



An  
Bord  
Pleanála

# S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

## Inspector's Report ABP-307364-20

### Strategic Housing Development

Modifications to previously permitted  
Reg. Ref. 17/37406 to provide 280 no.  
student bedspace accommodation  
and associated site works.

### Location

The Former Square Deal Premises,  
Washington Street West, Cork City.  
([www.brogahouseshd.ie](http://www.brogahouseshd.ie))

### Planning Authority

Cork City Council

### Applicant

IRE Real Estate Partners Fund II

### Prescribed Bodies

Irish Water  
Transport Infrastructure Ireland (TII)

### Observer

Ellen Chambers

**Date of Site Inspection**

16/07/2020

**Inspector**

Conor McGrath

## Contents

1.0 Introduction .....	4
2.0 Site Location and Description .....	4
3.0 Proposed Strategic Housing Development .....	5
4.0 Planning History.....	8
5.0 Section 5 Pre-Application Consultation.....	9
6.0 Relevant Planning Policy .....	14
7.0 Third Party Submissions .....	23
8.0 Planning Authority Submission .....	24
9.0 Prescribed Bodies.....	27
10.0 EIA Screening .....	<b>Error! Bookmark not defined.</b>
11.0 Assessment.....	27
12.0 Screening for Appropriate Assessment.....	41
13.0 Recommendation .....	44
14.0 Reasons and Considerations .....	<b>Error! Bookmark not defined.</b>
15.0 Conditions .....	46

## 1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

## 2.0 Site Location and Description

- 2.1. The application site comprises a stated area of 0.35ha, occupying most of this urban block on Washington Street in Cork City centre. The site has frontage to Washington Street to the south and Woods Street to the west, with a secondary rear access / frontage to Lynch's Street to the north. The subject site is partly occupied by a protected structure fronting Washington Street, the former Lee Boot Company, c. 1880. Along with significant factory and warehouse buildings to the rear, this structure was in use in more recent times as a furniture retail outlet. The building is recorded on the National Inventory of Architectural Heritage (NIAH Reg No. 20503140) for its Architectural / Historical / Social Merit and is stated as being of Regional Importance. The building at the corner of Washington Street and Woods Street, comprises a three-storey flat-roofed extension to the original factory constructed C.1919. The rear warehouse and storage structures were in the process of demolition in July 2020.
- 2.2. The remainder of this urban block is occupied by a 3-storey commercial / residential property to the east on the corner of Washington Street and Little Hanover Street. The single storey premises of Cork Penny Dinners and a number of small dis-used sites also have frontage to Little Hanover Street. There are a mixture of uses in the surrounding area, including residential, health and retail uses. The out-patient department of Mercy University Hospital is located opposite the site on the northern side of Lynch's Street. Lancaster Hall, also on Lynch's Street, provides student accommodation at upper floor levels to the northwest of the site.

### 3.0 Proposed Strategic Housing Development

The development is described as modifications to the student accommodation development previously permitted under Cork City Council Ref.'s 17/37406 and comprises the following elements:

- 1.) The refurbishment and internal modifications of Protected Structure (PS451), to include localised structural repairs, repairs to roof and rainwater goods, restoration / replacement of windows and doors.
- 2.) The construction of a five- and part six-storey mixed-use development providing 50 no. student apartments (increasing the number of permitted bed-spaces on-site from 209 to 280 no.). Each apartment includes a shared living, kitchen dining area and all bedrooms are en-suite.

<b>No. of Apts</b>	<b>Bedspaces</b>	<b>Total Bedspaces</b>
10 no.	1 bed studios	10
2 no.	2 bed studios	4
2 no.	4 bed apartments	8
4 no.	5 bed apartments	20
4 no.	6 bed apartments	24
10 no.	7 bed apartments	70
18 no.	8 bed apartments	144
50 no.		280

- 3.) Ancillary student support facilities including laundry, gym, amenity lounge / study, study rooms, library, dining room, reception, management office and storage, and comms rooms.
- 4.) A publicly accessible commercial/café unit at ground floor level (97.7-sq.m.);
- 5.) Ancillary works including plant room, switch room sub-station, bin store; and landscaped areas comprising internal courtyards and roof terraces at 4th and 5th floor levels.

- 6.) The development includes road and footpath upgrades at Lynch’s Street and Wood’s Street. A raised table at the junction between Woods Street and Lynch’s Street will provide for fire tender and refuse vehicles turning movements.
- 7.) The application notes that demolition of existing structures on the site is not included.

It is stated that the development will be managed by an established specialist student accommodation operator, with a record of delivering student accommodation in the UK.

The main parameters of the proposed development are as follows:

<b>Detail</b>	<b>Proposed Development</b>
Area of Site	0.35ha
Existing Buildings being retained	416.3-sq.m.
Gross floor area	8398.3m <sup>2</sup>
Height of Blocks	4-6-storeys
No. of Bedspaces	280
Density	143 units / ha or 800 Bedspaces / ha
Site Coverage	61%
Plot Ratio	2.4
Internal Amenity Space	700-sq.m.
External Amenity Space	1,148-sq.m.
Bicycle Spaces	140

The application was accompanied by the following documentation:

– Cover Letter by McCutcheon Halley Planning;
– Completed SHD Application Form;
– Site Notice and Newspaper Notice;
– Letter of Consent from Cork City Council;

– Copy of Notification Letters sent to Prescribed Bodies and Cork City Council;
– Response to An Bord Pleanála’s Opinion (O’Mahony Pike Architects);
– Statement of Consistency (McCutcheon Halley Planning Consultants);
– Planning and Design Statement (O’Mahony Pike Architects)
– Student Accommodation Management Plan by NIDO;
– Report on Supply and Demand of Student Accommodation (McCutcheon Halley Planning Consultants);
– Waste Management Plan (McCutcheon Halley Planning Consultants)
– Mobility Management Plan (McCutcheon Halley Planning Consultants)
– Housing Quality Assessment (O’Mahony Pike Architects)
– Schedule of Accommodation (O’Mahony Pike Architects)
– Site Location Maps at 1:2,500 (2 sheets) and 1:10,560 (O’Mahony Pike)
– Site Layout Plans at 1:500 and Site Context Plan at 1:1,000 (O’Mahony Pike)
– Plans, Sections and Elevations at various scales (O’Mahony Pike)
– Engineering Drawings (Malachy Walsh Consulting Engineers)
– Services Infrastructure Report (Malachy Walsh Consulting Engineers) including Irish Water Confirmation of Feasibility and Statement of Design Acceptance and a Statement of Compliance with Irish Water’s Standard Details and Codes of Practice Design
– Flood Risk Assessment (Malachy Walsh Consulting Engineers)
– Road Safety Audit, DMURS Design Audit, Pedestrian and Access Audit, Cycle Audit & Quality Audit (Malachy Walsh Consulting Engineers)
– Construction Environmental and Traffic Management Plan (Malachy Walsh Consulting Engineers)
– Landscape Drawings (Cathal O’Meara Landscape Architects)
– Design Rationale and Landscape Maintenance Plan (Cathal O’Meara Landscape Architects)
– Landscape and Visual Assessment (Cathal O’Meara Landscape Architects)

– Architectural Heritage Impact Assessment and Archaeological Assessment (John Cronin and Associates)
– Daylight Study (Integrated Environmental Solutions)
– EIA Screening Report (McCutcheon Halley Planning Consultants)
– Information to Inform Stage 1 AA Screening (Openfield Ecological Services)
– Public Lighting Report & Lighting Layouts (EDC)
– Energy Statement (EDC)
– Photomontages (Digital Dimensions)
– Application fee - refund of 50% sought on the basis that the application relates to alterations to an existing planning permission.

## 4.0 Planning History

### 4.1. Application site

PA ref. 17/37406 ABP ref. ABP-301340-18

Permission granted on the subject site in February 2018 for a development of 9,458 sq.m., ranging in height from part 2 to part 6 no. storeys, comprising:

- retention of the 19th century two- and three-storey redbrick section to Washington Street West.
- a mixed-use development including a co-working space with associated café/ bar meeting rooms and ancillary spaces (1,605 sq.m.).
- ground floor café (310 sq.m.).
- a student accommodation residence (7,543 sq.m.) providing 242 no. bed spaces (to be utilised for short-term letting during student holiday periods).

Revisions at further information stage reduced the total number of student bedspaces to 228. Condition no. 5 of the planning decision required further revisions at upper floor levels, omitting three no. apartment units and modifications to a fourth unit, resulting in a reduction of 19 no. bedspaces. First and third party appeals against the planning authority decision to grant permission were withdrawn.

#### 4.2. **Adjoining sites:**

PA ref. 17/37472 ABP ref. ABP-300800-18: Permission refused on appeal in 2018 for demolition of no.'s 7 - 10 Wood's Street, and construction of a 2 - 3 storey Cancer Care Centre on a site 0.02 of ha to the northeast of the subject site. The reason for refusal related to overshadowing and loss of daylight to properties in Dyke Parade to the north.

PA ref. 19/38828: Permission granted in July 2020 to demolish the existing Kino Cinema on Washington Street to the east of the subject site, and construct ground floor art house cinema and performing arts space, café / bar, with a student accommodation residence overhead, providing 17 no. bed spaces.

PA ref 17/37642: Permission granted in March 2018 for renovation and rear extension of 22 Washington Street West, Cork (which includes Protected Structure PS1122) immediately east of the subject site to provide a total of 9 No. apartments.

PA ref. 13/35539: Permission granted for alterations to protected structure at 22 Washington Street West, including removal of existing attic floor, new roof ridge level, alteration to Little Hanover Street elevation and provision of 3 No apartments.

### 5.0 **Section 5 Pre-Application Consultation**

#### **ABP-306625-20**

5.1. A pre-application consultation meeting was undertaken with An Bord Pleanála on 22<sup>nd</sup> April 2020 in respect of a development comprising modifications to previously permitted PA ref. 17/37406, increasing the level of student accommodation from 242 no. bedspaces to 292 no. bedspaces and associated site works.

The subsequent Opinion of the Board stated that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. Specifically, matters to be addressed were identified as follows:

1. Height, Bulk and Massing: Further justification and / or detail in relation to the proposed height, bulk and massing of the development, having particular regard to the south-west corner of the site (Woods Street/Washington Street elevations) and Lynch's Street elevation, and in relation to the blank elevations facing towards Washington Street and Little Hanover Street.
2. Protected Views / Protected Structure: Further justification and / or detail in relation to the impact on protected views, in particular, SFC4 'View of St. Finbarr's Cathedral from Grenville Place (near Mercy Hospital)' and PAN1 'View of St. Finbarr's Cathedral from St. Anne's Tower', and in relation to the relationship of the proposal to the protected structure on the site.
3. Flood Risk: Further justification and / or detail in relation to flood risk and the Cork City Flood Relief Scheme.

In addition, the applicants were advised that the following specific information should be submitted with any application for permission:

1. A detailed schedule of accommodation demonstrating compliance with relevant standards, including Variation No. 5 of the Cork City Development Plan.
2. A report(s) that addresses residential amenity (both existing residents of nearby development and future occupants), specifically with regards to daylight / sunlight, overshadowing, potential overlooking and noise. Drawings shall include levels and cross-sections showing the relationship between the proposed development and nearby residential development.
3. An up-to-date Student Demand Report / Additional evidence in relation to the concentration of student accommodation in the area.
4. A report that specifically addresses the proposed materials and finishes.
5. A site layout plan indicating areas to be taken in charge.
6. Appropriate Assessment Screening Report.

The following authorities were to be notified of the making of an application:

1. The Minister for Culture, Heritage and the Gaeltacht

2. The Heritage Council
3. An Taisce
4. Irish Water
5. National Transport Authority
6. Transport Infrastructure Ireland

## 5.2. Applicant's Statement

In accordance with Section 6(7) of the Act of 2016, the applicant's statement of proposals to address the issues set out in the notice makes the following points:

### 1. Height, Bulk and Massing:

- The design evolved from the permitted scheme and the pre-application consultation design, with a reduction of one floor along Woods Street.
- There is variety in building height within this urban context and 4-storey frontage to Washington Street bookends streetscape to the east.
- The simplified elevation on Washington Street, frames and encloses the wider street in this location.
- 4-storey heights to Woods St. and Washington St. respond to the protected view south from Grenville Place. Proposed buildings will be hardly visible from this location and the spires of St Finbarr's will be clearly legible.
- Visual breaks in the Woods Street and Lynch's Street elevations define terraced elements and add a fine grain to the block.
- Lynch's Street is widened to 9.6m compared to 5.1-7.1m in the permitted scheme, simplifying the building line and improving streetscape.
- Upper floor set-backs reduce visual impact and allow more light to the street.
- Taller roofscape elements to the north and centre of the site limit visual impact.
- The design and window treatment does not impact on the development potential of adjoining lands to the east.
- The future development of sites on Little Hanover Street would largely hide the building from view from this street.

### 2. Protected Views / Protected Structure

- Following pre-application consultations one floor of accommodation was omitted which retains the legibility of St Finbarr's from Grenville Place.
- Roofscape accommodation is set-back from the western elevation and blank western gables have been broken up.
- Protected structures will be maintained by a single user and as much of the existing structure as possible will be retained.
- The first-floor window cills will be lowered to render them suitable for living accommodation, similar to previous intervention at ground floor level.
- All replacement timber windows will be historically informed and proportioned.
- The new building will use brick, horizontal banding and vertical piers as main features. A recessed lower element links the two buildings, providing contrast.

### **3. Flood Risk**

Apartment floor levels have been increased from 3.5m OD to 4.28m OD. A separate flood risk assessment is submitted.

The application is accompanied by

- A schedule of accommodation.
- Daylight Study.
- Construction Environmental and Traffic Management Plan.
- Student Demand Report.
- Taking in Charge layout plan
- Appropriate Assessment Screening Report

With regard to Neighbouring Residential Properties, the statement notes the following:

- There are no living room windows directly opposite dwellings on Woods St. The height of the proposed building is similar to the permitted height in this location.
- The 4th floor terrace will be enclosed by glazed screens for safety and its use will be supervised by management.
- The development will not impact on the amenities of development permitted in no. 22 Washington Street to the east (PA ref. 17/37642).

- Blank western gables avoid overlooking of housing on the opposite side of Little Hanover St. and prejudicing the development potential of adjacent sites.
- The increased width of Lynch's Street and proposed heights will facilitate light ingress into the street.

### **Student / Residents Amenity**

- Internal ground floor amenity space measures 700-sq.m. / 2.5-sq.m. per bedspace, which is an increase from the permitted development.
- External amenity space comprises two courtyards and a roof terrace, totalling 1148-sq.m. / 4.1-sq.m. per bedspace.
- Total amenity space is 6.6-sq.m. per bedspace, increased from 4.4-sq.m. in the permitted scheme.

### **Materials and Finishes**

- Brick, and its treatment, provides durability and integration into Washington Street and Woods St., reflecting the protected structure.
- Lighter colour brick on Lynch's Street maximise the light levels in the street and add contrast. Elevations distinguish individual terrace elements.
- The internal courtyard walls will be finished in pale render.
- The rear elevation of the protected structure will be finished in roughcast render to protect the existing walls and piers and reflect light into the courtyards.
- Zinc cladding of roofscape elements will add clarity to the volumes.
- The treatment of open archways and rear ground floor openings in the protected structure will be more contemporary. Replacement windows will be timber.

Application documentation confirms that the following authorities were advised of the application:

- Heritage Council
- Minister for Culture, Heritage and the Gaeltacht
- Transport Infrastructure Ireland.
- An Taisce

- Irish Water
- National Transport Authority.

## **6.0 Relevant Planning Policy**

### **6.1. National and Regional Policy**

#### **6.1.1. National Planning Framework 2018-2040**

National Strategic Outcome 1, Compact Growth, recognises the need to deliver a greater proportion of residential development within existing built-up areas. Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.

Objectives 3A and 3B direct new housing development to existing built up areas.

Chapter 6 notes that student accommodation pressures are anticipated to increase in the years ahead. The location of purpose-built student accommodation needs to be as proximate as possible to the centre of education, as well as being connected to accessible infrastructure such as walking, cycling and public transport. The National Student Accommodation Strategy supports these objectives.

#### **6.1.2. Rebuilding Ireland – Action Plan for Housing And Homelessness 2016**

Pillar 4: Improve the Rental Sector Key objective:

Key objective: Addressing the obstacles to greater private rented sector delivery, to improve the supply of units at affordable rents.

Key actions include supporting greater provision of student accommodation. The plan notes the importance of providing well designed and located student accommodation in order to avoid additional pressures in the private rental sector.

#### **6.1.3. Southern Region - Regional Spatial and Economic Strategy 2020**

The strategy is to build a strong, resilient, sustainable region. Measures include strengthening and growing cities and metropolitan areas. Key principles in

developing the strategy include the need to provide an adequate supply of quality housing to meet existing and future demand, regenerating and developing existing built-up areas as attractive and viable alternatives to greenfield development.

RPO 10: Compact Growth in Metropolitan Areas

To achieve compact growth, the RSES seeks to:

- a. Prioritise housing and employment development in locations within and contiguous to existing city footprints where it can be served by public transport, walking and cycling.
- b. Identify strategic initiatives in Local Authority Core Strategies for the MASP areas, which will achieve the compact growth targets on brownfield and infill sites at a minimum and achieve the growth targets identified in each MASP.

Cork MASP

Policy Objective 8; Key Transport Objectives (subject to the recommendations of Cork Metropolitan Area Transport Strategy)

East-West Light Rail Public Transport Corridor: A strategic public transport corridor from Mahon to Ballincollig via the City Centre, serving CIT, CUH, UCC, Kent Station, Docklands, Mahon Point. The corridor requires development consolidation along it at appropriate nodal points for a high capacity service.

#### 6.1.4. **Cork Metropolitan Area Transport Strategy**

CMATS supports the delivery of the 2040 population growth target for the Cork Metropolitan Area. It will provide the opportunity to integrate new development at appropriate densities with high capacity public transport infrastructure in conjunction with more attractive walking and cycling networks and associated public realm improvements.

The strategy proposes the provision of a Light Rail Tram system for the corridor between Ballincollig and Mahon, serving CIT, CUH, UCC, Kent Station, Docklands and Mahon Point. This meets the long-term objective for the CMA for the development of an east-west mass transit, rapid transport corridor.

(Contracts for initial route selection and design of this light rail project were awarded in August 2020.)

## 6.2. **Section 28 Ministerial Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the relevant Section 28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated 'Urban Design Manual').
- Design Manual for Urban Roads and Streets (2019).
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018).
- Architectural Heritage Protection – Guidelines for Planning Authorities (2011).
- The Planning System and Flood Risk Management - (including the associated Technical Appendices).
- Framework and Principles for the Protection of the Archaeological Heritage (1999).

The following documents are also relevant:

- Dept. of Education and Skills - National Student Accommodation Strategy (2020)
- Dept. of Education and Science - Guidelines on Residential Developments for 3rd Level Students, and Matters Arising in Relation to the Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999. (July 2005).'

## 6.3. **Local Policy**

### 6.3.1. **Cork City Development Plan 2015 – 2021**

Chapter 2 Core Strategy, indicates that the vision for Cork City will be achieved seven interconnected strategic goals including:

Goal 1: Increase population and households to create a compact sustainable city

Goal 2: Achieve a higher quality of life, promote social inclusion and make the city an attractive and healthy place to live, work, visit and invest in.

The application site is zoned ZO 2 City Centre Commercial Core Area (CCA). The objective is to support the retention and expansion of a wide range of commercial, cultural, leisure and residential uses in the commercial core area (apart from comparison retail uses). Paragraph 15.8 notes that all uses are permissible in the CCRA. Adjoining lands to the north and west are zoned for mixed use development.

Objective 5.1 Strategic Transport Objectives: (include)

- a. Provide for greater consolidation of development within the City Centre, ..... through the integration of landuse and transport planning, investment and service provision;
- f. To develop a Bus Rapid Transit system from Ballincollig to Mahon via the City Centre and Docklands;
- l. To encourage innovative measures to reduce the requirement for car parking;

The Joint Housing Strategy in Chapter 6 sets out the housing needs of categories requiring special attention. Objective 6.5, Student Accommodation, resists any change of use from student to any other type of accommodation unless it can be adequately demonstrated that an over provision of student accommodation exists in the city. Objective 6.9, Housing Density, seeks to promote suitable densities to meet the needs outlined in the Core Strategy.

Objective 9.1 Strategic Objectives: Built Heritage and Archaeology

- a. To promote the protection of the heritage of the city and the implementation of the Heritage Plan;
- b. Ensure that elements of archaeological, architectural and other cultural significance are identified, retained and interpreted wherever possible and the knowledge placed in the public domain;
- c. Promote the retention, reuse, and enhancement of buildings and other elements of architectural or other significance;

- d. Ensure development reflects and is sensitive to the historical importance and character of the city, in particular the street layout and pattern, plot sizes, building heights and scales;
- e. Improve and encourage to and understanding of the city's architectural heritage.

Objective 9.18, *Industrial Archaeology*, requires archaeological assessments of proposals for industrial buildings and sites of industrial archaeological importance. Retention and/or incorporation of industrial buildings is encouraged.

Objective 9.22, *Reuse and Refurbishment of Historic Buildings and Protection of Archaeological Resource*, encourages the careful refurbishment of the historic built environment for sustainable and economically viable uses.

The site is located within the North Mall and the Marsh Architectural Conservation Area. The Statement of Character notes that the area is of architectural, historical and industrial archaeological significance. Washington St. contains the large-scale unified brick terraces of mixed use commercial and residential buildings built by the Wide Streets Commissioners. Issues for the ACA are identified as commercial viability, vacancy and dereliction, flooding, and traffic associated with the hospital.

Objective 9.29 To seek to preserve and enhance the designated Architectural Conservation Areas in the City.

Objective 9.32 Development in Architectural Conservation Areas, should take account of the following:

- Works that impact negatively upon features within the public realm such as paving, railings, street furniture, kerbing etc. shall not be generally permitted;
- Acceptable design, scale, materials and finishes for new developments;
- Original materials and methods of construction should be retained;
- Features of historic or architectural value should not be removed.

Objective 10.6, Views and Prospects, to protect and enhance views and prospects of special amenity value or special interest and contribute to the character of the City's

landscape from inappropriate development. There will be a presumption against development that would harm, obstruct or compromise the quality or setting of linear views of landmark buildings, panoramic views, rivers prospects, townscape and landscape views and approach road views.

Views and prospects identified for protection include:

- SFC4 'View of St. Finbarr's Cathedral from Grenville Place (near Mercy Hospital).
- PAN1, View of St. Finbarr's Cathedral from St. Annes Church.
- SW1, View of St. Finbarr's Cathedral from Sunday's Well Road.
- LT29 – View of Bishops Palace and grounds for / from Shandon

Objective 12.15 seeks to restrict development in identified flood risk areas, in particular, floodplains, except where the applicant satisfies the Justification Test.

Objective 13.11 City Centre Living, encourages residential development throughout the city centre and a sustainable mix of housing type and tenure and contributes to the development of sustainable urban communities.

Paragraph 16.25 identifies Medium-rise buildings as less than 32 metres in height, 4-9 stories approximately. 16.26 Building height should be in proportion to the space between buildings and, where appropriate, be set back from the road edge or the existing building line to allow wider footpaths and space for landscaping, reduce overlooking or overshadowing of adjoining buildings and to avoid creating a canyon effect.

Objective 16.4 Skyline and roofscapes, seeks that new buildings 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;
- locate plant housing in basements to avoid impact on views of cityscape.

### **Student Accommodation (Variation no. 5)**

Section 6.15a notes that purpose-built student accommodation should become a larger supply source in lieu of the private rental sector which has become over-concentrated in certain areas.

Objective 6.5 Student Accommodation: In accordance with the National Student Accommodation Strategy, the City Council will support the provision of high quality and managed, purpose built student accommodation, on campus, in areas in close proximity to Third Level Institutes and in locations within easy access of public transport corridors and cycle routes serving Third Level Institutes.

16.68 identifies criteria to be taken into account when assessing planning applications for such developments, including adherence to the minimum standards set out in Table 16.5a.

Student accommodation development shall only be used for accommodation for students of a tertiary / higher education institute, including residential accommodation used as tourist or visitor accommodation outside of academic term times. Such developments shall not be used as permanent residential accommodation or as a hotel, hostel, apart-hotel or similar.

#### 6.4. **Statement of Consistency**

The applicants Statement of Consistency reviews the following national, regional and local planning policy documents:

- Project Ireland 2040: National Planning Framework (2018);
- Rebuilding Ireland: Action Plan for Housing and Homelessness (2016);
- National Student Accommodation Strategy (2017) and Quarter 3 (Q3) 2019 Progress Report on the National Student Accommodation Strategy.
- Urban Development and Building Heights – Guidelines for Planning Authorities (2018), Department of Housing, Planning and Local Government.
- Urban Design Manual – A Best Practice Guide (UDM) 2009, Department of Environment, Heritage and Local Government.
- Design Manual for Urban Roads and Streets (DMURS) 2013, Department of Transport, Tourism and Sport.

- Southern Regional Assembly: Draft Regional Spatial and Economic Strategy, (2019); and
- The Planning System and Flood Risk Management, 2009.
- Cork City Development Plan 2015.
- Cork Metropolitan Area Strategic Plan (MASP); and
- Cork Metropolitan Area Transport Strategy (CMATS) 2020.

The statement notes the following points:

- **Density:** An overall net residential density of 142.9 units per hectare accords with the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) May 2009* and is in line with Variation No. 5 (Student Accommodation) of the City Development Plan.
- **Plot ratio:** In accordance with Section 16.13 of the CDP, the plot ratio of 2.3 is consistent with national guidance which seeks more efficient land use at such appropriate locations.
- **Layout:** The report examines the development in terms of connectivity, inclusivity, distinctiveness, parking and vehicular access, and detailed design. The proposed layout and design has regard to the Urban Design Manual and a detailed Design Statement is submitted in accordance with Objective 16.1 of the Cork City Development Plan. The proposed apartments are consistent with Variation No. 5 (Student Accommodation) of the City Development Plan. A high-quality layout and design is achieved, based on a mix of high-quality apartments in a quality neighbourhood area and through the creation of a sustainable development which prioritises pedestrians and cyclists.
- **Landscape and Amenity:** The statement considers public realm, privacy and amenity. The landscape and amenity provisions are based on the principles and criteria of the Urban Design Manual and a detailed Design Statement is submitted in accordance with Objective 16.1 of the Cork City Development Plan. The proposed apartments are consistent with Variation No. 5 (Student Accommodation) of the City Development Plan. High-quality landscaping and amenity areas help create an attractive residential development.
- **Sustainability:** Sustainability is based on the criteria of the Urban Design Manual and a detailed Design Statement is submitted in accordance with

Objective 16.1 of the Cork City Development Plan. Design has regard to Variation No. 5 (Student Accommodation) of the City Development Plan. The high-quality design makes efficient use of land and provides dwellings which can be adapted to meet the future needs of residents.

The development is stated to be consistent with:

- The objectives of the NPF in respect of location, urban consolidation, building height, density, residential development, sustainability, connectivity and design.
- The provisions of Rebuilding Ireland: Action Plan for Housing and Homelessness, with regard to student accommodation.
- The provisions of the National Student Accommodation Strategy in terms of the provision of managed, purpose-built student accommodation, addressing an identified shortfall in the City.
- The criteria set out in the Urban Development and Building Height Guidelines at the scale of the City, the neighbourhood and the street. Adverse impacts on protected views will not arise.
- The criteria set out in the Urban Design manual – Best Practice Guide.
- The provisions of DMURS in terms of location, connectivity, safe and permeable routes for pedestrians and cyclists, and streetscape.
- The objectives of the Regional Spatial and Economic Strategy and the Metropolitan Area Strategic Plan, in terms of location and urban consolidation.
- The Flood Risk Management guidelines in terms of floor levels and completion of Flood Risk Assessment and a justification test for the development.

The following provisions of the City Development Plan 2015 are met:

- Transportation Objectives 5.1 and 5.3 in terms of location and layout. A Transport Assessment is not required given the nature and scale of development.
- Objective 6.5 relation to Student Accommodation.
- Objective 6.9 in relation to Housing density and Objective 7.18 in relation to a sustainable and safe city.

- Objectives relating to Archaeological and Architectural Heritage, ensuring the conservation of protected structures to a high standard and avoidance of impacts on the ACA. Permission has previously been granted for works on the site.
- Objective 10.6 in terms of protected views and prospects, particularly toward St. Finbarres Cathedral.
- Objectives in Chapter 12 relating to European sites.
- Objectives relating to drainage and flooding, as well as other Environment Management objectives set out in Chapter 12.
- The provision of student accommodation supports objective 14.12 with regard to the development and expansion of UCC.
- The city centre zoning objectives and specific development management objectives 16.5a and 16.68 relating to student accommodation.
- The provisions of Cork Metropolitan Area Strategic Plan relating to the achievement of higher densities.
- The provisions of the Cork Metropolitan Area Transport Strategy in terms of walking and appropriate densities in support of a LRT system.

## 7.0 Third Party Submissions

### 7.1. Ellen Chambers, resident of Dyke Parade

- The proposed development occurs within 10m of the observer's property on Dyke Parade, which is identified on the NIAH, as one of a group of properties which pre-date the protected structures on the application site by 100+ years.
- There is a risk that construction activity and associated vibration, particularly arising from piling activity, will impact on the structural integrity of the property.
- The Construction Management Plan does not identify what specific monitoring systems will be implemented to avoid such damage.
- Clarification is required with regard to the timing of construction activity and associated vehicle movements.
- The volume and bulk of the development is out of context with 2/3-storey development in the area, and proposed heights are in excess of development plan guidelines for the city centre.

- The development will result in overshadowing of surrounding buildings.
- The height and scale of development is imposing and inappropriate for the adjoining narrow streets.
- Student accommodation is likely to give rise to anti-social behaviour in the surrounding area and no proposals to manage such issues has been provided.
- Issues of accessibility for large delivery vehicles have not been resolved.
- The surrounding streets are already congested, and it is not clear what parking provision will be made available for works on the site.
- There are inconsistencies in documentation with regard to drainage infrastructure in the area.
- There are concerns that there is inadequate drainage capacity to accommodate the proposed development.

## 8.0 Planning Authority Submission

8.1. Section 8(5)(a) of the Act requires the planning authority or authorities in whose area or areas the proposed strategic housing development is situated to submit to ABP a report of its Chief Executive. A submission from the planning authority in accordance with S.8(5) was received by An Bord Pleanála on 11<sup>th</sup> August 2020.

8.1.1. Summary of the view of elected members:

- Suitable city centre location.
- Local built heritage and protected structure noted.
- Higher elements would not be visible from the street.
- Potential impact on traffic and access at Woods St and emergency vehicle access for the hospital to the north.
- There is potential for increased demand for on-street parking in the area and parking permits should be restricted.
- No concerns identified overall with the scheme.

8.1.2. Planning Assessment

- The principle of student accommodation is acceptable, having regard to the city centre location on public transport corridors, the zoning objective and planning history.
- There is no objection to the demolition elements of the development.
- The development will redefine adjoining streets in terms of character, streetscape, mass along the street edge, public realm and uses.
- The overall density and plot ratio is acceptable for this location.
- The interior space standards are acceptable and the quantum and quality of communal internal and outdoor amenity spaces is acceptable.
- Following Pre-Application Consultations the scheme was reduced in mass, height and bulk.
- The development will not dominate or be at odds with the adjoining buildings on Washington Street and successfully integrates into streetscape and architectural character of this ACA, in views from east and west.
- 4-storey heights to Woods St. will successfully redefine the street without being overbearing and will retain a protected view.
- The set-back and heights to Lynch's St. are acceptable and can be absorbed into the urban landscape.
- Having regard to the proximity of existing and permitted development on Little Hanover St., the massing and height is acceptable.
- Materials and finishes, including fenestration to Washington Street are acceptable.
- The visual impact for all views presented is acceptable and protected views will not be adversely impacted.
- The proposal will not have any adverse impact on local residential amenity.
- Based on the submitted analysis, there would appear to be no significant adverse effects in terms of loss of sunlight / overshadowing or overbearing impacts.
- The 5<sup>th</sup> floor roof terrace does not raise concerns in terms of residential amenity.
- This central location has capacity to accommodate the additional bedspaces.
- The City Conservation Officer is supportive of the proposed development.
- The proposal is not subject to Part V and does not require sub-threshold EIA.
- The development accords with the objectives of the Development Plan and will make a significant contribution to the supply of student bedspaces in the city.

## 8.2. Appendix A - Part 2

- 8.2.1. The planning authority is of the opinion that the proposed development would be consistent with the objectives of the City Development Plan and those set out in the National Student Accommodation Strategy, Rebuilding Irelands National Planning Framework, and recommends that planning permission be granted.

## 8.3. Appendix B

- 8.3.1. Internal reports from the following sections of the local authority are provided, which raise no material objections to the proposed development and variously recommend conditions to attach to any grant of permission in this case.

1. City Archaeologist
2. City Architect
3. Conservation Officer
4. Drainage
5. Environment
6. Fire Officer
7. Housing
8. Traffic Operations
9. Urban Roads and Streets
10. Water

## 8.4. Appendix C

The planning authority identify 20 no. conditions which it recommends be attached in the event of a decision to grant permission in this case, including the following:

- 2(a)** Restriction on occupation to student accommodation
- (b)** Student Accommodation Management Plan to be agreed.
- 8** Archaeological monitoring of development works.
- 9(a)** Cast iron Merrick columns and examples of the factory saw-tooth lights shall be meaningfully incorporated into the scheme (e.g. courtyard installation)

- (c) Photographic record of industrial buildings prior to demolition and submission to Cork Archive and Architectural Archive.
- 16 All findings of the Quality Audit at initial and detailed design stage shall be incorporated into the development.
- 17 Details of a shared surface along the entire extent of Lynch's St. in accordance with DMURS, to be agreed.
- 20 A stage 3/4 Road Safety Audit to be undertaken.
- 24 Preparation and implementation of a Mobility Management Plan.
- 27 The number of bicycle parking spaces to comply with the Sustainable Urban Housing: Design Standards for New Apartments.
- 29(b) Flood mitigation measures shall be implemented as presented in the submitted Flood Risk Assessment.
  - (c) A copy of the Flood Emergency Management Plan shall be submitted to the planning authority prior to occupation of the building.

## 9.0 Prescribed Bodies

- 9.1. Irish Water: The applicant has been issued with a Confirmation of Feasibility of Connection to public water and wastewater infrastructure and a Statement of Design Acceptance. Any grant of permission should require the signing of a connection agreement prior to commencement of development.
- 9.2. Transport Infrastructure Ireland: No observation to make.

## 10.0 Assessment

It is proposed to consider the application under the following broad headings:

- Land use and development principle, including need
- Design and layout
- Adjoining residential amenity,

- Visual impact and Protected Views
- Transport and access
- Heritage
- Drainage and services

## 10.1. **Land use and Development Principle, including need**

- 10.1.1. The site is located within an area zoned ZO 2 City Centre Commercial Core Area, wherein all uses, including residential uses, are permissible in principle. This location is proximate to existing and proposed high quality public transport linkages.
- 10.1.2. Having regard to this central location and the existing underutilised nature of the site, its proximity to the UCC campus and other centrally located third level institutions, as well as transport linkages to the Institute of Technology, it is considered that the development of purpose built student accommodation would be acceptable in principle and would be in accordance with the objectives of the development plan for the area.
- 10.1.3. The application is accompanied by an assessment of the supply of student accommodation in the city, which assessment has regard to the 2019 Q3 updates to the National Student Accommodation Strategy and confirms that with the development in place there will remain an excess demand for such accommodation in the city at the end of 2020. Furthermore, the available data indicates that such demand will be expected to increase with time. In this regard, I consider that the proposed development would contribute to the achievement of the objectives of the National Student Accommodation Strategy.
- 10.1.4. The application is described as modifications to the development permitted under S.37 of the act (PA ref. 17/37406), however, having regard to the differences in the form and layout of development and uses proposed, I consider that this would more properly be considered as a stand-alone application.

## 10.2. **Design and layout**

- 10.2.1. A key component of the development is the retention and reuse of the existing 2 & 3-storey protected structures fronting onto Washington Street. Other structures on the site are to be removed and replaced with perimeter blocks arranged around internal courtyards. Building heights range from four-storeys along Washington Street and Woods Street to six-storeys within the site. The development presents four-storeys to Lynch's St. with fifth and sixth floors set-back from the street. The requirement to address flood risk in the area has resulted in ground floor levels being raised across the site, which has additional impacts on building heights. The location of taller, 6-storey elements more centrally within the site will generally avoid impacts on views from the surrounding streets. Potential impacts on protected views are considered separately below.
- 10.2.2. The development creates active frontage to Washington Street and Woods Street and will result in overall improvements to the public realm at these locations. Communal amenity uses will be occupy the ground floor of the protected structures with upper floors converted to use as accommodation in a manner which is regarded as appropriate and generally in accordance with the provisions of the Architectural Heritage Protection Guidelines.
- 10.2.3. The mass and height of the proposed new block at the junction of Washington Street and Woods Street is not regarded as being out of scale with or detrimental to the character of the surrounding streets or the adjoining protected structure. Although adopting a modern design approach, the choice of materials and detailing reflects the original adjoining factory buildings in an appropriate manner. I consider that the fenestration achieves a more favourable result than that proposed as part of the previously permitted development on the site. In terms of overall materials and finishes, I would echo the assessment and conclusions of the planning authority and consider that the proposed development would result in high quality development which has due regard to the sensitivity of its setting.
- 10.2.4. Street widths adjoining the site are generally narrow. Allied with traffic volumes, the existing pedestrian environment along Woods Street is poor. The development provides for some minor widening of Woods Street, and increased footpath width along this frontage. The proposed widening of the currently very narrow Lynch's St. to 9.6m and the revised relationship with the street and junction with Woods Street is considered to be a significant improvement on the permitted scheme and will

considerably improve the public realm at this busy location. In terms of the relationship with adjoining properties to the east, fronting Little Hanover St., the development avoids direct overlooking and does not otherwise prejudice the future development of those lands. The proposed brick finish to the eastern elevation will ensure a quality of finish to this otherwise blank façade.

- 10.2.5. The design of apartments and individual bedrooms accords with the standards set to in Table 16.5a of the City Development Plan (Variation no. 5) and the Dept. Of Education, *Recommendations for Guidelines on Residential Developments for 3rd Level Students*. Ground floor communal amenities are considered to be satisfactory, and will connect the external public street with the internal courtyard spaces. The treatment of larger ground floor openings in the protected structure contributes to the development in this regard.
- 10.2.6. The external amenity space consists of two ground level courtyards (365.5-sq.m. and 365.9-sq.m.), and 4th floor and 5th roof level terraces measuring 397.6-sq.m. and 19-sq.m. respectively. The total area of shared courtyards and roof level terraces is 1,148-sq.m. or 4.1-sq.m. per bedspace. The usable amenity area of the western courtyard will be reduced, however, by proposed bicycle parking provision and requirement for access thereto. It is not clear that this is accounted for in the submitted figures, however, the overall quantum of open space is regarded as acceptable. There are questions regarding the adequacy of the identified bicycle parking provision, which is considered in more detail below.
- 10.2.7. The internal amenity space consists of a lounge, games room, a laundry, dining room and gym, totalling 700-sq.m., or 2.5-sq.m. per bedspace. The total shared amenity area is 1,848-sq.m. (6.6-sq.m. per bedspace), which is regarded as a satisfactory level of provision and generally in accordance with the provisions of the Development Plan.
- 10.2.8. The assessment of daylighting submitted with the application considers Average Daylight Factor (ADF) in respect of the proposed residential units. I note that BRE guidance references minimum values for kitchens, bedrooms and living rooms. The analysis provided considers bedrooms in a sample range of apartments at ground, second and fourth floor levels, which are all shown to exceed the minimum reference values and almost all bedrooms exceed the reference values for living and kitchen

areas. While no analysis of the shared living or kitchen areas in each apartment is provided the data submitted indicates that adequate levels of daylighting should be achieved throughout the development.

### **10.3. Adjoining residential amenities**

- 10.3.1. Concerns have been expressed regarding the potential for anti-social behaviour and impacts on surrounding residential amenities arising from development the nature proposed. I note the national objective to provide managed purpose built accommodate and reduce reliance on the private rental market for student accommodation. The provision of such managed accommodation offers the potential for greater levels of protection of surrounding amenities than a concentration of unmanaged private rental accommodation. I note the provisions of the Management Plan submitted in this regard, which provides for reception services and an out-of-hours on-site presence. A finalised management plan should be agreed in writing with the planning authority in the event of a decision to grant permission in this case. The development plan identifies criteria for the assessment of purpose-built student accommodation, which criteria include proximity to third level institutions and public transport. The site satisfies these criteria and is otherwise located in a city centre location, wherein surrounding uses are mixed. I regard this as a suitable location for such development and do not consider that it will result in unacceptable impacts on residential amenity.
- 10.3.2. This brownfield city centre site is closely bounded by adjoining properties which are in a mix of uses. Some impacts during the construction phase of development are inevitable, however, these can be largely mitigated through the application of standard good practice measures and adherence to a Construction and Environmental Management Plan. Specific reference is made in third party submissions to potential vibration impacts on adjoining properties. In this regard, I note reference in application documentation to piling activity, however, it is not clear whether the construction methodology will involve bored or driven piles. Such activity is not, however, unusual in constrained, city centre locations and there are guidelines to protect individuals and properties during such activities. The generally accepted criteria used in assessing vibration levels are BS6472: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz) and BS7385:

Part 2 1990: Evaluation and Measurement for Vibration in Buildings - Guide to Damage Levels from Ground-Borne Vibration. I consider that these matters can be adequately addressed by conditions in the event of a decision to grant permission in this instance.

10.3.3. In order to address potential amenity residential impacts associated with the use of the fifth floor roof terrace, I consider that restrictions on its use after 2200hrs would be appropriate and that this should be incorporated into any Management Plan for the development to be agreed with the planning authority.

10.3.4. I note that existing structures on the application site are relatively low rise for this central location and it is clear that an intensification of activity and accommodation on the site will be likely to give rise to some impacts on light to adjoining properties and streets, particularly given the width of surrounding streets. The application is accompanied by a daylight study based BRE – Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice. The study focuses on:

- Overshadowing effects on existing neighbouring developments.
- Sunlighting of Proposed Amenity Spaces.
- Daylight Analysis of existing Buildings, based on analysis of the Vertical sky component (VSC).
- Average Daylight Factors (ADF) in respect of the proposed development (considered in 11.2 above).

10.3.5. Shadow Analysis: While analysis demonstrates that there will be some additional impacts in the March / September equinox, particularly at street level on Lynch's St., significant adverse effects on surrounding residential amenities are not expected. Overall impacts are not regarded as unacceptable for this central urban location.

10.3.6. Sunlighting of Proposed Amenity Spaces: The relevant criteria is that at least half of an amenity area should receive at least 2 hours of sunlight on 21st March in order to appear adequately sunlit throughout the year. The analysis shows that while the roof terraces would receive expected high levels of sunlighting, only approx. one quarter of the courtyard areas receive more than 2 hours of sunlight. While the courtyard spaces would offer the greatest potential for residential and community amenities, in terms of sunlighting the development is reliant upon roof level open space. The quality of the courtyard spaces in this regard is not, however, materially different to

permitted development on the site and the overall level of residential amenity is not regarded as unacceptable.

- 10.3.7. Daylighting of Existing Buildings: In terms of daylighting impacts, it is development on Lynch's Street and Lancaster Hall in particular which is of concern. Student accommodation in Lancaster Hall is provided at second and third floor levels. I note that the assessment of the baseline environment for Lancaster Hall reflects the assessment undertaken in respect of the previous application on the lands. All existing windows therein are south facing and achieve in excess of the 27% Vertical Sky Component (VSC) reference value, with one exception. The existing levels of VSC may be regarded as uncharacteristically high for a city centre site and arise due to the existing low level nature of existing development on the subject site.
- 10.3.8. The analysis concludes that 15 out of 31 no. existing windows assessed will achieve compliance with BRE Guidelines in terms of the Vertical Sky Component, while six additional windows fall marginally below the VSC reference value. 17 no. windows analysed have post-development SVC values of between 18% and 26% of existing values. The high number of units experiencing a reduction to less than 80% of the pre-development values, should be seen in the context of the very high VSC levels currently available to these city centre units.
- 10.3.9. The relationship between the proposed development and Lancaster Hall is outlined in Sections E-E and F-F and I note the overall improvements in the environment on Lynch's St. arising from the development. The 2011 BRE guidance document provides that the guideline numerical values should be interpreted flexibly and that particular site circumstances may require a site-specific approach. In this case, the central city location of the site and the existing narrow street pattern in this area, combined with the shorter-term nature of the residential use on the affected properties are such that a flexible approach to the application of these standards would be appropriate. In this regard, while the development will impact on daylight levels to Lancaster Hall, I do not consider that the impacts in this instance would be unacceptable.

#### 10.4. **Visual impact and Protected Views**

10.4.1. Views or prospects identified for protection in the City Development Plan, affecting or potentially affecting the subject site are noted below:

SFC4: View to St. Finbarre's Cathedral from Grenville Place.

SW1: View to St. Finbarre's Cathedral from Sunday's Well Road.

Pan1: View to St. Finbarre's Cathedral from St. Anne's Church

LT29: View to Shandon from the Bishops Palace and grounds (note the submitted LVIA considers this view in reverse).

10.4.2. Application documentation includes a Landscape and Visual Impact Assessment and a set of CGI images of the proposed development. The assessment considers a range of short- and longer-range views, including views identified for protection in the City Development Plan. It is understood that these viewpoints were agreed with the planning authority. The assessment concludes that the impacts of the development will be neutral or slight and no adverse impacts are identified

10.4.3. I would generally concur with the conclusions of the assessment. With regard to the assessment of SW1, PAN1 and LT29, having regard to separation distances and elevation of the viewpoints, I consider that the proposed development will be absorbed into the wider urban landscape and will not interfere with or comprise an intrusive feature in such views or prospects.

10.4.4. With regard to SFC4 / Viewpoint 12, Grenville Place / Prospect Row to St. Finbars Cathedral, however, I do not concur with the conclusions of the assessment. As one travels south along Grenville Place currently, this view changes and the three spires of the Cathedral reveal themselves. The spires and top of the towers below are visible as freestanding structures above the roofscape on Sheares St. Viewpoint 12 contained in the visual impact assessment is from a single point and does not reflect the extent of views available along Grenville Place. The proposed development involves an increase in existing and permitted building heights on the site. Within the submitted photomontage view, proposed upper floor accommodation reduces the visible extent of the church towers and spires, undermining their significance in the cityscape and I consider that the development will significantly interfere with this important linear view of a landmark in the city.

10.4.5. While I acknowledge the revisions to the development since pre-application consultation stage, and note that the development does not wholly obstruct views to

the Cathedral Spires, I consider that the development would compromise the quality and setting of this protected linear view to this landmark building.

10.4.6. The planning authority have not raised an objection to the proposed development in this regard. I note, however, that condition no. 5 of PA ref. 17/37406 amended the proposed development to reduce building heights along the western elevation / Woods Street to four storeys. While the subject development maintains a four-storey height on the western elevation, the overall parapet height would remain >2m higher than the permitted scheme as amended by condition no. 5. The Planning and Design Statement identifies this increase in height as being required to accommodate flood levels and to achieve minimum ceiling heights in accommodation. In addition, roof terrace amenity space and glazed screening to the edge would potentially further interfere with the protected view. Such increase in height would largely negate the effect of condition no. 5 of the previous permission on the site.

10.4.7. Where the Board is minded to grant permission for the proposed development, I consider that amendments to protect the integrity of this important view would be appropriate, reducing the height of the block along the western / Woods Street elevation. This would entail the omission of Apartment units 3.06 and 3.07, and amendments to the roof terrace and associated stair access.

## 10.5. **Transport and access**

10.5.1. The proposed development is located in the city centre with good access to public transport services, cycle infrastructure and is within walking distance of UCC and other centrally located third level institutions. Primary access to the site is to be from Washington Street / Woods Street. Lynch's St. will be widened and will provide secondary residential access, access to bicycle storage / courtyards and service access. Two set-down areas / loading bays are proposed along Lynch's Street. While no on-site car parking is provided, it is proposed that 140 no. cycle parking spaces are to be provided. A preliminary Mobility Management Plan accompanies the application.

10.5.2. Woods St. carries reasonably high levels of vehicular and pedestrian traffic currently, much of which appears to be associated with the nearby Mercy Hospital and

adjoining out-patient facilities. Footpath widths are currently restricted and traffic speeds along the street are low. In this context, the proposals for the improvement of the public realm and the treatment of the Woods St and Lynch's St. junction as a shared surface / raised table are considered to be satisfactory and will improve the quality and safety of the pedestrian environment with no significant adverse impacts on traffic movements.

- 10.5.3. LGV's serving the development will utilise loading bays on Lynch's street and exit the area via a right-turn onto Little Hanover Street. This junction is very restricted and swept-path analysis indicates that such turning movements will require the removal of one on-street parking space on Little Hanover Street. The letter of consent from Cork City Council in relation to the making of this application refers specifically to the removal of this parking space and the planning authority have not otherwise raised any objections to proposals in this regard.
- 10.5.4. The absence of car parking is regarded as an acceptable design approach for development of this nature. Bicycle parking is provided on the basis of 0.5 spaces per bedspace / 140 no. spaces, in accordance with the provisions of the City Development Plan. The apartment design guidelines identify a minimum level of cycle parking provision of one space per bedroom for residential apartments, however, and I note the recommended condition of the planning authority in this regard. The proposed development falls significantly below this standard. Having regard to the absence of car parking within the scheme and the increased reliance on alternative transport modes, I consider it appropriate that the level of cycle parking provision on the site would be increased.
- 10.5.5. Bicycle parking is proposed within the eastern ground floor courtyard, which reduces the area available for amenity use. Limited details of the nature of bicycle parking facilities are provided and this is not clearly illustrated on the internal courtyard elevations or sections. Landscape drawings refer to this as a wall mounted glass and steel bike shelter accommodating stacked 2-tier bike racks. I note that the height of the referenced two-tier parking rack (Falcolevel-eco two-tier cycle parking) is 2.6m plus the height of any enclosure and requires clearance of 2.1m for access.
- 10.5.6. Based on the details and specification provided in the Ground Floor Courtyard Landscape Plan, it would appear that the specified 140 no. spaces may be

accommodated on the site, although restricted width adjoining the access ramp from Lynch's St may reduce the level of parking which can be accommodated. While I would recommend that a condition be attached to any grant of permission requiring cycle parking in accordance with the provisions of the apartment design guidelines (1 space per bedroom), such provision should not unduly erode the level of courtyard amenity space. Such parking may therefore require amendments to ground floor accommodation and revised details in this regard should be agreed with the planning authority.

10.5.7. A Quality Audit in accordance with DMURS was submitted with the application, which summarises and coordinates the findings of the following individual audits:

- Stage 1/2 Road Safety Audit
- Pedestrian and Access Audit
- Cycle Audit
- DMURS Street Audit

The conclusions and recommendations of the Quality Audit are considered reasonable and should be incorporated into the development in the event of a decision to grant permission. I note the recommendation of the planning authority that the shared surface treatment be extended along the entire length of Lynch's St., having regard to existing deficiencies in footpath provision at the eastern end of this narrow street. I do not consider that this requirement is unreasonable having regard to the additional pedestrian and cycle traffic, as well as service vehicle movements, which the proposed development will generate on this street, and an appropriate condition in this regard is recommended in the event of a decision to grant permission.

## 10.6. Heritage – Architectural and Archaeological

10.6.1. The site is occupied by buildings associated with the former Lee Boot company factory. The original factory and administrative buildings are dated to the c. 1880's, with later additions to the rear / north. The NIAH describes the buildings as being of regional, Architectural Historical and Social interest. The Architectural Heritage

Impact Assessment accompanying the application describes the site and existing buildings thereon and includes an assessment of the proposed works. The conclusions and recommendations include the completion of further assessment and the agreement of a finalised methodology for the conservation of the protected structures on the site.

10.6.2. The planning authority are supportive of the application and the proposed reuse of these structures. The City Architects Report describe the development as a sympathetic conservation and change of the protected structure, with minimal loss of architectural integrity. Building heights are considered appropriate. The report of the Conservation Officer notes that the retention, conservation and sensitive re-use of the redbrick factory is welcomed. Recommendations include the retention and reuse of elements of the historic industrial buildings on the site, which is considered reasonable and appropriate. No submission from the Development Applications Unit in respect of this application was received.

10.6.3. Having visited the site, reviewed the documentation submitted with the application and the proposed development, I am satisfied that the development provides for the sympathetic and appropriate reuse and integration of the existing protected structure into a modern development and further that the proposed new-build elements of the development would not significantly adversely impact on the character or setting of these protected structures.

10.6.4. The archaeological assessment accompanying the application notes that the site is located 150m west of the historic medieval core of the city and outside the archaeological zone of notification. There are no recorded archaeological sites in the vicinity of the site and the site is described as being of low archaeological potential. Given the riverine nature of the location, however, the assessment recommends that archaeological monitoring of groundworks be undertaken.

## **10.7. Drainage and Services**

10.7.1. There are public mains water and sewerage services available to serve the development and Irish Water have issued correspondence confirming the feasibility of the proposed connections and statement of design acceptance.

- 10.7.2. The design of the surface water drainage system incorporates SUDS principles, including the provision of attenuation storage to limit discharge from the site to 1:30 year greenfield rates. In this regard the design of the drainage system is stated to have regard to the ability of the network to discharge to the River Lee during periods of flooding. Having regard to the existing developed nature of the site, the proposed development will not result in an increase in impermeable surfaces and it is considered therefore that the development will have a positive impact on surface water drainage at this location.
- 10.7.3. The site lies within approx. 20m of the south channel of the River Lee and this area has a history of flooding, including significant flooding in 2009. A Flood Risk Assessment was submitted with the application, which notes that although the site is within the benefitting area of the Cork City Flood Relief Scheme, it does not have regard to potential benefits arising from this scheme. The site is identified as being in flood zone A for tidal and fluvial flooding. Having regard to the proposed uses, a Justification Test is undertaken in respect of the development, and the FRA concludes that the criterion of the test are satisfied.
- 10.7.4. The predicted fluvial and tidal flood levels for various AEP's in the current scenario, as identified in the Lee CFRAMS, are increased in the assessment by 550mm to allow for climate change. The current and future predicted values are set out below:

<b>Lee CFRAMS - Predicted Flood Levels</b>				
<b>AEP</b>	<b>Current</b>		<b>Future scenario (+550mm)</b>	
	<b>Fluvial</b>	<b>Tidal</b>	<b>Fluvial</b>	<b>Tidal</b>
<b>1%/0.5% AEP<sup>1</sup></b>	3.43	3.36	3.98	3.91
<b>0.1% AEP</b>	4.07	3.73	4.62	4.28
<i><sup>1</sup> 0.5% for Tidal dominated flooding and 1% for Fluvial dominated flooding</i>				

- 10.7.5. Identified mitigation measures comprise raising ground floor levels and provision of removable flood barriers at all external doors. The proposed floor level for less vulnerable ground floor uses (reception, offices, amenity/administration, lounge, gym and café areas) is +3.50mOD, which is 0.07m above the predicted current 1% AEP fluvial flood level but 0.48m below the future 1% AEP flood level. Demountable flood

barriers at external doorways will provide internal protection to min +4.28mOD and flood resilient construction is proposed up to at least the predicted MRFS 1% AEP flood level.

- 10.7.6. The floor level for highly vulnerable ground floor student accommodation and plant rooms is +4.28mOD, which is 0.85m above the predicted current 1% AEP fluvial flood level and 0.3m above the predicted future 1% AEP fluvial flood level. In addition, the proposed floor level for the ESB substation is +4.62m OD, which is 0.64m above the predicted future 1% AEP fluvial flood level
- 10.7.7. Other ground floor uses (bike and bin stores) at +2.90mOD, lie below the predicted flood levels, however, the consequence of flooding in these areas is described as low and the following additional mitigation measures are proposed;
- Level landing areas to be provided with access to the general ground floor areas.
  - Demountable flood barriers to prevent floodwater entering the internal areas, providing protection to a min of +4.28mOD.
  - Flood resilient construction to be included up to at least the predicted MRFS 1% AEP flood level.
- 10.7.8. Having regard to the Lee CFRAMS, the assessment notes that the flood hazard is low for tidal and fluvial flooding. This is described as acceptable subject to appropriate procedures for safe evacuations if necessary. In this regard city wide flood warning systems will facilitate the alerting and evacuation of residents if required and procedures in this regard will be incorporated into an emergency plan to be in place for the lifetime of the development. The residual risk to occupants in an extreme flood event is described as low on this basis.
- 10.7.9. The surrounding area of the city has been subject to flooding historically and I note the provisions of the Flood Risk Management Guidelines and the applicant's justification test in this regard. I note that planning authority reports indicate that the requirements of the Council have been provided for in the development and request that the mitigation measures identified in the Flood Risk Assessment be implemented. I consider the redevelopment of this city centre site to be reasonable and the mitigation measures identified in the submitted flood risk assessment to be satisfactory.

## 11.0 Screening

### 11.1. EIA Screening

The proposed development comprises the construction of 50 no. student apartments providing 280 no. bedspaces, and ancillary development works on a site of 0.35 ha. The proposed project does not exceed the thresholds for mandatory EIA as prescribed by Class 10, Part II of Schedule 5 of the Regulations.

Having regard to: -

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(i) and (iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands zoned as City Centre and Commercial Core in the Cork City Development Plan 2015, and the results of the Strategic Environmental Assessment (SEA) of the plan and the variations made thereto;
- (c) The brownfield nature of the site and the pattern of development in the surrounding area;
- (d) The availability of mains water and wastewater services to serve the proposed development,
- (e) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (e) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- (f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (g) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, including the proposed Construction Environmental and Traffic Management Plan, the Operational Waste Management Plan, and the flood mitigation measures incorporated into the development.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

## 11.2. Screening for Appropriate Assessment

- 11.2.1. The proposed development is not necessary for the conservation management of any site designated for such purpose. The proposed development is described in section 3.0 of this report and also in subsequent sections of this report. It broadly comprises the redevelopment of an existing urban block, including the replacement of industrial buildings with new build residential uses and associated works. The development will connect to mains water and sewerage services. The application is accompanied by a Screening Report for Appropriate Assessment.
- 11.2.2. There are no European sites within or in the immediate vicinity of the application site. The closest sites and those within the zone of influence of the proposed development are:

- Cork Harbour SPA (004030), approx. 7km east / downstream.
- Great Island Channel SAC (001058), approx. 10km east / downstream.

### **Cork Harbour SPA:**

- Objectives: To maintain the favourable conservation condition of species of conservation interest in Cork Harbour SPA, as defined by identified attributes and targets, in terms of population trend and distribution. More detailed attributes and targets in respect of Common Tern are identified.  
To maintain the favourable conservation condition of the wetland habitat in Cork Harbour SPA as a resource for regularly-occurring migratory waterbirds that utilise it, as defined by attributes and targets in relation to habitat area.
- Qualifying Interests: Little Grebe, Great Crested Grebe, Cormorant, Grey Heron, Shelduck, Wigeon, Teal, Pintail, Shoveler, Red-breasted Merganser, Oystercatcher, Golden Plover, Grey Plover, Lapwing, Dunlin, Black-tailed Godwit,

Bar-tailed Godwit, Curlew, Redshank, Black-headed Gull, Common Gull, Lesser Black-backed Gull, Common Tern, Wetland and Waterbirds.

**Great Island Channel SAC:**

- Objectives: To maintain the favourable conservation condition of habitats of conservation interest in the SAC, as defined by identified attributes and targets.
- Qualifying Interests: Mudflats and sandflats not covered by seawater at low tide, Atlantic salt meadows.

11.2.3. The development will not result the direct loss of any habitat identified above or the loss of any ex-situ foraging or roosting site for species of conservation interest.

Having regard to separation distances arising, disturbance impacts during construction or operation of the development are not likely. Any emissions during construction to air or water will be short-term in nature and having regard to separation from European sites, no effects on the integrity of the sites are considered likely.

11.2.4. The pathway for potential impacts on these sites is via the discharge of wastewater to the municipal wastewater treatment plant at Little Island, which discharges treated effluent to Cork Harbour. I note that Irish Water have indicated that capacity to connect to mains services is available. This treatment plant is subject to licensing from the EPA, which process is itself subject to AA. The 2019 AER for this treatment plant indicated that there was overall compliance with the licence ELV's with the exception of ELV's for total phosphorus and nitrogen. It is reported, however, that discharge from the WWTP did not have an observable impact on water quality or on Water Framework Directive status. Water quality is not identified as a conservation objective for these sites.

11.2.5. The Conservation Objectives Supporting Document identify activities that may impact on habitats or species of conservation interest within the sites. Having regard to such activities, the nature of the proposed development and the separation distance arising, it is not considered likely that the development will act in combination with other projects to give rise to significant effects on these European Sites.

#### 11.2.6. Conclusion

It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Cork Harbour SPA (004030), Great Island Channel SAC (001058), or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

### 12.0 Conclusion and Recommendation

The proposed development is acceptable in principle on this underutilised city centre site and contributes to an established need for student accommodation in this city. The design and layout is satisfactory and brings a protected structure back into active use. Significant adverse on adjoining residential amenities are not anticipated. The increased height of structures on the site will intrude upon a protected view toward St. Finbarres Cathedral and conditions are therefore recommended to address this impact. The development is acceptable in terms of access and transportation. The proposed measures to address the risk of flooding in this area are considered acceptable.

Having regard to the foregoing, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission be GRANTED for the proposed development, subject to conditions, for the reasons and considerations set out below.

### 13.0 Recommended Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 19th Day of June 2020 IRE Real Estate Partners Fund II care of McCutcheon Halley Planning, 6 Joyce House, Barrack Square, Ballincollig, Co. Cork.

### **Proposed Development:**

The development will consist of modifications to previously permitted Reg.Ref:17/37406 to provide 280 no. student bedspace accommodation and associated site works, at the Former Square Deal Premises, Washington Street West, Cork City.

### **Decision**

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

### **Matters Considered**

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

### **Reasons and Considerations**

Having regard to

- i. the central location of the site and the zoning of the site as objective *ZO 2 City Centre Commercial Core Area* in the Cork City Development Plan 2015 - 2021,
- ii. to the provisions of the Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May, 2009, the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December, 2015, the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government

(2013 – 2020), and the Architectural Heritage Protection Guidelines For Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht (2011).

- iii. The nature, scale and design of the proposed development and the planning history relating to the site,
- iv. The proximity of the site to third level institutions, a wide range of social infrastructure and to public transport services,
- v. to the pattern of existing and permitted development in the area, and
- vi. to the provisions of the Cork City Development Plan 2015-2021,
- vii. to the submissions received by An Bord Pleanála in relation to this application,
- viii. to the report of the Chief Executive
- ix. to the report of the planning inspector,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 14.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

2. The proposed development shall be amended as follows:
  - i. Apartment units no. 3.06 and 3.07 shall be omitted from the development and the height of the development and associated facilities along Woods Street shall be reduced in height in this regard.

Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual amenity and in order to protect an important view to St. Finbarre's Cathedral identified for protection in the City Development Plan 2015-2021.

3. (a) The proposed development hereby permitted shall only be occupied as student accommodation, in accordance with the definition of student accommodation provided under section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016, and shall not be used for any other purpose without a prior grant of planning permission for change of use.  
  
(b) Full details of the hours of operation of the proposed café unit shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The unit shall not be used for the sale of hot fast food or intoxicating liquor for consumption off the premises.

**Reason:** In the interest of residential amenity and to limit the scope of the proposed development to that for which the application was made.

4. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management

company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

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

5. The proposed development shall be implemented as follows:
  - (a) The student accommodation and complex shall be operated and managed in accordance with the measures identified in a finalised Student Accommodation Management Plan which shall be submitted to and agreed in writing with the planning authority prior to first occupation of the development.
  - (b) Student Housing Units shall not be amalgamated or combined.

**Reason:** In the interests of the amenities of occupiers of the units and surrounding properties.

6. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

7. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a

further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

8. Access to the proposed roof terraces and amenity use thereof shall be restricted between the hours of 2200hrs and 0800hrs.

**Reason:** To protect the residential amenities of property in the vicinity

9. Proposals for a development name and numbering scheme and signage proposed for the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

10. Details of all security shuttering, external shopfronts, lighting and signage shall be as submitted to and agreed in writing with, the planning authority prior to occupation of the development.

**Reason:** In the interest of the amenities of the area/visual amenity.

11. Public lighting shall be provided in accordance with a scheme details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any unit.

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

12. (a) Secure bicycle parking shall be provided within the site in line with the provisions of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities.

(b) Revised details of the location form, layout of these spaces shall be submitted to and agreed in writing with the planning authority prior to commencement of development, having regard to the communal private open space requirements of Table 16.5a of Variation no. 5 of the Cork City Development Plan 2015-2021.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

13.(a) The road network serving the proposed development, including junctions, surfaces, parking / set-down areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and the design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

(b) The entire length of Lynch's Street, between the junction with Woods St. to the west and with Little Hanover Street to the east, shall be provided with a shared surface treatment. Full details of the materials, finishes and other measures in relation such works shall be submitted to and agreed in writing with the planning authority.

**Reason:** In the interest of amenity and of traffic and pedestrian safety, and to ensure an appropriate standard of development.

14.(a) All findings of the Quality Audit at initial and detailed design stages shall be finalised and incorporated into the development in a manner to be agreed in writing with the planning authority prior to the commencement of development.

(b) A stage 3 / 4 Road Safety Audit in respect of the proposed development shall be undertaken and the findings of the audit shall be incorporated into the

development. Final details in this regard shall be submitted to and agreed in writing with the planning authority

**Reason:** In the interests of road safety

15. Prior to the occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.

16. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

**Reason:** In the interest of public health and surface water management

17.(a) The mitigation measures identified in the Flood Risk Assessment Report (June 2020) submitted with the application shall be implemented in full. Any

proposed changes to the measures shall be agreed in writing with the planning authority prior to the commencement of development on the site.

(b) Prior to first occupation of any unit on the site, a Flood Emergency Management Plan shall be submitted to and agreed in writing with the planning authority. Such plan shall be subject to regular review by the management company for the development.

**Reason:** In the interests of public health and safety

18. The site shall be landscaped in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of residential and visual amenity

19. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

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

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

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

- (a) Location of the site and materials compounds including areas identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of off-street car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;

- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any public road, cycleway or footpath during the course of site development works;
- (i) Details of appropriate mitigation measures for noise and dust, and monitoring of such levels;
- (j) Details of appropriate measures to mitigate vibration from construction activity in accordance with *BS6472: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz)* and *BS7385: Part 2 1990: Evaluation and Measurement for Vibration in Buildings - Guide to Damage Levels from Ground-Borne Vibration*, and for the monitoring of such levels.
- (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety.

22. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

23. The developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

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

24. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

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

25. Prior to commencement of works, the developer shall make a record of the existing protected structure, which record shall include:

- (a) a full set of survey drawings to a scale of not less than 1:50 to include elevations, plans and sections of the structure, and
- (b) a detailed, labelled photographic survey of all internal rooms (including all important fixtures and fittings), the exterior and the curtilage of the building.

This record shall be submitted to the planning authority prior to commencement of development and one copy of this record and a full set of drawings of the proposed works to the protected structure shall be submitted to the Irish Architectural Archive and to the Cork Archives.

**Reason:** In order to establish a record of this protected structure.

26.(a) Prior to commencement of development, detailed structural drawings and a construction and conservation methodology statement (to include the results of detailed structural and architectural surveys of the protected structure to be retained) indicating the means proposed to ensure the protection of the structural stability and fabric of all these retained structures shall be submitted to and agreed in writing with the planning authority. These details shall include proposed demolition and excavation arrangements, the proposed foundation system and underpinning, structural bracing and support and method of construction.

(b) This methodology shall accord with the document: “Architectural Heritage Protection – Guidelines for Planning Authorities” (Department of Arts, Heritage and the Gaeltacht, 2011) and shall include the recommendations contained in the Architectural Heritage Impact Assessment, prepared by John Cronin and Associated, and submitted to An Bord Pleanála on 18th June 2020.

(c) Elements of existing cast iron Merrick columns and examples of the factory saw-tooth roof lights shall be incorporated into the development in a manner to be agreed in writing with the planning authority as part of the methodology method statement above.

**Reason:** In the interest of preserving the architectural integrity and heritage value of the retained structures.

27. All works to the protected structure, shall be carried out under the supervision and in accordance with the requirements of a qualified professional with specialised conservation expertise (RIAI Grade 2 or higher).

**Reason:** To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

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

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

---

Conor McGrath  
Planning Inspector

18/09/2020