



An
Bord
Pleanála

Inspector's Report ABP-300547-17

Development	Mixed use development
Location	Former Government Buildings, Sullivan's Quay, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	17/37436
Applicant(s)	BAM Property Limited
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Deirdre Condon An Taisce
Observer(s)	None
Date of Site Inspection	27 th March, 2018
Inspector	Kevin Moore

1.0 Site Location and Description

- 1.1 The site of the proposed development contains former Government offices' on O'Sullivan's Quay on the southern side of the River Lee in Cork city centre. The offices were constructed in two interconnected blocks perpendicular to each other, the lower height one of which faces onto the south channel of the River Lee at the fringe of the city centre directly opposite Grand Parade on the other side of the channel and its junction with South Mall. The existing building rises to five storeys along Sullivan's Quay, linked by an eight storey block along Meade Street and a four storey block along Cove Street. The main access is from Sullivan's Quay. There is a surface car park with access onto Drinan Street. At the time of my site inspection, the building was being demolished.
- 1.2 Development in the vicinity comprises residential properties in three and four storey buildings opposite the site on Meade Street, two-storey houses on the opposite side of Cove Street, and three-storey residential and commercial development on the opposite side of Drinan Street. There is a range of mixed use developments along Sullivan's Quay.

2.0 Proposed Development

- 2.1. The proposed development would consist of a mixed use hotel and office development totalling a gross floor area of 22,698 square metres on a site area of 0.3767 hectares. It would comprise an alteration and modification of a mixed use development permitted under Appeal Ref. PL 28.229832. The development would allow for the demolition of all existing structures (totalling 10,780 square metres in floor area) and the construction of two replacement buildings over two basement floors.
- 2.2. The proposed 193 bedroom hotel, with a stated floor area of 11,918 square metres, would range from 6 storeys in height, with a setback 5th floor to Cove Street, to a 12 storey cylindrical tower on the corner of Sullivan's Quay and Meade Street. It would be accessed from a central courtyard and would also have emergency exits to Meade Street. The hotel development would include ancillary service areas, plant and parking at basement level, bar, restaurant and retail areas at ground floor,

conference and meeting facilities at 1st floor, a gym on the 9th floor and a lounge on the 11th floor.

- 2.3. The office building would have a gross floor area of 9,310 square metres and would be six storeys in height. It would be accessed from Sullivan's Quay and would have emergency exits to Drinan Street. The basement would provide car and bicycle parking via a new entrance to Cove Street. ESB substations, switch rooms and service areas would be onto Drinan Street, with ancillary plant being provided at roof level.
- 2.4. Details submitted with the application included a Planning and Design Statement, Photomontages, an Engineering Report, a Flood Risk Assessment, a Traffic and Transport Assessment, a Mobility Management Plan, an Archaeology Assessment, an Energy Statement, a Construction, Environment & Demolition Management Plan, and a Fire Safety Strategy.

3.0 Planning Authority Decision

3.1. Decision

On 30th November 2017, Cork City Council decided to grant permission for the development subject to 32 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the site's planning history, development plan provisions, reports received and the third party submission made. It was considered that, having regard to the proposed alterations and modifications over the development previously permitted, an assessment was not required on first principles. Reference was made to the proposed uses and alterations, to the design and building height of the development, and to related development plan provisions. The building height and design were stated to be of serious concern. Increased building height adjacent to Cove Street was of particular concern. The height of the proposed tower was considered to materially contravene the provisions of the development plan and, thus, not a suitable location for such development. It was considered that it should

not be higher than that previously permitted. It was noted also that a number of protected views would be impacted. Concerns were further raised about proposed finishes to the tower and Cove Street elevation and fenestration on Drinan Street. Reference was made to the Roads Engineer's considerations on footpath provisions. In terms of impact on adjoining properties, it was submitted that overshadowing impacts were unclear and there was potential for overlooking of residential properties opposite the proposal at Drinan Street. A request for further information was recommended seeking information requiring the proposal to comply with previously permitted building height and upper floor setbacks, clarification on gross floor area to include basements, changes to finishes, and clarification on ownership of the parking area to the front of the site. The applicant was also to be alerted to the fact that the development needed to be completed by 20/01/2019 as it would be governed by the parent permission.

The Senior Planner considered the proposed hotel/office use to be welcome. It was submitted that the issue of most concern was the change in relation to Meade Cove and Drinan Streets and it was submitted that the overall heights of the proposal should be within the parameters of the extant planning permission. It was considered that the impacts could be greatly reduced by the use of setbacks on upper floors. It was stated that it was noted that the proposed increase in height of the tower is justified in terms of improvement of proportions. The design of the tower was considered acceptable in its own terms and it was seen to have a positive impact on the area by providing a focal point at the end of Grand Parade. However, it was seen to have negative impacts on protected views, protected structures, and the context of the ACA. The increased scale of the lift/core area serving the tower was seen to detract from the justification of the tower in terms of proportion. A further information request was set out which alluded to the Planner's and Engineers' recommendations

3.2.2. Other Technical Reports

A Consultant Archaeologist's report concurred with the applicant's proposed archaeological monitoring and excavation of archaeological deposits. There was no objection to the proposal subject to a schedule of conditions.

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

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

The Roads Design Engineer considered parking proposals to be adequate. It was recommended that the applicant be requested to show sightlines available at a setback of 2m from the road edge onto Cove Street. Reduction in footpath widths on Sullivan's Quay, Meade Street and Drinan Street resulting from the scheme that conflict with Development Plan and DMURS objectives were noted. It was recommended that the applicant be requested to setback the building line so that a minimum footpath width of 1.8m is achieved to the east and west and 2m to the north and south. Development contribution requirements were also set out.

The Transportation Engineer concurred with the Roads Design Engineer recommendation to seek a revised design for footpath provision.

The Conservation Officer considered there were a number of amendments that greatly improved the integration of the scheme into the surroundings. The office block elevation to Drinan Street was considered particularly dead and stairs and lift cores, when viewed from the east and from Grand Parade, were regarded as being clumsy. The character of the Architectural Conservation Area was seen to be diminished by views of the circular drum and its extended service core. The increased height of the development along Cove Street was considered a negative impact on the character of the area. A recommendation was made seeking further information to reduce the building height and to revise the basement section, the line of the street level façade along Drinan Street, the layout of service cores and plant rooms, and the layout of the circular drum, stairs and lift core.

The City Architect noted that the main differences of the proposal from that previously permitted from an urban design and architectural standpoint was the increase in height of the tower element on Sullivan's Quay. The increase in height was considered acceptable, making the proposal more elegant and slender. It was requested that a condition be inserted requiring the detailed architectural treatment to be agreed.

3.3. Prescribed Bodies

An Taisce submitted that the proposal was for a substantially larger and higher development than that permitted previously and could not be considered as an alteration and modification to the previous development. Concern was raised about the height and scale of the proposed tower element. Reference was made to the City Development Plan guidelines for building heights. Concern was further raised about the loss of visually interesting features of the previously permitted proposal. It was considered that a building of the height proposed would have an adverse impact on St. Nicholas Church and on the vista towards St. Finbarre's Cathedral. In conclusion, it was submitted that the proposal constituted overdevelopment in a sensitive city centre location. A rejection of the proposal or substantial modification was recommended.

Irish Water had no objection to the proposal.

3.4. Third Party Observations

One third party submission was received by the planning authority from Deirdre Condon, No. 8 Georges Quay. The third party appeal reflects the concerns raised.

3.5 Further information was requested from the applicant on 20th July 2017 in accordance with the Senior Planner's recommendation. A response to this request was received by the planning authority on 3rd November 2017. It included revised designs, layout and building scale alterations and an increase in the number of bedrooms in the hotel in lieu of office space.

Following the receipt of this information, third party submissions were received from Carey O'Connor Accountants (1 Drinan Street), Madden's Entertainment (2a Drinan Street), Eamonn O'Brien (Lower Glanmire Road), and Deirdre Condon. Concerns raised related to construction impacts, overdevelopment, the need to respect the original mixed use development, disruption to students and residents, and need for appropriate finishes fronting Drinan Street.

The additional reports to the planning authority were as follows:

The Roads Design Engineer concluded that the public realm improvements would bring the development and adjacent streets in line with current best practice as outlined in DMURS and the City Development Plan. There was no objection to the proposal subject to conditions.

The Transportation Engineer had no objection to the proposal subject to conditions.

The Conservation Officer considered the applicant had addressed the issues raised in his original report.

The Senior Planner considered the revised proposal to be acceptable. The conclusions drawn in other reports received were noted and concurred with. A decision to grant permission subject to conditions was recommended.

4.0 Planning History

ABP Ref. PL 28.229832 (P.A. Ref. 08/32886)

Permission was granted by the Board for a mixed use development comprising retail, office and hotel uses.

5.0 Policy Context

5.1. Cork City Development Plan 2015-2021

Zoning

The site is zoned 'City Centre Commercial Core Area' with the objective "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)".

City Centre and Docklands

The former Government Buildings, along with the Beamish and Crawford site and Grand Parade sites, are acknowledged as providing major opportunities for redevelopment (Section 13.53).

The Plan also notes the previous permission for a mixed use development (Section 13.56).

Built Heritage and Archaeology

The site is located within the designated South Parish Architectural Conservation Area (ACA), sub-area B.

Development Management

Building Height and Tall Buildings

Building Height

Table 16.3 “City Centre River Corridor Building Height Guidelines” indicates an indicative maximum of 13-15 metre / four storey high buildings.

Tall Buildings

The Plan provisions include the following:

Tall buildings can play a visual role as landmark buildings and can make a positive contribution to the skyline of a city. Due to the visual prominence and strategic significance of tall buildings their design must be of a high standard. There are large areas of the city where tall buildings are unsuitable given the potential conflicts with the character, grain, and the amenity enjoyed by users of adjacent sites. In particular, high buildings should be avoided in the historic areas of the city. The City Council has identified Docklands and South Mahon as areas with the potential to accommodate high buildings. Maps 2, & 7 in Volume 2 identifies these locations. All other areas of the city are not considered appropriate for tall buildings. Such development will be resisted in areas of special and/or significant character in the city i.e.:

- *The City Centre (within the 1869 boundary)*
- *The North and South River Lee Channels (west of Docklands)*
- *Architectural Conservation Areas;*
- *Other historic areas of the city of architectural and historic character (including the old city approaches and the villages enveloped by city expansion);*
- *The suburban areas of the city (apart from locations specified in the Plan);*
- *Areas of significant landscape value (including Landscape Preservation Areas and Areas of High Landscape Value) ...*

Tall buildings will normally be appropriate where they are accessible to a high quality public transport system which is in operation or proposed and programmed for implementation. Significant intensification will only be considered appropriate where public mass transit is either in operation or where its delivery is programmed.

Tall buildings should always be of high design quality to ensure that they fulfil their role as strategic landmarks. As well as having a positive impact on Cork's skyline and built environment, tall buildings can have negative impacts also. These impacts will need to be assessed in any planning application and can include: relationship to context; the effect on the whole existing environment; the relationship to transport infrastructure; the architectural quality of the building; sustainable design and construction; the credibility of the design; the contribution to public spaces and facilities; the effect on the local environment; the contribution made to the permeability of the environment and the provision of a high quality environment.

6.0 The Appeals

6.1. Grounds of Appeal by Deirdre Condon

The appellant is the owner of "The Arch" (Griffith College building) on Drinan Street. The grounds of appeal may be synthesised as follows:

- There is an assurance needed that the ongoing operation of the colleges will not be adversely impacted as a result of development works or the operation of the development.
- There is a concern Drinan Street will be reduced to a secondary laneway.
- There is a further concern that the street will become the service channel for the large development.
- The building onto this street should be designed to be more active, making it an area the public would be encouraged to use.
- Considerable efforts will need to ensure that the works will not have long term structural implications for the buildings on Drinan Street.

- A condition could be imposed to detail how the street will be kept clean and nuisance free during construction, with hoardings being attractive and well maintained.

6.2. **Grounds of Appeal by An Taisce**

The grounds of the appeal may be synopsised as follows:

- The development is excessive in height and scale for its city centre location, having regard to the visual impact on the historic centre of the city, the surrounding ACA, important heritage features in the locality, and significant views identified in the Development Plan.
- The development is contrary to the general principles and specific provisions of the Development Plan regarding tall buildings and developments of inappropriate scale in the inner city centre area and will alter a number of protected views.
- The previously granted development was the limit of scale and height the site could accommodate.
- The modifications requested by the planning authority by way of the further information request were not carried through by the applicant and yet permission was granted.

The appellant concludes that the proposed development constitutes significant overdevelopment.

6.3. **Applicant Response**

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

Introduction

- The appellant Deirdre Condon did not raise any issues regarding the permitted development but focused on the treatment of Drinan Street and potential construction impacts.

- An Taisce's arguments in relation to the tower element are the same as those raised in their appeal against the original development when the tower feature was determined to be appropriate and a welcome addition to the cityscape.

Scale and Height

- A reduction in the scale and height of the proposed development to that previously permitted will result in an unsustainable loss in the number of hotel bedrooms proposed.

Impact on Protected Views

- A visual analysis from 17 viewpoints is submitted in response to the appeals.
- There will be no significant visual effects on long distance views.
- The development will integrate with the skyline and the visual impact is comparable with that previously permitted.
- Six out of the seven views listed by An Taisce will not experience significant visual effects and the view from Elizabeth Fort will experience moderate effects.

The Height of the Development in the Context of the Provisions of Cork City Development Plan

- The previous decision establishes a strong precedent.
- The City Council's Tall Building Policy remains the same as when a tall building exceeding 32 metres in height was permitted in 2009.

Drinan Street

- The response to the Council's further information request has resulted in the relocation of active hotel uses to Drinan Street in place of office space.

- The applicants are willing to carry out appropriate public realm improvements or contribute by way of a reasonable and proportionate special development contribution to public realm improvements in the general area.

Construction Phase

- The construction phase will result in temporary impacts and some disruption for local businesses and residents. The applicants are experienced and have commenced active engagement with residents and property owners.
- Conditions attached with the planning authority's decision comprehensively address the issue.

6.4. **Planning Authority Response**

The planning authority stated that, following a further information request, the applicant submitted a significantly revised proposal that was acceptable to the planning authority. Noting that the proposed height exceeds that of the development plan and previously permitted height, the change was not considered to make a material difference to the impact in visual terms and accords with the design approach of the building.

6.5. **Further Responses**

Additional submissions were received from Cork City Council and from An Taisce in response to the applicant's response to the appeals. Each reiterated the submissions previously received.

7.0 **Assessment**

7.1. Introduction

7.1.1 The proposed development seeks changes to the development previously permitted by the Board under Appeal Ref. PL 28.229832. The main changes now proposed are as follows:

- Omission of a basement level, i.e. two levels of basement are now proposed instead of three.
- 4,500m² of retail spaces is proposed to be omitted from at a basement level.
- The relocation of the basement entrance ramp from Drinan Street to Cove Street.
- The proposed hotel increases from 183 bedrooms to 220 bedrooms, with the associated floor area increasing from 8,395m² to 11,763m².
- There is a proposed reduction in office space from 10,925m² to 7,772m².

7.1.2 I accept that the proposed development seeks alterations and modifications to that previously permitted and does not constitute a new, separate development. The effect of seeking such modifications, however, is that any permission that would be issued for the proposed development would be tied to the parent permission.

7.1.3 With regard to the third party appeals, I make the following observations:

- The appeal by Deirdre Condon places a significant focus on construction-related impacts on established developments on Drinan Street. The Board will note that, in light of its previous decision, such matters would have been a consideration in the determination of that application. While I propose not to address such matters in detail further, I acknowledge the submitted Construction, Environmental & Demolition Management Plan and, in particular, the specific site hoarding proposals, traffic plan, dust, noise and vibration provisions within this document that will address the Drinan Street concerns. I also note the piling, excavation and dewatering proposals in relation to potential structural impacts. The applicant proposes to engage an experienced sub-contractor with specific relevant experience and a full method statement is to be developed.
- The Board's previous decision permitted a development of significant building height that exceeds that of guidance provided under Development Plan provisions and it is noted that similar building height policy prevails at this time.
- The Board previously permitted a high building on this site in the understanding of its cultural and historical context, including its effect on

nearby protected structures and the established Architectural Conservation Area.

- The Board previously permitted a significant development on this site with an understanding of the effects of the development on protected views in and around the city centre.

7.1.4 Having regard to the above, I propose to consider the impact of the proposed changes under the current application with that previously permitted, with regard to the issues raised by An Taisce, and to consider the impact of the proposed development and its effect and relationship with Drinan Street as raised by Deirdre Condon.

7.2 Comparison of the Proposed Scheme with the Previously Permitted Scheme

7.2.1 I acknowledge that the proposed development remains a mixed use scheme. This is a proposal within the city centre that would comprise a substantial hotel and new office space, replacing former office space. The uses and scale of the development are suited to this city centre location and the development is a compatible type appropriate for its context. With regard to context, I further acknowledge that Sullivan's Quay comprises a wide range of building types and heights, with the existing building on the appeal site comprising a nine storey monolithic block. There is a wide range of architectural styles and variation in building heights in the immediate vicinity.

7.2.2 The comparison of the proposed development with that previously permitted must ultimately focus on the impact of the changes in design and building height. The applicant, in response to the planning authority's further information request, submitted a schedule of photomontages which accurately reflect the permitted scheme, the original amendments proposed, and the development ultimately permitted by the planning authority. These ably demonstrate the visual impact arising from the proposed amendments.

7.2.3 I note features of the proposed design and some of the design changes submitted by way of further information as follows:

- The lowering of the service cores on the Meade Street wing and the omission of the enclosed walkway and plant room on this wing through the further information response reduce the overall height and visual impact of the original amendment proposal. This has had a particularly positive impact on views in the vicinity and on the prominence of the development along the quays.
- I acknowledge the existing structure's impact on Cove Street and its scale, bulk and form when compared with established development. The principle of a development of significant mass and scale onto this street has been established historically and by the previously permitted development. Indeed, the development permitted by the planning authority introduced modifications by way of further information that in many ways reflected the previously permitted proposal.
- The proposed setback of development, planted facades over the street level and increased glazing at the ground and first floors allow the street level to be better defined and be seen as more consistent with established development, while softening the impact of the higher level components, notably on Cove Street, and producing a more active presentation of uses onto the street.
- Onto Sullivan's Quay, the development is clearly designed to create a terminating vista when viewed from Grand Parade by the provision of a high tower, some 44 metres in height. The principle of this and the lower second section of the overall composition, in which primarily office development would be located, has been previously established. I further acknowledge that, in visual impact terms, there is a marginal increase in height of the tower over that previously permitted but, in terms of massing, there is little to discuss in variation. If anything, the increased height of the proposed tower strengthens the visual impact and better qualifies the closure of the vista from Grand Parade.
- The presentation to the Quay may be defined as being in two distinct components – the tower and the lower component east of it. The former is an essential component both as providing the interest to terminate the vista along Grand Parade and to alleviate the impact of the overall bulk of the

development's presentation to the Quay. The latter is important as it provides for a perception of reduced scale. The integration of both components are facilitated by the utilisation of strong vertical elements in the façade.

- Further to the above, one must acknowledge that South Parish has been developed on a slope and, thus, the backdrop of development is an important contributory factor that allows the acceptance of the scale of this development, in addition to its quayside setting and city centre location.
- The proposed amendments to the development have no known additional significant impacts in terms of adverse effects for adjoining and nearby properties with regard to overshadowing, increased loss of privacy, etc. The city centre context of the development must be understood and accepted when considering this issue.

7.2.4 In terms of architectural and cultural heritage impact, the context for the development within Cork's South Parish Architectural Conservation Area (ACA) remains similar to than when the previous proposal was permitted, as do the relevance of protected views and the wider historical and cultural context. The notion that new development should ultimately genuflect to protected structures within a vibrant city centre quarter that requires to evolve cannot reasonably be accepted in this instance and, indeed, it is acknowledged, with the Board's previous decision, that this is a location that is suited to an increased density of development and merits a development of increased height over that which generally prevails in the immediate environs. The design changes arising from the proposed amendments to the permitted scheme have no additional significance in terms of impact on architectural and cultural heritage.

7.2.5 Finally, the visibility in terms of the proposed development's impact on wider city and streetscape views is acknowledged. However, having regard to the consistency of design and the form, scale and massing of the proposed development, one could not reasonably determine that the proposed development varies in such a significant manner that the amended scheme would in some way materially affect protected views. In noting that there would be an increase in height of the proposed tower, in real terms this would have little noticeable change to the impact the proposed development would have on its visibility throughout the city. The outcome of the

impact of the amended proposal on protected views throughout the city would be minimal at best and would more likely have no noticeable visual impact difference over that previously permitted by the Board.

7.3 Impact on Drinan Street

7.3.1 In design and layout terms, I note that the proposal seeks to reinstate a coherent building line onto Drinan Street, when compared with the existing development, which is a welcome feature. The blankness of the existing façade and lack of any active frontage are to be replaced by significant street level glazed frontage, event/banqueting space at first floor level, and hotel bedrooms at upper levels. This increases passive surveillance and significantly improves vibrancy and visual activity on this street. In terms of the massing of the proposed structure at this location, I note that a set back of the top floor of the office building is proposed and I acknowledge that the proposed amendments, in terms of mass, reflect those of the previously permitted scheme, with minor change/variation.

7.3.2 Overall, I consider that it is reasonable to conclude that the proposed development compares favourably with the scheme previously permitted by the Board for Drinan Street. I do not accept that the proposed development will undermine public use of this street or have adverse consequences for the established uses on the street. It is likely to become a more active street and will, ultimately, not be a secondary laneway adjoining this important quay frontage in this city centre location.

7.4 Conclusion

7.4.1 It is my submission to the Board that many of the issues raised in the third party appeals are matters that would have been previously considered in the determination of the proposal that came before the Board under Appeal Ref. PL28.229832. The issue of the bulk, scale and mass of the development, the development of a higher tower element, and construction-related impacts on the adjoining streets were some of the principal issues that would have been under consideration. The proposed amendments do not alter the conclusions previously drawn and revisiting such issues are not merited, given the lack of any material change to policy or physical circumstances relating to the site and its context. I am

satisfied to conclude that the amendments proposed are acceptable, that the proposal is appropriate to its setting, and that it would be in accordance with the proper planning and sustainable development of this city centre location.

Note: 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, the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on any Natura 2000 site in the area. A Stage 2 Appropriate Assessment is, therefore, not required

8.0 Recommendation

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

9.0 Reasons and Considerations

Having regard to the location of the site within the Central Commercial Core Area as designated in the current Cork City Development Plan, to the scale and character of the existing development on site, to the previously permitted development on this site under Appeal Ref. PL 28.229832, and to the design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities and character of the area or the amenities of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the plans and

particulars submitted to the planning authority on 3rd November 2017, except as may otherwise be required in order to comply with the following conditions.

Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Condition nos. 3-14 of Planning Permission PL28.229832 granted by An Bord Pleanála on 21st January, 2009 shall be complied with in full.

Reason: In the interest of orderly development.

Kevin Moore
Senior Planning Inspector

16th April 2018