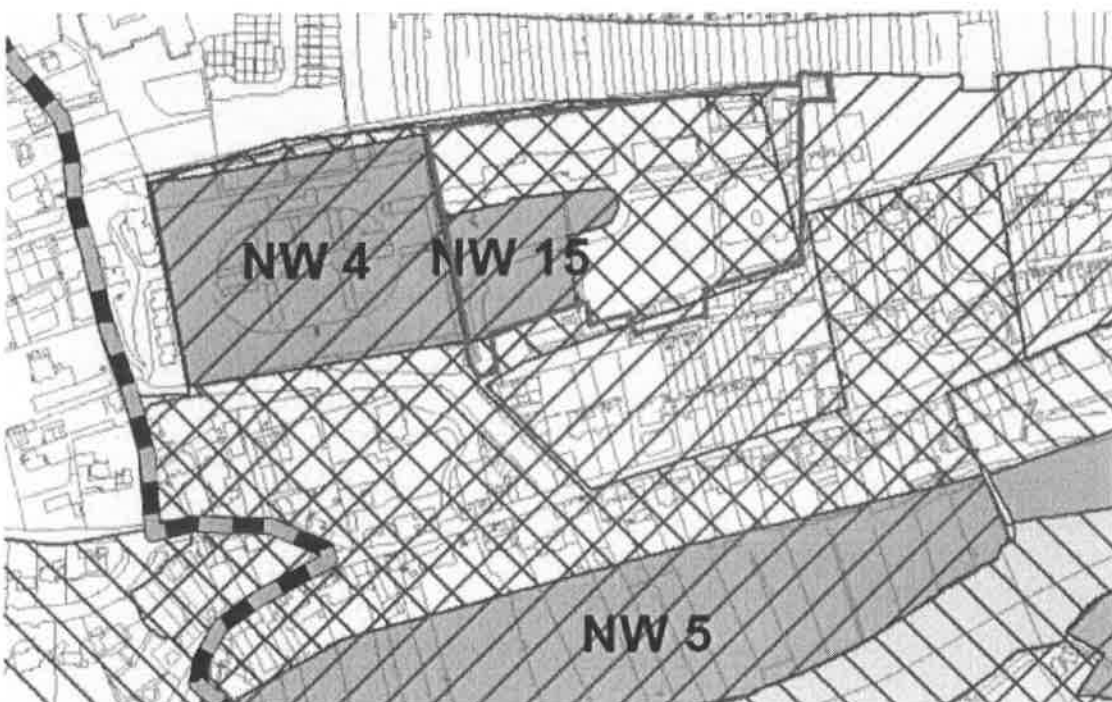


Fig. 1 Zoning Objectives as per the Cork City Development Plan 2015-2021

4.2.2 Development Plan Objectives

The site is fully located in an Area of High Landscape Value (AHLV), where by reason of Objective 10.4, there will be a presumption against development where it causes significant harm or injury to the intrinsic character of the AHLV and its primary landscape assets, the visual amenity of the landscape; protected views; breaks the existing ridge silhouette; the character and setting of buildings, structures and landmarks; and the ecological and habitat value of the landscape.

Objective 10.4 seeks to conserve and enhance the character and visual amenity of Areas of High Landscape Value (AHLV) through the appropriate management of development, in order to retain the existing characteristics of the landscape, and its primary landscape assets. Development will be considered only where it safeguards the value and sensitivity of the particular landscape.

Significant tree coverage in Sunday's Well AHLV and LPZ are one of the key priorities for tree protection by reference to Table 10.5 of the Plan.

The site is fully located in the Sunday's Well Architectural Conservation Area.

The purpose of Architectural Conservation Areas (ACAs) is to protect their special characteristics and distinctive features from inappropriate actions. Objective 9.29 refers. Objective 9.30 in relation to demolition in Architectural Conservation Areas states that demolition of structures and parts of structures will in principle only be permitted in an Architectural Conservation Area where the structure, or parts of a structure, are considered not to contribute to the special or distinctive

character, or where the replacement structure would significantly enhance the special character more than the retention of the original structure.

The Good Shepherd Convent, Orphanage, and Home, as well as the Gate Lodge, are Protected Structures (PS721).

In relation to the demolition of Protected Structures, Objective 9.24 refers. This states that proposals for demolition of a Protected Structure shall not be permitted except in exceptional circumstances and where it can be shown that a greater public interest will be served which outweighs the loss to the architectural heritage. In relation to alterations and extensions to a Protected Structure, the Plan states that any such proposals should ensure that there is no damage to the special character of the Protected Structure. Any extensions should be appropriate in terms of architectural design, treatment, character, scale and form to the existing protected building/structure.

Both the curtilage and attendant grounds of a Protected Structure are included for their protection within the definition of a Protected Structure as they are defining elements of the building/structure. Historic landscapes and gardens associated with Protected Structures are also an important amenity and contribute to the setting and character of Protected Structures. It will be the policy of the City Council to protect these unique historic gardens (including walled gardens), landscapes and settings from inappropriate development. Objective 9.26 refers.

The Cork City Walking Strategy identifies pedestrian infrastructure improvements in suburban areas including Sunday's Well. An amenity route is proposed from the Mardyke via Daly's Bridge and Strawberry Hill to Fairfield Road (the blue/black dashed line in Figure 2). A cycling route as part of the

Cycle Network Plan for the Cork Metropolitan Area is proposed along Sunday's Well Road connecting Strawberry Hill with North Mall. It is identified as Route CCN-U33.

In relation to development on burial grounds, Objective 9.17 refers. Cork City Council will seek to preserve and enhance historic burial grounds and their settings. Where former burial grounds are in use as amenity spaces then their retention for passive recreational use will be required. Development in and adjacent to these areas will be limited and may also be subject to archaeological conditions.

4.2.3 Development Management Standards

Development Management standards for the City, as set out in Chapter 16 of the Plan, include:

- For all significant retail, commercial, residential and office developments, or development in sensitive areas, applicants will be required to submit a detailed design statement.
- All significant planning applications shall submit an accompanying visual impact assessment.
- The Council requires the delivery of high quality built environments through good place making, and to ensure that development is designed to high qualitative standard and is cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking and detailed design.
- A Plot Ratio of between 1 and 1.5/1.75 may be considered in suburban areas of the City.
- Design should deliver a safe City.
- A minimum of 20% public open space is required in institutional lands;
- The City Council through Objective 16.4 will seek new buildings to be designed to: enhance the roofscape in terms of their bulk, massing, materials and aesthetics; where appropriate, divide building mass into smaller elements which respect the existing cityscape and the setting and views and prospects of landmark buildings and the other special amenity views; where appropriate locate plant housing for buildings in basements to avoid impact on views of cityscape.
- Buildings of between three to five storeys will be considered appropriate in principle in major development areas and larger development sites (>0.5 hectares in size, the size of a residential block), subject to normal planning considerations. In exceptional circumstances local landmark buildings may be considered with a height of up to 20-23 metres (approximately six-seven storey equivalent).
- Densities higher than 50 units per hectare will be appropriate at larger development sites (>0.5 hectares in size, the size of a residential block) capable of generating and accommodating their own character.
- Table 16.4 in the Plan suggests a maximum of 20% to be 1-bed units; a minimum of 30% 2-bed units; and a minimum of 50% three or more bed units.
- The target is for 90% of apartments to be dual aspect. No single aspect apartments should be north facing.
- Table 16.5 sets out minimum apartment standards: 55m² for 1-bed units; 80m² for 2-bed units (3 person); 90m² for 2-bed units (four person); 100m² for 3-bed units; and 115m² for 4-bed units.

- The minimum internal room dimensions outlined in *Quality Housing for Sustainable Communities, 2007*) will be applied to new dwellings.
- It is recommended that a maximum of four apartments per floor should be accessed from a lift/stair core in order to ensure a high quality of internal circulation space.
- When assessing proposals for apartment developments, the following (but not limited to) shall be considered:
 - Density;
 - Plot ratio;
 - Accessibility, traffic impact, proximity to public transport, provision of adequate car & bicycle parking etc.;
 - Statement of housing mix & type, and special needs housing as per the Housing Strategy;
 - Access to neighbourhood facilities;
 - Design and quality of proposed layout;
 - Orientation, overlooking and overshadowing;
 - Provision of adequate public and private open space;
 - Provision of waste storage & recycling facilities.
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4.3 NATIONAL POLICY GUIDANCE

4.3.1 Environmental Impact Assessment Guidelines

The *Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment* were issued in March 2013 by the Department of the Environment, Community and Local Government and set out the procedural requirements in reporting on applications that are accompanied by an Environmental Impact Statement. Section 2.2 of these Guidelines state that their purpose is to provide practical guidance to planning authorities and An Bord Pleanála on legal and procedural issues arising from the requirement to carry out an EIA. The Guidelines relate essentially to the responsibilities on planning authorities and the Board as contained in section 172 of the Planning and Development Act, 2000 as amended.

4.3.2 Flood Risk Management Guidelines

The *Planning System and Flood Risk Management Guidelines for Planning Authorities 2009* require that the issue of flooding be considered in the planning system at national, regional and local levels, and seek to ensure that flood risk is a key consideration in the assessment of planning applications.

4.3.3 Quality Housing for Sustainable Communities (DoEHLG) - 2007

4.3.4 Sustainable Urban Housing: Design Standards for New Apartments - 2015

5. REFERRALS AND SUBMISSIONS

5.1 INTERNAL REFERRAL REPORTS

Conservation Officer	Recommends Further Information
Archaeology Report	Recommends Further Information
Transportation Section	Recommend Refusal of Permission.
Roads (Planning) Engineer	Recommends Further Information.
Drainage	No objection subject to conditions
Environment	No objection subject to conditions.
Heritage Officer	No objection subject to conditions.
Parks	No objection.
Housing	No objection.

5.2 EXTERNAL REFERRAL REPORTS

Irish Water	No objection, subject to conditions.
An Taisce	Notes concern in relation to the proposed development.

5.3 THIRD-PARTY SUBMISSIONS

77 no. third-party submissions were received.

The issues raised were considered in the assessment of this application and include those set out below (this is not intended to be an exhaustive list of the issues raised and considered, but a summary of the issues raised – for full details refer to the actual submissions on file):

- Previous refusals of permission on the site

- Traffic
 - Traffic congestion
 - Lack of cycle lanes / limitations of roads infrastructure
 - Pedestrian safety generally and in particular on Buxton Hill

PLANNER'S REPORT

- Lack of public bus services
- Insufficient Parking
- Access for emergency vehicles

- Construction Issues
 - Impacts of Construction Phase in terms of traffic, noise
 - Air, light and noise pollution
 - Need for Completion Bond / Construction Bond / Post Construction Insurance

- Visual / Design Issues
 - Development not sensitive to Protected Structures on site or designation of the area as an Architectural Conservation Area
 - Inappropriate design and finishes, particularly having regard to designations above
 - Impact on views of the site
 - Visual Impact Statement incomplete / misleading

- Scale / Density
 - Excessive density of development
 - Excessive height, scale and mass of development
 - Overbearing nature of the development / overshadowing / overlooking of adjoining property, particularly to the north, south and east / lack of appropriate screening
 - Requirement for an Overshadowing Survey

- Housing Tenure
 - Housing Mix does not accord with the City Development Plan Standards
 - Likely anti-social issues because of housing mix and lack of family units
 - All social housing units in one block (A1)

PLANNER'S REPORT

- Open space / Amenity / Landscape Issues
 - Insufficient open space
 - Lack of recreational facilities
 - Detrimental impact on the landscape and wildlife of the site / Studies submitted flawed

- Archaeology / Historical Sensitivities
 - Need for a comprehensive Archaeological Survey of the site, including marked and unmarked graves
 - Treatment and access to existing graveyards on site, including Magdalene Graveyard (located outside the site boundary)
 - The sensitive history of the site needs to be addressed in a meaningful way
 - Memorial Garden to Magdalene Women and Children

- Impact of development on vulnerable aquifers on site / need for a complete Geological Assessment / flooding issues
- Impact on boundary walls
- Impact on drainage and water supply
- Fire Safety and water supply
- Community planning
- Alternative uses possible for the site, eg. elderly housing, recreational use / a civic use
- Impact on tourism facilities (Cork City Gaol)
- 1% arts scheme should be conditioned
- Reference to student housing in the EIS
- Oral Hearing is requested

6. PLANNING ASSESSMENT

6.1 CONSIDERATION OF SUBMISSIONS AND OBSERVATIONS

The issues raised in the submissions summarised above were all considered as part of the assessment below.

6.2 ASSESSMENT OF KEY PLANNING ISSUES

(1) GENERAL PRINCIPLE OF DEVELOPMENT - ZONING

The proposed development is sited on lands zoned primarily for 'Residential Local Services and Institutional Uses'. The south-western section of the site is identified as a Landscape Preservation Zone (NW17). In addition, the site is fully located in an Area of High Landscape Value and the Sunday's Well Architectural Conservation Area. The Good Shepherd Convent, Orphanage, and Home, as well as the Gate Lodge, are Protected Structures (PS721).

The principle of a residential development on the site is considered acceptable. The designation of the majority of the area zoned Landscape Preservation Zone (LP17) as open space within the development, accords with the zoning objective. The retention and conservation of the remaining elements of the Protected Structures on the site is to be welcomed.

(2) BUILT HERITAGE

The former Good Shepherd complex was constructed as a Convent, Magdalene Laundry home and Orphanage. It is a Protected Structure on the current Cork City Development Plan (PS 721). It is also included on the National Inventory of Architectural Heritage's survey for Cork City (ref. 20862019). In addition to the individual protected status of the former convent buildings, the site is located within a proposed Architectural Conservation Area in the current Cork City Development Plan. This area is identified as Sunday's Well Architectural Conservation Area, Sub-Area D: Former Institutional Lands, being of architectural and historical interest.

Existing structures include the original George Coppinger Ashlin designed Home (1872), Convent (1873) and Orphanage (1875) buildings all of which are Protected Structures (RPS No. PS721). and on the NIAH (Reg No. 20862019). The buildings are aligned along a west-east axis in the northern part of the site, situated on an artificially created elevated terrace. To the rear of these buildings was constructed the former laundry, chapel and infirmary buildings. A small gate lodge, also attributed to Ashlin (Reg No. 20866011), is located adjacent to the main entrance gates on Convent Avenue. The coach house and a bake house building is located north-east of the Orphanage. A former nuns' graveyard is in the north-eastern corner of the site. A mid 20th century dormitory building located to the south-west of the Home building and a number of former sheds / agricultural outhouses located around the perimeter of the site also exist.

The complex has been disused since the 1990s and has suffered two catastrophic fires; the first to the convent building in 2003 and the second to the Magdalene Home building in 2012.

A detailed Conservation Report has been submitted, which comprises a history of the construction of the Good Shepherd Convent, with its contemporary Magdalene Laundry Home or Asylum and Orphanage buildings, and subsequent additions or redevelopments on the site. The structures and grounds are recorded in written and photographic form as found during recent site inspections and the location of significant building fabric recorded on survey drawings (Appendix II). The damage caused by the two fires was extensive and the current condition of the surviving fabric is recorded. The significance of all elements of the site is discussed and an approach to the future reuse of the buildings and grounds is proposed. A Matrix of Significance document was developed to assess the overall significance of the surviving fabric of each building and to develop a strategy for their reuse. This document is included as Appendix IV.

PLANNER'S REPORT

Due to the extensive loss of fabric to the original buildings, particularly with regard to the fire damaged blocks, a full reinstatement of the buildings and full restoration of facades, roofs and interiors was not considered to be feasible.

Although not subjected to fire damage, the orphanage building is in poor condition due to prolonged water ingress, lack of use and lack of maintenance. However, internal walls, internal arcades and the floor plans of this building are intact. Due to the architectural and historical significance of the Good Shepherd buildings, and their location within an Architectural Conservation Area which is highly visible from the many parts of the city, the removal of all surviving buildings and parts of buildings was not recommended. Instead it was advised that the primary surviving elements of the main three buildings be retained and restored, with the focus of restoration primarily on the front

elevations and the reinstatement of rooflines sympathetic to the historic buildings. Interventions to the interior and extensive additions to the rear to allow for circulation and additional accommodation could be provided without losing the special architectural character of the main blocks as viewed from the south and southeast.

With regard to other elements on the site, the full retention and restoration of the gate lodge and bake house is recommended in addition to significant historical landscape features.

The Conservation Officer advises that he welcomes the proposal to re-use and convert the existing historic buildings, and in particular the proposal to reinstate the original convent building (whose interior was completely destroyed by fire in 2003), as it is of particular architectural and historic interest even in its current ruined state.

He considers that the strategy of re-use, internal reconstruction and extension to the rear of the historic buildings is appropriate and in accordance with good conservation practice. The alterations proposed at roof level to the 'home' and 'orphanage' buildings are modern in style but coherent with the strong and large-scaled architecture of the original buildings. He has a concern however that the proposed height of Blocks A1 and the rear of Blocks A2 and A4 will be visually problematic (their flat roofs are at a similar level to the ridge heights of the pitched roofs of the retained buildings).

The re-use and extension to the gate lodge though modern in architectural expression is appropriate in size and in scale with the original lodge.

The proposal to retain access to both graveyards (nuns and residents) and to restore the bakehouse, making it available for interpretation of the history and meaning of the site, is welcomed. However it is important that suitable universal access is provided from the vicinity of the bakehouse to both graveyards and that dedicated visitor parking be provided.

It is considered that the proposed apartment blocks close to the south and east boundaries of the site are problematic in terms of impact on the amenity of neighbouring houses and, by virtue of their size and bulk, in terms of their impact on the existing architectural character of the areas immediately adjacent on Buxton Hill and the north side of Sunday's Well Road.

In comparison with the clear and rational disposition of the upper blocks on the site, the apartment blocks on the lower section of the site appear to be located in a slightly free or random way and to be surrounded by extensive surface car parking to front and back.

It is considered that given the negative impact on adjacent property and the problematic setting of Blocks B2, 3, 4 and 5, that the strategy for this part of the site should be revised, replacing the apartment blocks with own-door houses with gardens, thereby contributing to the integration of the site with the family-type housing of Buxton Hill and Sunday's Well.

The self coloured render / plaster finish proposed for the facades appears to be stark in the submitted photomontage views of the development and will likely not weather well in this relatively exposed location.

Being located lower down the site, the flat roofs will be visible from the upper levels of the buildings above. It is important therefore that the roof arrangement and finish be designed to be seen from above.

(3) DESIGN APPROACH / BUILDING HEIGHTS / MATERIALS

The design approach proposes the following

Existing Buildings

Retain and refurbish the original George Ashlin designed Magdalen Home, Convent and Orphanage buildings (A2, A3 & A4 respectively) for residential use.

Re-establish the original George Ashlin designed formal facade composition of each of the three main buildings by removing all ad hoc additions and extensions.

Retain and refurbish the existing Coach House and Bake House buildings (as per previous An Bord Pleanala condition) to provide additional space for resident use such as residents meeting room, exhibit space to display information relating to the site's history as an Orphanage and Magdalene Laundry and place of burial for Little Nellie.

Retain and refurbish the existing Gate lodge building located adjacent to the existing entrance gates. This building is to be restored and extended to provide a crèche for 17 – 20 children.

Design Approach for the Northern Section of the Site

Design a series of new residential apartment buildings, A1 – A5, located to the rear and side gables of the existing buildings, which will relate in terms of height and scale to the existing buildings, and, form an appropriate inter-relationship and integrity of composition between the existing and proposed buildings.

Three new buildings will extend from the rear of the Magdalene Home, Convent and Orphanage buildings, A2, A3 & A4 respectively; the new buildings will extend northwards and turn to run parallel with the existing buildings, forming a series of connected residential courtyard buildings for use by residents.

Two standalone residential apartment buildings, A1 & A5, will serve as bookend buildings to the west gable of the Home building and the east gable of Orphanage building respectively.

Undercroft parking at ground floor level, screened by courtyard landscaping is proposed.

The Planning Authority is generally supportive of the Conservation Approach and Strategy for the re-use of the remaining fabric of the Protected Structures, together with the proposal for the series of new residential apartment buildings, A1 – A5, located to the rear and side gables of the existing buildings.

It is considered that the new buildings will form an appropriate inter-relationship and integrity of composition between the existing and proposed buildings.

It is considered that the development would benefit from being reduced in height where it is expressed as six storeys and that the fifth floor of residential accommodation should be omitted from Buildings A1, A2 and A4. This position is supported by the Conservation Officer (see Section 2 above) and is discussed in more detail in Section 7 below.

Design Approach for the Southern Section of the Site

I am in agreement with the Conservation Officer in respect of the proposed apartment blocks close to the south and east boundaries of the site, ie. Blocks B1 –B5. They are problematic in terms of their impact on the amenity of neighbouring houses and in terms of their impact on the architectural character of the areas immediately adjacent to the south and east. The massing and bulk of the blocks and the extent of surface parking to front and back require re-consideration and re-design.

Materials

I am in agreement with the Conservation Officer in respect of the extent of the self coloured render / plaster finish to Buildings B1-B5. I would have concerns regarding the visually stark impact of this finish on views towards the site and in terms of long term weathering. The applicant should also be requested to reconsider the self colour render finish to the northern elevations of Blocks A1- A5.

(4) STANDARD of LIVING ACCOMMODATION / HOUSING MIX **Standard of Accommodation**

The proposed development provides for 234 no. apartments / duplexes.

All units comply with the minimum size requirements as set out in the Cork City Development Plan as follows:

All one bed units exceed 55 sq metres, all two bed units exceed 80 sq metres and all three bed units exceed 100sq metres.

Of the 234 units, the majority (82%) are dual aspect. No north facing single aspect apartments are proposed. Internal room dimensions outlined in Quality Housing for Sustainable Communities (DoEHLG, 2007) have been applied to all new units. Apartments will have a minimum floor to ceiling height of 2.7m. The majority of units are served by a dedicated private amenity space, which meets the requirements of the Development Plan Standards.

It is generally considered that the standard of accommodation provided in terms of living accommodation, both in terms of floor area and quality is acceptable.

Housing Mix

The development has a proposed housing mix of:

- 45 no. (19.2%) one bed units,

- 154 no. (66%) two bed units and
- 35 no. (15%) 3/3+ bed units

The indicative Targets for Dwelling Size and Distribution as set out in Table 16.4 of the City Development Plan require that in Suburban Areas (Zone 3) there should be

Max 15% 1 bed units

Min 30% 2 bed units

Min 50% 3 bed units

These targets are indicative and as such, I would consider the proposed provision of one bed units at 19.2 % to be acceptable.

The provision of just 35 no. (15%) 3 bed units at this location is however not considered acceptable. It is my opinion that the number of 3 bed family orientated units should be increased to a minimum of 30% and that the 2 bed units should be proportionately reduced.

I note the issues raised in separate sections of this report, in relation to traffic, the extent of surface parking and the likely impacts of Blocks B2 and B5 on adjoining property and that a reduction in the scale and density of the development in the southern section of the site, through the provision of additional family orientated units would also assist in dealing with these issues.

(5) IMPACT ON LANDSCAPE CHARACTER

The site lies within an area designated as an Area of High Landscape Value (AHLV) in the City Development Plan 2015 – 2021. Within this AHLV, a portion of the site (to the south west) is designated a Landscape Preservation Zone. Existing landscape features include Protected Structures, perimeter walls, terraces, mature trees and meadow. The maturity and size of the trees create a sylvan setting that is visually attractive and very conducive to wildlife and biodiversity.

Chapter 7 of the Environmental Impact Statement considers the landscape characteristics of the site, the receiving environment, tree cover, and the visual impact the proposed development will have within the site and from a number of locations south and north of the site including The Mardyke, UCC and Buxton Hill. The Landscape Preservation Zone area within the site is being retained and, enhanced in the context of a long term tree maintenance programme and the reinstatement of other landscape features within this area. Mitigation measures identified in the Environmental Impact Statement are addressed in full in the Landscape Development Package Drawing No's L100 – L113. This package covers a detailed analysis of each significant landscape element within the site and identifies proposals for reinstatement, remedial repairs, maintenance and enhancement where appropriate.

Open Space provision including semi-private spaces is approximately 27% of the site area, which is in excess of the City Development Plan Guidelines of 20% for Institutional Lands.

The collective landscape proposals are captured in the Landscape Masterplan (Drawing No L104) and include the following.

1. Management Plan for existing trees.

2. Proposed tree planting
3. Creation of courtyards with provision for informal play and seating.
4. Creation of gardens and semi-private spaces.
5. Sensitive restoration of the existing cemetery, the creation of a cemetery garden and a restful / contemplative space south and west of the cemetery.
6. Provision of 0.75km amenity walk/exercise trail loop.

The Parks Section has advised that the landscape proposals have addressed the relevant landscape issues in a satisfactory manner. The Tree Condition Survey: 2017 Update identifies and plots all existing trees on site. The majority of trees are considered good and recommended for retention with recommendations for appropriate remedial pruning. A total of 8 no. trees are recommended for felling, a number of these are dead and the remainder are in poor condition and need to be removed for Health & Safety reasons.

I note that a small play area for children is provided near the site entrance.

I am of the opinion that the extent of surface car-parking in the southern section of the site, generally serving Blocks B2 – B5, is excessive particularly having regard to the designation of the site as an Area of High Landscape Value. The reduction of the extent of surface parking in conjunction with a reduction in the density of development in this location (as discussed in separate sections within this assessment), would considerably improve the site layout and the impact on the landscape character of this area of the site.

(6) IMPACT ON VIEWS

As discussed in other sections of the report, I am not convinced that the design of Blocks B1 –B5 is successful in terms of dealing with the landscape sensitivity and the relationship with adjoining properties to the south and east. I am of the opinion that this is borne out in the Photomontage Views from the Mardyke and Fitzgerald's Park.

It is considered that additional Photomontage Views are required and in the event of any revision of the scheme under this application, that a Revised Visual Impact Statement will be required. Views should be winter views, with seasonal tree cover omitted. Additional views required include the following:

- View from Buxton Hill looking west to the development site, approx 50 metre back from the proposed emergency / pedestrian entrance
- View from the southern section of Buxton Hill looking north -west to the development site,.
- View looking north to the development site, from the viewing area / car-park area to the north of the Aula Maxima in UCC

- View to the development site from the City End of Mardyke Walk
- Local Views looking south from in front of the Convent Building and the Orphanage Building
- Views from at least 2 no. rear gardens in Blarney Street, looking south

(7) IMPACTS ON ADJOINING PROPERTIES

Properties on Blarney Street

The proposed blocks to the rear of the Protected Structures are 6 stories in height (with an undercroft of parking and 5 stories of residential apartments overhead).

It is noted that the properties to the north of the site on Blarney Street are set back a distance of c. 54m-70m from the proposed blocks to the rear.

Issues in relation to visual impact and overlooking of these properties have been considered and it is recommended that given the height and prominence of the proposed buildings and their relationship with the private amenity space of the residential properties to the north, that the fifth floor of accommodation should be omitted from Buildings A1, A2 and A4.

Consideration should be given to the provision of a green roof to the blocks abutting the northern boundary of the site. The applicant should also be requested to reconsider the self colour render finish to the northern elevations of Blocks A1- A5.

Properties at Lee View Place and Buxton Hill to the south

The Sections submitted are incomplete and incorrect in a few instances. The long A1 sections are titled 1:200, where they are actually 1:500.

Adjoining properties on the site boundaries should be detailed in all long sections and dimensions should be indicated, similar to the site plan.

Notwithstanding the insufficient detail, I am of the opinion that the relationship of Blocks B2 and B5 with the existing residential properties to the south is problematic, having regard to their size and bulk and resultant problems of overlooking given their close proximity to the southern boundary. Consideration should be given to their re-design as family dwellings and the omission of the balconies at first floor level.

Properties on Buxton Hill to the east

I am generally satisfied with the massing and design of Block A5. It is located c. 22 metres from the eastern boundary and there is a reasonable landscape buffer to the east. It is considered however that Block B1 would benefit from being lowered by one storey and that this would lessen the impact of this Block in terms of views from Buxton Hill to the east and would improve the relationship of the buildings on the site. There is a concern that Block B1 and Block B2 are sited too close to the eastern boundary of the site and consideration should be given to an additional setback from this boundary. I note that the Conservation Officer has recommended that Blocks B2 - B5 be re-designed. Block B1 should also be considered in the context of any re-design proposals for the lower section of the site.

Additional photomontage views (winter views, without tree cover) are required from Buxton Hill, from both the east and the south.

(8) TRANSPORTATION

The EIS section which deals with Transportation has been assessed. Whilst it does not deal specifically with road safety issues or the provision of pedestrian facilities outside the development it is deemed adequate for the purpose of making an informed decision on the transportation impacts of the development.

The former Good Shepherd Convent site is located close to Cork City Centre, however it is not located in an area of good road infrastructure. In particular the pedestrian network and public transport links are poor offering little alternative to the car for most trips.

Traffic signals at Thomas Davis Bridge (Wellington Bridge) will improve the capacity at this junction and will be undertaken independent to this planning application. However this is not an option for the junction of Sunday's Well Road / Shanakiel Road because of the lack of road space there for right turn lanes etc. This would have been a mitigation measure for previously proposed developments on the site. The congestion at this junction will be exacerbated when the development is completed. The construction of the western section of the new North Ring Road is extremely long term and the traffic benefits for the Sunday's Well area will be minimum

The Traffic assessment in the EIS confirms there is traffic congestion and queuing in the general area particularly along Sunday's Well Road and Shanakiel Road. There is also no public transport service in the area with the nearest services on Shanakiel Road and Western Road being well beyond the recognised acceptable distance for walking to public transport services.

It is noted also that the Transportation Section consider the entrance at Buxton Hill and Buxton Hill itself, unsuitable for additional pedestrian traffic from a traffic safety point of view.

In view of the fact that size of the development results in serious traffic impacts in an already congested area and because of the lack of public transport alternatives and other appropriate mitigation measures, the Transportation Section recommends that the application be refused.

(9) Road Design

Vehicular Access

A vehicular access from Convent Avenue to serve the entire development is proposed. A second entrance for emergency vehicles only from Buxton Avenue is also proposed. No detailed drawings of either access have been provided in the application. The application mentions widening of the existing entrance on Convent Avenue but doesn't provide details of same. The applicant is requested to provide drawings of both entrances, designed in accordance with the principles set out in DMURS. For the main entrance, sight lines of a minimum of 45m, in both directions, at a set-back of 2.4m from the road edge are required. A build-out of the public footpath on Convent Avenue may be necessary to achieve the required sightlines. Any such works should be included in the applicant's design proposal.

Pedestrian Access

The application mentions a pedestrian access onto Buxton Hill but no details of this access have been provided. The drawings provided indicate only an emergency vehicle access at Buxton Hill. This needs to be clarified by the applicant.

Internal Road Layout

The application proposes shared surfaces throughout the development with flush road and footpath levels delineated by different surface materials. While Cork City Council generally supports the concept of shared surface design, where appropriately designed in accordance with DMURS, it is considered in this instance that the proposed footpath and road widths are too narrow to facilitate the pedestrian and traffic movements. The road widths proposed vary from 4.8m to 5.5m and footpath widths vary from 1.2m to 1.5m. Road widths should be a minimum of 5.5m and footpaths a minimum of 1.8m. Road widths of 4.8m may be considered for cul de sacs only.

It is assumed that this development will be managed by a management company and this will include the maintenance of roads, open spaces and other services. By extension it is assumed that this development will not be taken in charge. The choice of road surface materials and future maintenance of same is therefore a matter for the developer to consider. If it is the intention that the roads within the development would be taken in charge in the future then the surface materials used would need to be agreed with Cork City Council.

The proposal states "the existing Spine road will receive the highest vehicular volumes and within this scheme will be prioritised as vehicular. Pedestrians are encouraged to use alternative routes of travel". It is understood that the applicant wishes to maintain the landscape value of the existing spine road and mature trees and this constrains the road width available. However, it is inevitable that the spine road will be used by pedestrians, in particular vulnerable road users i.e. those pushing buggies and wheelchair users as the alternative routes available are either longer or involve steps. The applicant is asked to provide a footpath along the spine road. The footpath does not necessarily have to be immediately adjacent to the road but it should connect the entrance to the upper levels and there should be no steps.

Parking

The proposal includes for 210 parking spaces for the entire development which is less than the maximum provision set out in the City Development Plan and is in line with the objective of the plan to "constrain car trip generation and promote patronage of "green" modes of transport".

5% of the parking spaces provided should be set aside for disabled parking. Parking bay widths for disabled persons should be a minimum of 3m wide and 4.75m long.

(10) ARCHAEOLOGICAL / CULTURAL HERITAGE

The Archaeology Report advises that Chapter 12 of the EIS, *Archaeological Heritage* is considered adequate regarding the assessment of the likely ancient and medieval archaeological resource of the site but inadequate regarding the likely modern archaeological material.

The modern history/archaeology of the site is not adequately addressed, especially in regard to the functions of the institution known as the Good Shepherd Convent and regarding material likely to lie within the site as a consequence of the practises within such institutions. The research presented is lacking a factual account of the arrangements for daily life, industry etc within the institution and more importantly does not assess the likely issues surrounding burial practices in Magdalene Laundries. This aspect is particularly important in the light of recent evidence from other comparable institutions in Ireland. In particular, the arrangements for burials of children within such institutions has, of recent years been the focus of archaeological investigations. It is now considered normal that archaeologists are required (licensed under the National Monuments Acts) to act as lead investigators of forensic teams to resolve issues concerning the identification of poorly documented burial places within the

grounds of former religious orders where mothers and their children were institutionalised. The matter of resolving such issues must form part of any archaeological report supporting a planning application for redevelopment within the grounds of former Magdalene Laundry/Orphanages. As with more ancient material, all aspects of the social, religious and cultural practises that leave physical remains require appraisal as well as details of appropriate mitigation.

A publication (2011) by Cork City Council entitled *Cork City's Burial Places: A study of the Cemeteries, Graveyards and Burial Places*, details burial places and practises within Cork City. This book was compiled as an advice document for archaeological issues concerning burial grounds. There is an entry (p. 65/66) on the Good Shepherd Convent (former) Burial Grounds. There is no reference to this publication in the archaeological assessment for the proposed redevelopment at the Good Shepherd Convent. This is a significant oversight as several issues not addressed in the archaeological assessment are included in this publication.

The archaeological assessment states that while *'features or deposits and/or unknown burials cannot be discounted there is no indication to suggest that such remains are present'* (p. 210). The absence of indication is not sufficient to allay concerns that such burials may exist. It is more appropriate to exhaust all research possibilities to provide greater assurances as the recovery of such burials in the course of construction would have unacceptable negative consequences for the proposal.

Further Information is requested in relation to the following:

- a) Research on the records of residents of the Institution, numbers of recorded deaths and recorded burials.
- b) An assessment of the likely occurrence of undocumented burials of children in the context of evidence from comparable institutions in Ireland.
- c) Detailed mitigation measures to identify possible undocumented burial places and graves. A geophysical survey and test trenches of all anomalies identified in the geophysical survey is required. The testing should be conducted by a team with appropriate expertise in the matter of identifying burials. A detailed method statement for this research should be submitted to the Planning Authority and should also accompany a licence application to the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs and The National Museum of Ireland.
- d) The significance of the Magdalene or 'penitents' graveyard, while not within the boundary of the current proposal cannot be discounted. The enhancement of access to the Nuns Graveyard (within the site boundary) cannot be presented as a *'slight positive impact'* (p. 212) while dismissing the adjoining Magdalene burial ground to the northwest as *'outside the development boundary'* without inadvertently endorsing the concept that one is more important than the other.

Having discussed item (d) with the Archaeology Expert, it is considered appropriate in the event of a decision to request further information, to request that proposals to develop and enhance the Magdalene Burial Ground as part of the overall development of the site be submitted.

6.3 OTHER MATTERS

6.3.1 Flood Risk

The proposed development site is not located within flood zones A or B as specified in the *Flood Risk Management Guidelines for Planning Authorities 2009*.

6.3.2 Childcare facilities

The applicants propose to retain and refurbish the existing Gate Lodge building located adjacent to the existing entrance gates. This building will be restored and extended to provide a crèche for 17 – 20 children.

6.3.3 Community Facility / Exhibition Space – Former Coach House / Bake House

The Heritage Officer has commented on this proposal and how it should be dealt with.

The Heritage Officer notes in her report that there will be access to the graveyard and Little Nellys Grave and that there is a proposal to have a community facility / exhibition space at the former Bakehouse which will contain some interpretation of the history of the site. This is an important and very sensitive cultural heritage site for Cork City and it is her opinion that careful consideration should be given to how best to interpret and communicate this history. It would be important to involve key stakeholders in this process and perhaps use examples of best practice in Europe and the USA to inform content and design. A condition in relation to same is attached.

6.3.4 The Magdalene Graveyard

The cemetery associated with the Magdalene home, located to the northwest of the grounds, lies outside the boundary of the development site. An access route from the grounds will be restored to this area which will follow the high level walkway along the northern boundary wall. A second route will run along the western boundary wall and lead up steps to the location of the entrance to this cemetery. The recommendations of the Conservation Officer and the Archaeology Report, is that further information should be sought on the enhancement of access to the Magdalene Burial Ground and proposals to develop and enhance the Magdalene Burial Ground as part of the overall development of the site.

6.3.5 Part V

The applicant proposes 23 social housing units in Building A1 on site, which fulfils the required 10%. The Housing Directorate has reported that the Housing Directorates preference to comply with Part V would be the acquisition of units in proposed building A1. For reasons of tenure mix, good estate management and future maintenance of the properties it is preferable from a management perspective that the buildings be located within one block.

Should planning permission be granted, no works or demolition should take place until the site has been valued. The finalising of a Part V Agreement to acquire the units will also be subject to approval from the Department of Housing, Planning, Community & Local Government in relation to cost.

7. ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

7.1 LEGISLATIVE CONTEXT AND REQUIREMENT FOR EIA

7.1.1 Requirement for EIA

(1) Mandatory EIA

Having regard to Article 4(2) of the EIA Directive (85/337/EEC) (codified 2011/92/EU), it is considered that the proposed development is a project prescribed under Annex II, 10(b) (infrastructure projects) “urban development projects, including the construction of shopping centres and car parks”. Member States are required to determine whether projects listed in Annex II shall be made subject to an assessment through a case-by-case examination or thresholds or criteria set by the Member State. Part

X and section 176 of the Act and Part 10, Article 93 and Schedule 5 of the Regulations set out prescribed classes of development for which EIA is required.

Section 172(1)(a) of the Act states that an environmental impact assessment shall be carried out by a planning authority in respect of an application for consent for proposed development of a class specified in Schedule 5 to the Regulations which exceeds a quantity, area or other limit specified in that Schedule.

However, 10(b)(iv) of Schedule 5 of the Regulations sets out the following threshold:

Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

(In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)

The site area of the proposed development site is stated in the application form as 3.16 hectares. The relevant threshold specified in 10(b)(iv) above is considered to be 10 ha. The proposed development does therefore not exceed a specified threshold (it is not considered that it exceeds any other specified threshold) and **mandatory EIA is therefore not required.**

(2) Sub-Threshold EIA

Article 103(1) of the Regulations allows for a planning authority to require that a planning application for a 'sub-threshold' development be accompanied by an EIS if the authority considers that the development would be likely to have 'significant effects on the environment'.

In the preamble of the EIS the applicant notes that mandatory EIA is not required, but states that given the location of the site and its history and cultural significance it was considered appropriate to carry out an EIA.

7.1.2 Assessment of Adequacy of Environmental Impact Statement (EIS)

Article 108(1) of the Regulations states that a planning authority shall consider whether an EIS submitted in respect of a planning application complies with article 94. Section 172(1D) of the Act states *inter alia* that the planning authority shall consider whether an EIS submitted under this section identifies and describes adequately the direct and indirect effects on the environment of the proposed development. The adequacy of the EIS is addressed in below in this section of this report.

7.1.3 Guidance on Reporting on EIA

I note the provisions of the *Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2013)* which set out the procedural requirements in reporting on applications that are accompanied by an EIS. There are several recommendations on how EIA is to be addressed in a planner's report prepared in relation to a planning application accompanied by an EIS. I note also the provisions of sections 171A, 172(1G) and 172(1H) of the Act.

7.2 IDENTIFICATION AND ASSESSMENT OF IMPACTS AND ASSESSMENT OF EIS

The content of the EIS is as follows:

	Non-Technical Summary (NTS)
Chapter 1	Introduction

PLANNER'S REPORT

Chapter 2	Background / Need for the Scheme
Chapter 3	Alternatives Considered
Chapter 4	Site and Scheme Description
Chapter 5	Planning Policy Context
Chapter 6	Construction Activities
Chapter 7	Landscape and Visual
Chapter 8	Transportation
Chapter 9	Noise and Vibration
Chapter 10	Air Quality and Climate
Chapter 11	Ecology / Biodiversity
Chapter 12	Archaeological Heritage
Chapter 13	Architectural Heritage
Chapter 14	Soils, Geology, Surface Water and Groundwater
Chapter 15	Material Assets
Chapter 16	Population and Human Health
Chapter 17	Cumulative and other Impacts
Chapter 18	Summary of Impacts and Mitigation Measures

7.2.1 Methodology and Difficulties

2(d) of Schedule 6 of the Regulations requires that an indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information be included in an EIS. Section 1.6 of the EIS states that there were no significant difficulties in compiling the necessary information.

7.2.2 Non-technical Summary (NTS)

Article 94(c) of the Regulations states that an EIS shall contain a summary in non-technical language. A non-technical summary is included at the beginning of the EIS. It is noted that the NTS provides general information in relation to the various chapters of the EIS. It is considered that the NTS satisfies the legislative requirements.

7.2.3 Description of Development

1(a) of Schedule 6 of the Regulations sets out that *"a description of the proposed development comprising information on the site, design and size of the proposed development"* is information required to be contained in an EIS. 2(a)(i) of Schedule 6 states that *"a description of the physical characteristics of the whole proposed development and the land-use requirements during the construction and operational phases"* should also be provided. Chapter 4 of the EIS comprises a reasonable description of the site and context and the proposed development. Chapter 5 refers to the

planning policy context. Having reviewed Chapters 4 and 5, I consider that they comply with the statutory requirements.

7.2.4 Chapters Relating to the Effects on the Environment

(1) Construction Activities

The Environment Section has advised that the measures proposed in Chapter 6, Construction Activities are comprehensive. A Construction Environmental Management Plan (CEMP) and Construction Health and Safety Plan will be developed to address all aspects of the construction activities. An outline of the CEMP is included as Appendix C to this EIS. This shall be sent to Cork City Council for its written agreement prior to commencement of development. The Environment Section has recommended a number of additional conditions. It is considered that the implementation of the mitigation measures proposed under Chapter 6 together with compliance with the additional conditions proposed by the Environment Section will satisfactorily deal with the likely construction impacts.

(2) Landscape and Visual

The Parks Section has advised that Chapter 7 of the Environmental Impact Statement has adequately addressed the landscape impact issues. This chapter has considered the landscape characteristics of the site, the receiving environment, tree cover, and the visual impact the proposed development will have within the site and from a number of locations south and north of the site including The Mardyke, UCC, Blarney Street and Baker's Road. Given that the Landscape Preservation Zone area within the site is being retained in full and, enhanced in the context of a long term tree maintenance programme and, the reinstatement of other landscape features within this area, it is concluded that the overall visual impact of the completed development will be moderate.

Mitigation measures identified in the Environmental Impact Statement are addressed in full in the Landscape Development Package Drawing No's L100 – L113. This package covers a detailed analysis of each significant landscape element within the site and identifies proposals for reinstatement, remedial repairs, maintenance and enhancement where appropriate. Open Space provision including semi-private spaces is approximately 27% of the site area, well in excess of the City Development Plan Guidelines.

While I am in agreement with the Parks Section regarding the impact of the development on the northern section of the site and the area zoned as a Landscape Preservation Zone, I am not satisfied with the impact of the development on the southern section of the site in terms of the landscape and visual impact. As detailed in the Planning Assessment, this area requires substantial design revisions and the submission of a revised Visual Impact Statement for any revised proposals.

(3) Transportation

The EIS section which deals with Transportation (Chapter 8) has been assessed by the Transportation and Mobility Section. Whilst it does not deal specifically with road safety issues or the provision of pedestrian facilities outside the development it is deemed adequate for the purpose of making an informed decision on the transportation impacts of the development.

The assessment concludes that the development will result in serious traffic impacts on an already congested area and because of the lack of public transport alternatives and other appropriate mitigation measures, the Transportation Section recommends that the application be refused. Having regard to this conclusion, the Transportation Section of the EIS is considered inadequate.

(4) Noise and Vibration

The results of the construction assessment indicates that at distances of beyond 15m from the works, the construction daytime noise limit can typically be complied with for the scenarios assessed. At distances less than 15 m from the works, the construction noise criteria has the potential to be exceeded. No rock breaking or blasting is predicted to be required to construct the proposed development, and no significant vibration impacts are predicted. Measures will be employed by the contractor to ensure the construction noise and vibration impacts on the surrounding area are minimised both in intensity and duration. The Environment Section has examined this Section of the EIS. The EIS proposes typical construction times of 07:00 to 19:00. This is outside of the typical times which Cork City Council usually permits. A number of conditions in relation to noise are recommended, over and above the mitigation measures contained in the EIS.

(5) Air Quality and Climate

The Environment Section has assessed Chapter 10 and has advised that the mitigation measures recommended are acceptable.

(6) Ecology / Biodiversity

The Heritage Officer advises that in her opinion, Chapter 11 - Ecology / Biodiversity, of the EIS is satisfactory. She notes the contents of the habitat assessment, invasive species, flora and fauna surveys and the mitigation measures proposed in section 11.9. In her opinion these mitigation measures are satisfactory. It is noted that a derogation licence for bats has been granted for this site subject to the mitigation measures outlined in the bat report, details of which are outlined in Appendix G.

She also notes Chapter 7 - Landscape and Visual and notes the mitigation measures outlined in section 7.8, including the proposed 50 year tree care plan and replanting programme.

(7) Archaeological Heritage

The Archaeology Report advises that Chapter 12 of the EIS, *Archaeological Heritage* is considered adequate regarding the assessment of the likely ancient and medieval archaeological resource of the site but inadequate regarding the likely modern archaeological material. Further information is requested.

(8) Architectural Heritage

The Conservation Officer states that he considers that the information presented in the EIS relating to the historical development of the site, the current condition of the historic structures and the rationale for the redevelopment strategy proposed is satisfactory to allow for the assessment of the architectural heritage impact. This assessment is contained in Section 6.2 above. The design of the proposed buildings on the lower section of the site, ie. Blocks B1 –B5 are not acceptable and revised proposals for this area of site are required.

(9) Soils, Geology, Surface Water and Groundwater

The Drainage Section has considered Chapter 14 of the EIS in relation to storm water and foul water drainage and are satisfied that there is adequate capacity in the public sewer to which it is proposed to connect and downstream of it.

They have also considered the 'locally important' bedrock aquifer and are satisfied that the proposed foul drainage system will protect it from human activity on the site.

Irish Water have not commented on the Water Supply issue, apart from stating no objection, subject to the applicant signing a connection agreement with IW prior to commencement of development. The Cork City Council Irish Water representative has commented as follows:

'I have considered Chapter 14.4.2.2 of EIS in relation to potable water and I am satisfied that there is adequate capacity in the 14" (and not a 300mm main as stated in the report) water main on Blarney street to which it is proposed to connect to.'

(10) Population and Human Health

The impacts are considered in terms of economic activity, social consideration, land use and health and safety. I am satisfied that the full implementation of the mitigation measures proposed in the EIS will address a number of the impacts raised. However given the concerns of the Transportation Section in relation to traffic congestion, I am not satisfied that the mitigation measures proposed would satisfactorily address the impact of additional traffic congestion on the local population. In addition given the concerns raised by the Archaeology Expert, I am of the opinion that the sensitive cultural history and previous use of the lands as a Magdalene Home / Orphanage have not been adequately addressed.

8. APPROPRIATE ASSESSMENT

(i) LEGISLATIVE CONTEXT

Habitats Directive

Article 6(3) of the European Communities (Natural Habitats) Regulations, 1997 (SI No. 94 of 1997) requires that any plan or project that is not directly connected with or necessary to the management of a European site (previously known as a Nature 2000 site) but is likely to have a significant effect on it either on its own or in combination with other plans and projects is to be authorised only if it will not adversely affect the integrity of that site. Screening for appropriate assessment and appropriate assessment itself if required must be carried out and the assessment and conclusions recorded to ensure that existing and future plans or projects are not authorised if they are likely to adversely affect the integrity of a site.

Relevant European Sites

The relevant European sites are the Cork Harbour SPA (site code 004030) which is approximately 4 km *'as the crow flies'* from the proposed development site downstream along the River Lee and the Great Island Channel cSAC (site code 001058) which is around 8.3 km from the proposed development site at its closest point.

(ii) SUBMITTED INFORMATION

A Report for Screening for Appropriate Assessment was submitted as Appendix H of the EIS.

(iii) SCREENING

Appendix H of the EIS addresses screening for appropriate assessment. This section includes a description of the site and lists the relevant European sites. The applicant's screening exercise concludes

'The proposed development site is not within or in proximity to a Natura 2000 site. The proposed development site does not provide suitable habitat nor does it support the species for which the Cork Harbour SPA was selected. Based on the above, the project does not present any risk of a direct adverse effect on either the habitats or species for which Natura 2000 sites have been selected.'

A stage 2 Appropriate Assessment is not considered necessary.

I am satisfied, having regard to the nature, location and scale of the subject development, that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on the Great Island Channel Special Area of Conservation (site code 001058), and on the Cork Harbour Special Protection Area (site code 004030), or on any other European sites, in view of their conservation objectives.

I note that the Heritage Officer has also considered the report and has no objection with its conclusion that the development will have no significant impact on the qualifying interests and conservation objectives for Natura 2000 sites in the vicinity of the site.

9. DEVELOPMENT CONTRIBUTIONS

General and Supplementary Development Contribution Scheme

Development contributions are based on gross internal areas in accordance with the Cork City Council Development Contribution Scheme 2017-2021 at a quarterly CPI rate. The Scheme comprises the General Development Contribution Scheme and the Supplementary Development Contribution Scheme.

The gross internal floor area submitted by the applicant in Section 12 of the application form is inconsistent with in the schedule of floor areas submitted and with the areas measured by Cork City Council. It would appear that the applicant has not included basement car parking and circulation areas in their calculation. The applicant is requested to submit a revised schedule of floor areas which shows gross internal floor area for each floor including basement parking and circulation areas.

The applicant is requested to submit the following further information:

- The gross internal floor area for each building including basement car parking and internal circulation areas
- A schedule of areas to be demolished for each building.

10. CONCLUSION AND RECOMMENDATION

In overall terms the redevelopment of the Good Shepherd Convent is to be welcomed.

- The site is zoned Residential Community and Local Services and a residential development is an acceptable use in principle.
- The existing Protected Structures in the northern section of the site are in very poor condition and both their re-use and the retention of the south facing facades is to be welcomed.
- The proposals to extend the Protected Structures to the rear forming a series of connected courtyards and to book-end the Protected Structures at either end by two stand alone buildings is supported.
- The treatment of the area of land zoned Landscape Preservation Zone, ie. its retention and enhancement as a landscaped area in the context of a long term tree maintenance programme and the reinstatement of other landscape features is considered positive.

PLANNER'S REPORT

- However I consider that Blocks B1 – B5 (located in the southern section of the site) are less successful and require re-consideration in terms of their siting, massing and design, their relationship with immediately adjoining properties and the adjoining ACA and their impact on the landscape character of the site and on local and distant views.
- I am of the opinion that having regard to the Indicative Standards for Housing Mix as set out in the City Development Plan and in particular the target for 50% 3/ 3+ bed units, that the proposed provision of just 15% 3 bed units is unacceptable.
- It is noted that the Traffic Section has advised that the development will result in serious traffic impacts in an already congested area, because of the lack of public transport alternatives and other appropriate traffic mitigation measures. Having regard to same they recommend that the proposed development be refused. Given the fundamental objection of the Transportation Section to the scale of the proposed development and the likely traffic impacts in the absence of mitigation measures I have no option but to recommend refusal of permission.
- I consider that the issues raised in relation to housing mix and the design of the blocks in the southern section of the site, will require significant and material design alterations to the proposed development which cannot be appropriately dealt with by way of a further information request.

RECOMMENDATION: Refuse Application



Lucy Teehan
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Development Directorate**

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<h2 style="margin: 0;">First Schedule</h2> <h3 style="margin: 0;">Reasons and Considerations</h3>

Conditions/Reasons

No.	Reason
1	Having regard to existing traffic congestion in the Sundays Well area and to the lack of public transport alternatives and other appropriate traffic mitigation measures available, it is considered that the proposed development would be likely to create serious traffic congestion in what is an already congested area. Having regard to same it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.
2	It is considered that the form and design of Blocks B1 – B5, including the extent of surface parking, does not successfully address the southern section of the site, in terms of its landscape sensitivity, its relationship with the adjoining Architectural Conservation Area and immediately adjoining properties. Having regard to the above it is considered that the proposed development as designed would be visually obtrusive and would seriously injure the amenities of the area and of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.
3	The proposed housing mix which provides for just 35 no. (15%) three bed units is unacceptable having regard to the Indicative Targets for Housing Size and Distribution as set out in Table 16.4 of the City Development Plan, which sets a target for 50% 3 bed units in suburban locations. As such it is considered that the proposed development would be inconsistent with the character of the area and would be contrary to the proper planning and sustainable development of the area.

