



Development	Demolition of parts of the property, change of use from social club to residential use of Drumcora House. Construction of extension to facilitate the provision of 12 no. apartments. Consists of work to a protected structure, and works adjacent to a protected structure.
Location	Drumcora House , Blackrock Road , Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2039055
Applicant(s)	KPH Construction.
Type of Application	Permission.
Planning Authority Decision	Grant Permission with conditions
Type of Appeal	1. Third Party 2. First Party
Appellant(s)	Frank Ryan. KPH Construction
Observer(s)	Paul O Callaghan.

Date of Site Inspection

31st August 2020.

Inspector

Bríd Maxwell

1.0 Site Location and Description

- 1.1 The appeal site relates to a historic dwelling, Drumcora House, a three-storey double bow fronted Georgian villa, located at Blackrock Road in Cork City. Drumcora House is protected structure reference PS502, while the ashlar stone entrance and gates to Drumcora House is protected structure PS520. Drumcora House is a three storey, double bow Fronted Georgian villa with a large single storey twentieth century extension to the south. The house is north facing and sits within a large hard surfaced car park. There is a splayed bell-shaped entrance onto Blackrock Road at the eastern end of the southern site boundary with a vehicular gate flanked by two pedestrian gates. There is also an entrance from Drumcora Mews to the north-western corner of the site. On the west side of the original house is a small single storey lean to providing a covered open-air shelter. There is also a pitched roofed 3 storey extension on this gable which houses a modern fire escape stairway and single storey lean to in front of this which accommodates toilet facilities.
- 1.2 The appeal site which is roughly rectangular in shape has a stated area of 0.26 hectares and is bounded to the north by Drumcora Mews a residential housing development constructed circa 1990 and to the south by the Blackrock Road. To the west is Drumcora Lodge and to the east a single storey dwelling. The immediate area is largely characterised by substantial detached dwelling houses in private grounds dating from the late 18th to mid-19th century. A high stone wall surrounds the site to the south, east and west while the housing to the north is separated from the site by a recently constructed concrete block wall.
- 1.3 Application documentation indicates that the house was in private ownership as a dwelling house up to the early 1970s at which time Dunlop's social club acquired the house and grounds. In 1988 Dunlop's social club were granted planning permission

for alterations, new function room and ancillary rooms. The property has been unused for much of the past 10 years.

- 1.4 Drumcora House is listed on the National Inventory of Architectural Heritage (Reference 20868039) with a rating of national importance. It is described and appraised within the NIAH as follows:

“Detached three-bay three-storey house, built c.1800, with full-height bows and projecting flat-roofed canted porch to north elevation. Pitched slate roof, part hidden behind parapet with moulded rendered cornice to north elevation, with rendered chimneystacks, flat-roofed dormers and cast-iron rainwater goods. Slate hanging to front (north) and rear (south) elevations with smooth render to side elevations. Camber-headed window openings with limestone sills, nine-over-six pane (first floor) and six-over-six pane (second floor) timber sliding sash windows. Square-headed tripartite window openings to bows with limestone sills, timber mullions having console brackets and nine-over-six pane (ground and first floors) and six-over-six pane (second floor) timber sliding sash windows. Round-headed window opening to stairwell with timber spoked fanlight above nine-over-six timber sash window. Fixed glazed panels to side elevations of porch with overlights having festoon and wreath motifs. Square-headed door opening with overlight having festoon and wreath motifs above replacement timber battened door. Projecting roof of porch supported on cast-iron trellis. Entrance to south-east.”

In the appraisal “This building is a jewel in the architectural heritage of Cork City. It is a substantial house with two highly characteristic architectural features in the Cork area from the late eighteenth and early nineteenth centuries - the use of slate hanging and full-height bows. The canted entrance porch contrasts with the bowed

bays to the front elevation, while the hierarchical treatment of the fenestration highlights the building's form. The retention of much early fabric is also of note.”

- 1.5 The entrance gates railing walls are listed of regional rating on the NIAH Ref 20868040 and the description is as follows:

“Quadrant entrance, built c.1850 as entrance to Drumcora House. Ashlar limestone piers with flat caps flanking ashlar limestone sweep walls with limestone plinth and coping. Pedestrian gates flank inner ashlar limestone square-profile piers with plinths, string courses and inscription 'DRUMCORA'. Cast-iron gates with spearheads and floral motifs. Spur stops to vehicular gate piers. Rubble limestone boundary walls to east and west.”

The appraisal states: “This entrance, executed in skilled masonry, contributes to the streetscape and character of the area. The detail of the cast-iron gates is also particularly attractive along with the pale grey colour and texture of the Cork limestone. The visible manufacturer's name 'AUDEN CAPEL ST DUBLIN' is noteworthy.”

- 1.6 The site is within the Blackrock Road ACA Sub Area A : Ballintemple Village and Surrounding Suburbs listed in Part 1 Architectural Conservation Areas of Volume 33 Specific Built Heritage Objectives of the Cork City Development Plan 2015

2 Proposed Development

- 2.1 The application as described within the public notices involves permission for

(A) Various demolition of poor-quality late 20th century additions to the property, namely the demolition of the existing single storey annexes to the rear (south) and part demolition of the 3 storey escape stairs annex to the side (west) of Drumcora House

(B) The change of use from social club to residential use of Drumcora House. The remaining ground floor part to the west annex, will be subject to a change of use from social club to residential use

(C) The construction of part 2-part 3 storey extension to the east of the existing Drumcora House. The change of use of Drumcora House and the proposed extension will facilitate the provision of 12 no apartments in total comprising of 9 no 2 bedroom apartments, 1 no 1 bedroom apartments and 2 no 2 bedroom duplex apartments and

(D) All necessary and ancillary site works required to facilitate the proposed change of use and extensions connections to public foul and surface water sewers and public mains water and bin store enclosure.

2.2 The application is accompanied by a number of documents including

- Bat Survey and Assessment by Doherty Environmental Consultants Ltd. January 2020
- Soil Infiltration Assessment 16/01/2020 Denis O Sullivan & Associates Consulting Engineers.
- Infrastructure Report, 16/1/2020, Denis O Sullivan Consulting Engineers.
- Architectural Heritage Impact Assessment, John Cronin & Associates, January 2020
- Stage 1 / 2 Road Safety Audit. September 2019. MHL & Associates Ltd.

2.3 In response to the City Council's request for additional information revised plans included an option for modification of proposed apartment 12 to a single bed unit. Other amendments included incorporation of privacy screens to balconies on the upper floors of the eastern block to mitigate overlooking and amendments to ground floor apartments to provide access to landscaped outdoor area.

3 Planning Authority Decision

3.1 Decision

3.1.1 By order dated 22 June 2020 Cork City Council issued notification of the decision to grant permission and 28 conditions were attached including the following of particular note.

Condition 3. Apartment 12 to be omitted.

Condition 4. No permission for pedestrian access to the northwest of the site. Only maintained as emergency vehicle access or for periodic landscaping/

Condition 5. Specifications, method statements and schedules of work for refurbishment to be prepared by a qualified and experienced conservation consultant.

Condition 8 No works to be carried out to the loft during nesting season.

Condition 23. Stage 3 / 4 Road safety audit to be carried out.

Condition 24. 40 bicycle spaces to be provided.

Condition 25. Bond

Condition 27 Development Contribution €52,607.18

Condition 28. Supplementary Contribution €9,960.62

3.2 Planning Authority Reports

3.2.1 Planning Reports

3.2.1.1 Planner's initial report considers the proposed density of 46 units per hectare to be in accordance with development plan criteria and proposed mix appropriate. Note that

some apartments in the existing protected structure do not meet the minimum requirements for private amenity spaces in terms of balconies however the guidelines indicate that for building refurbishment schemes the requirements can be relaxed on a case by case basis. Concerns expressed that the proposed three storey eastern extension could have detrimental impact on adjoining dwellings to the east and north in terms of potential overshadowing and visual dominance.

A further information request sought to address a number of issues including a shadow impact assessment, three storey element to the east of the site to be modified to mitigate impact on adjacent properties, provision of privacy screens to the northern element of the proposed balconies terraces in eastern block, modifications to south elevation to Drumcora House at ground floor level to provide access to outdoor areas and separate car parking are from the house. The request also sought the removal of pedestrian access to northwest corner and confirmation that car and bicycle parking in accordance with standards. A construction management plan and waste management proposals to be detailed. The request also sought details of legal interest in ramped area to the northwest of the site from Drumcora Mews.

3.2.1.2 Planners' second report concludes that the removal of apartment 12 will reduce impact on outlook from the rear private amenity areas of dwellings to the north and would also respect the character of the original house by in essence aligning the second floor level with the rear elevation of the existing dwelling. Report maintained concern that the proposed pedestrian access to the north would result in increased car parking in the adjoining estate and should be omitted. Permission recommended subject to conditions.

3.2.2 Other Technical Reports

- 3.2.2.1 Environment Section. Notes bat survey. No objection subject to conditions regarding avoidance of spread of invasive space. Biodiversity enhancement measures and no works to the loft during the nesting season to protect nesting swallows.
- 3.2.2.2 Drainage_report – No objection subject to conditions.
- 3.2.2.3 Environment Waste Management - Request further information regarding waste management plan.
- 3.2.2.4 Transport and mobility report. Applicant to confirm that vehicular parking conforms to parking standards of the development Plan. Pedestrian access from Drumcora Mews should be removed as there is no footpath. Following submission of additional information recommends permission subject to conditions including provision of maximum 15 car parking spaces, and 40 bicycle parking spaces.
- 3.2.2.5 Conservation Officer's report considers the proposed use appropriate. Scale and design is appropriate and of a subdued architectural language of simple brick forms providing suitable context for the slate hung bow fronted house. Strategy of using new and existing buildings to separate site into two enclosed areas is successful. Conservation report is comprehensive and recommendations satisfactory. Removal of the single storey function room to the north provides an opportunity to remake the rear ground floor elevation. The proposal to be modified to incorporate amenity area immediately abutting the south elevation of Drumcora House accessible from the living and or kitchen areas of the ground floor units.
- 3.2.2.6 Road Design report requests further information regarding details of pedestrian provision and crossing to allow pedestrians to connect from the applicants northwest pedestrian access egress to the existing pedestrian network on Blackrock Road.
- 3.2.2.7 Contributions report - Development Contribution and supplementary contribution outlined.

3.3 Prescribed Bodies

3.3.1 Inland Fisheries Ireland. No objection subject capacity of connection to Irish Water services.

3.4 Third Party Observations

3.4.1 Submissions by a number of neighbouring residents as follows

- Anne Cashman 8 Drumcora Mews, and Mary Cudmore 7 Drumcora Mews
- Paul O Callaghan 21 Drumcora Mews.
- Frank Ryan, 10 Carrigdubh Blackrock Road
- Bernadette Daly, 16 Drumcora Mews.
- Michael McAuliffe, 14 Drumcora Mews.
- Mary MacEvilly, 11 Drumcora Mews.
- Adam Dowdall, 1 Drumcora Mews

3.4.2 The submissions raise many common issues and are summarised as follows:

- Generally, welcome the redevelopment of Drumcora House and the preservation of its historic importance.
- Strongly opposed to pedestrian access from the proposed development through Drumcora Mews which will give rise to overspill parking at Drumcora Mews. Construction access should be through the main gate.
- Question ownership of ramped access. Health and safety concerns.
- Proposed wings in particular the eastern wing disrupt the symmetrical proportions of the building creating a jarring effect that is not appropriate to the setting of the protected structure.
- Overdevelopment of the site.
- Erection of modern buildings on the site conflict with prevailing character of the area and has detrimental impact on the protected structure.

- Proposal for balconies intrusive on Drumcora Mews and 10 Carrigdubh resulting in unobstructive overlooking. Balconies should be to Blackrock Road.
- Priority objective should be to retain Drumcora House as a family home.
- No consultation.
- Management and servicing concerns.

4 Planning History

18/37897 Application withdrawn following further information request. Permission is sought A) various demolition of poor quality, late 20th century additions to the property, namely the demolition of the existing single storey annexes and 3 storey escape stairs annex, to the rear (south) and the side (west) of Drumcora house, B) the change of use from social club to residential use of Drumcora house, C) the construction of part 1 storey, part 3 storey extensions to the east and west gables of the existing structure to provide 4no. 2-bedroom apartments and 1no. 2 storey duplex on the ground, first and second floors. D) the construction of 1 no. storey 2-bedroom duplex unit to the southwest corner of the site adjacent to blackrock road, E)the construction of 1no 2 storey 4-bedroom detached dwelling house to the east of Drumcora house, F) Connections to public foul & surface water sewers & Public mains water for the new residential structures, G) bin stores, temporary site signage & all necessary & ancillary site works to complete the development. the development consists of work to a protected structure, Drumcora house PS502 and works adjacent to a protected structure, stone entrance and gates PS520

17/37554 Application withdrawn following further information request. Permission is sought by KPH Construction for a development at the property and site known as Drumcora House, Blackrock Road, Cork. Permission is sought for a/ various demolition of poor quality, late 20th century additions to the property, namely the demolition of the existing single storey annexes and 3 storey escape stairs annex, to the rear (south) and side (west) of Drumcora House b/ the change of use from social club to residential use of Drumcora House c/ the construction of part 2 storey, part 3 storey extensions to the east & west gables of the existing structure to provide for 2 no 2- bedroom apartments on each of the ground, 1st & 2nd floors d/ the sub division of the overall Drumcora House demise site into 2 sites to include a new and separate

residential e/ the construction of a detached dwelling house on the new residential site accessed from the Blackrock Road with connections to public foul & surface water sewers & public mains water for the new residential site & f/ bin stores, temporary site signage & all necessary and ancillary site works to complete the development. The development consists of work to a protected structure, Drumcora House PS502, and works adjacent to a protected structure, stone entrance and gates PS520.

07/31613 Permission granted for retention of lean to building which was constructed to the back of Drumcora (A protected structure) and its change of usage to a smoking room.

5 Policy Context

5.1 National Policy

5.1.1 Project Ireland 2040 – National Planning Framework

5.1.1.1 The National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.1.2 S28 Ministerial Guidelines.

- Architectural Heritage Protection, Guidelines for Planning Authorities, Department of Environment Heritage and Local Government 2004
- Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) Guidelines for Planning Authorities. Department of Environment, Heritage and Local Government, May 2009.
- Urban Design Manual A best practice Guide. May 2009.
- Design Manual for Urban Roads and Streets, DMURS
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') Dept. Environment Heritage and Local Government November 2009.
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities – Department of Housing Planning and Local Government March 2018
- Urban Development and Building Height Guidelines, Department of Housing Planning and Local Government, December 2018

5.2 Development Plan

5.2.1 The Cork City Development Plan 2015-2021 refers.

- The site is within an area zoned ZO 4 Residential, Local Services and Institutional uses. The objective is to protect and provide for residential uses, local services, institutional uses and civic uses having regard to the employment policies outlined in Chapter 3. Paragraph 15.10 of the plan states that the provision and protection of residential uses and residential amenity is central objective of this zoning.
- Core Strategy Goal 1. Is to increase population and households to create a compact sustainable city The SWRPG sets an ambitious target for population growth in Cork

City with a view to concentrating development and creating a compact, sustainable city. While the number of households in the city has been increasing steadily, household size has declined in line with national trends and much new development has occurred outside the city boundary, resulting in a falling population. This Plan will show that there is capacity within the city to meet the SWRPG population target but acknowledges that this target will only be met by the implementation of a co-ordinated approach to the development of the greater city area, significant investment in infrastructure and an increase in the attractiveness of the city as a place to live and work in.

- Chapter 9 deals with Built Heritage and Archaeology. Objective 9.21 State of Cork's Built Heritage seeks to pursue actions that ensure Cork's built heritage will benefit from good custodianship and building occupation and to prepare a Cork Buildings At Risk Strategy and a Historic Centre Action Plan.
- Objective 9.22 of the Plan relates to Reuse and Refurbishment of Historic Buildings and Protection of Archaeological Resource. The City Council will positively encourage and facilitate the careful refurbishment of the historic built environment for sustainable and economically viable uses. In addition, it is recognised that the protection and retention of historic buildings within the medieval city, has the dual advantage of protecting the rich archaeological resource and the Recorded Monument of the City Wall.
- Alterations and Extensions 9.39 Any proposals for alterations or extensions to a Protected Structure should ensure that there is no damage to the special character of the Protected Structure. Any extensions should be appropriate in terms of architectural design, treatment, character, scale and form to the existing protected building/structure.
- Objective 9.27 Enabling Development
Cork City Council will consider permitting the following, notwithstanding the zoning objectives of the area:
 - The restoration of a Protected Structure, or other buildings of architectural or other merit, currently in poor condition, to conservation best practice standard for any purpose compatible with the character of the building;
 - The conservation of a Protected Structure or other building of architectural merit or other merit, independent of its current condition, to a tourist related use, in cases

where, in the City Councils opinion, the converted building is capable of functioning as an important additional tourist attraction or facility, and the use is compatible with the character of the building.

5.3 Natural Heritage Designations

The site is not within a designated area.

The Cork Harbour SPA (Site code 004030) is circa 1.5km to the east
Great Island Channel cSAC (Site Code 001058) c6km to the east.

5.4 EIA Screening

5.4.1 There is no real likelihood of significant effects on the environment based on the nature, size and location of the proposed development and therefore no EIA is required in this instance.

6 The Appeal

6.1 Grounds of Third-Party Appeal

The third-party appeal is submitted by Frank Ryan, 10 Carrigdubh, Blackrock Road. Immediate neighbour of bungalow style dwelling to the east. Grounds of appeal are summarised as follows:

- Some 20 years ago when lands were sold from Drumcora House on the understanding that funds would be allocated for the preservation of the house and ancillary lands.
- Purchasers in the market place seeking to acquire the property for single user occupation which is considered the optimum use for this protected structure.
- Proposed scheme will cause damage to the listed building and destroy its individual identity as a residence of architectural significance.
- New build elements will dominate.
- Single storey modern addition to south elevation would be acceptable.

6.2 Grounds of First Party Appeal

6.2.1 The first party appeal is submitted by Meitheal Architects on behalf of KPH Construction. The appeal relates to Condition 3 and is summarised as follows:

- Shadow studies demonstrate a negligible difference in impact between the option of reduced footprint apartment 12 and omission. The difference does not warrant its omission.
- Impact of the building is reduced by the presence of stone boundary wall 3m in height. When considered with level difference Drumcora House is c 2100mm above adjacent site to the north the wall represents a height difference of c5m. The effect of boundary wall is shown in shadow study on appendix d which shows that the main shadow cast on adjacent garden is from this wall.
- Removal of apartment would reduce density from 46 units per hectare to 41 units per hectare contrary to development plan objective to promote efficient use of land.
- Planner has erred in the interpretation of the shadow studies and the proposal represents a negligible impact on the surround dwellings.
- Reduction in density is of concern given the central location of the site and comprehensive transport links to both the city's core commercial area and important neighbouring employment hubs and services

6.3 Planning Authority Response

6.3.1 The Planning Authority maintains that its decision to grant permission is in accordance with the provisions of the Cork City Development Plan, and in accordance with the proper planning and sustainable development of the area. The Planning Authority has no further comments to make.

6.4 Observations

6.4.1 Observer Paul O Callaghan, 21 Drumcora Mews. Incorporation of sloped entrance to the north east of the proposal is contentions. Use for emergency and servicing access will be impossible to enforce. Concern regarding overspill parking at Drumcora Mews and impact on pedestrian and traffic safety. Closing off of entrance would enable provision of a footpath. Sloped entrance is not part of the proposed development site. Height of the proposed eastern wing of concern as it encroaches to within 3m of the northern boundary is of concern.

6.5 Further Responses

6.5.1 Response of the Third-Party Appellant Mr Frank Ryan maintains objection and includes a photograph showing glazed patio area which will be negatively impacted on by the proposed development.

7 Assessment

7.1 Having examined the file, considered the prevailing local and national policies, inspected the site I consider that the main issues can be assessed under the following broad headings:

- Principle of Development
- Design and impact on the protected structures
- Residential amenity of the proposed units and impact on established residential amenity.
- Servicing, traffic, parking & other matters
- First Party Appeal
- Appropriate Assessment

7.2 Principle of Development

7.2.1 The application sets out in some detail the proposed works which includes provisions to repair refurbish and reinstatement of Drumcora House to provide 6 apartments whilst the new building extension will provide 6 no apartments. I note the assessment of architectural significance by John Cronin and Associates, including numerous photographic plates, which outlines that Drumcora House has retained much of its historic fabric and proportions both internally and externally largely through neglect in the upper floors of the interior. Most changes to the ground floor layout and to gable wall openings are legible as recent interventions and the original form of the house has not been altered irrecoverably. Whilst Drumcora House has lost much of its context through redevelopment of its once extensive and picturesque grounds, its position viewed from the Blackrock Road is still one of a prestigious suburban townhouse.

7.2.2. The proposal to convert the house from a social club back to a residential use albeit 12 individual apartments as opposed to a single family home provides for the retention and reinstatement of the original house and its principal surviving historic features. The requirement for renovation and the repair of Drumcora House is acknowledged by all parties and the impact of the proposed works on the character of the existing protected structure is not questioned by the third party appellant or observer on conservation or architectural heritage grounds. In this regard I consider that the proposed development is appropriately set out and justified.

7.2.3 Whilst the third party appellant contends that the house should be reinstated as a single family dwelling I note that the long term viability of such option is questionable. I note that the Architectural Heritage Guidelines for Planning Authorities stress that the best way to prolong the life of a protected structure is to keep it in active use and that it will often be necessary to permit appropriate extensions to protected structures in order to make them fit for modern living and keep them in viable economic use. As regards demolitions I note that the removal of the extensions to the original house built c1990 is welcome.

7.2.4 As regards zoning the site is within an area subject to the zoning objective Z4 Residential, local Services and Institutional Uses refers where the relevant objective is *“To protect and or provide for residential uses, local services, institutional uses and civic uses”*. Residential development is permissible in principle within this zone. A strategic goal within the development Goal 1 of the Core Strategy is to increase population and households to create a compact sustainable city. Clearly the proposed densification and provision for a modern standard of residential accommodation on the site is in accordance with the general policy desirability to increase densities within serviced urban areas in the interest of efficient land use resources and economies of scale.

7.2.5 I am of the opinion that given its zoning, the delivery of residential development on this prime underutilised and neglected site in a compact form is generally consistent with the policies of the Development Plan the NPF and Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness in this regard. On this basis I consider that the principle of redevelopment of the site for residential use is therefore acceptable in principle subject to detailed considerations of design, servicing and amenity. The impact of the proposal in terms of its scale and character and residential amenity and other detailed considerations are explored further below.

7.3 Design and impact on the protected structures.

7.3.1 Drumcora House protected structure PS502 is a good example of a classically designed suburban house of early 19th or possible late 18th century. It retains many features and is largely intact despite some later additions and significant rearrangement and alterations to the ground floor which were undertaken circa 1990. The proposal provides for internal alterations and repair and renovations converting the house to apartment use and providing for connection to the new wings. I note the conclusions of the conservation report John Cronin and Associates which outlines that subject to minimisation of new openings on gable walls to limit impacts on historic fabric such as fireplaces and ceiling cornices, and a full conservation method statement the overall historic character and architectural significance will not be diminished by the proposed works. A minimum of historic material is proposed to be

removed and any planned changes will be largely reversible and will respect and seek to match the high standard of craftsmanship and finish on the original building. The proposal also include a programme of repairs to the entrance gates protected structure PS520. The proposal will facilitate an appropriate sustainable use of these derelict and neglected protected structures and in my view the interventions as outlined have been justified.

7.3.2 The provision of a two storey flat roofed wing to the eastern gable to buffer and link to the three storey block is in my view a successful intervention. The simple subdued materials, geometry and format of the new building provides for an appropriate contrast and setting to the fine bow fronted slate hung historic building. In my view the extension respects the design and symmetry of the protected structure and the proposal creates pleasant amenity spaces to the north and south of the protected structure.

7.3.3 As regards assertions that the proposal constitutes overdevelopment, the proposed development provides for a density of 46 units per hectare which is appropriate in the context.

7.3.4 As regards height I consider that the proposed stepped arrangement submitted in response to the request for additional information is respectful in scale in terms of the historic structure and responds appropriately to the context. I consider that the proposal constitutes an innovative contemporary building which will integrate comfortably within the streetscape. I consider that the design in terms of its form and mass and materiality respects the scale of the historic structure and maintains its primacy within the streetscape.

7.3.5 I consider that the proposal as set out achieves an appropriate balance between and achieving a more compact dense urban form as promoted within the Urban Development and Building Height Guidelines 2018 whilst integrating successfully with the established context and character.

7.3.6 Having considered the design and layout I conclude that the proposal results in the creation of a quality residential development making for better use of zoned land whilst ensuring the retention and reconfiguration of the existing protected structures on the site. The proposed development also in my view responds appropriately to the specific constraints arising on the site, providing for a new contemporary character whilst protecting the special interest of the protected structures. As regards the performance of the proposal to the 12 criteria for sustainable urban development as set out in the Urban Design Manual, I am satisfied that the proposed layout presents positively.

7.4 Residential amenity of the proposed units and impact on established residential amenity.

7.4.1 In considering the issue of the residential amenity of the proposed residential units, I note that the floor areas of the proposed units are generously proportioned in terms of internal space standards and private open space provision and generally provide for a high-end standard of residential amenity. I note that some of the units within the protected structure do not meet the space standards for private amenity, however the guidelines Quality Housing for Sustainable Communities 2017 provide for relaxed standards on a case by case scheme for refurbishment schemes. Having regard to the protected structure status of the building I consider that flexibility in this regard is appropriate. As regards mix of the overall 12 apartments the mix includes 10 no 3 beds, and 2 no 2 beds (as modified in response to request for further information). Again, flexibility is provided for within the guidelines in relation to refurbishment and small-scale infill schemes and work to protected structures.

7.4.2 As regards the impact on established residential amenity I note that the visual impact of the development is mitigated by the sense of enclosure and the character of the existing protected structure on the site. On the matter of overlooking by upper floor balconies to the north and east I note that screening provided for in response to the request for additional information seeks to mitigate this impact. As regards

overshadowing, I note the submitted shadow assessment which compares the option of removal of apartment 12 or provision of apartment 12 as one bed apartment as set out in further information response. Having reviewed the submitted assessment I concur with the first party that the impact in terms of shadow cast is not significant having regard to the shadow cast by the existing boundary 3m high boundary wall and therefore the omission of apartment 12 is no in my view warranted.

7.4.3 Whilst clearly the proposed development on the site will give rise to a change in outlook particularly with respect to the established dwellings to the north and the appellant's dwelling to the east, it is considered that the proposed design appropriately mitigates the negative impacts arising, and such change is to be expected within the urban area.

7.5 Servicing, traffic, parking & other matters

7.5.1 As regards operational traffic impact I note the Stage 1 / 2 Road Safety Audit by KPH Construction Ltd. which makes a number of recommendations. I note one of the recommendations to alter / remove a pillar at the pedestrian entrance has been rejected on the basis of the status of the entrance gateway as a protected structures. Accepted recommendations include provision tactile paving and dropped kerb or raised table at pedestrian crossings, signage and road markings and provision for lighting scheme. I note that one of the conditions imposed by the City Council restricted the extent of onsite parking provision to a maximum of 15 spaces in accordance with the development plan maximum standards for zone 3, and provision for 40 cycle parking spaces which I consider appropriate in the context of sustainable travel. I consider that the traffic impact on the surrounding road network is negligible. I note that a significant number of third-party submissions indicate concern with regard to overspill parking on the surrounding road in particular within

Drumcora Mews, and question the applicants legal entitlement to this access. On the issue of pedestrian access from Drumcora Mews to the northwest of the site I am entirely in agreement with the first party that the provision for pedestrian connectivity is in accordance with local and national policies in relation to quality built environments, good place making and sustainable urban neighbourhoods. I consider that the appropriate regulation of parking is a wider matter for the City Council. As regards the applicants legal entitlement to carry out the development in terms of access via the ramped area to the northwest of the site, documentation submitted in response to the Council's request for additional information demonstrated ownership of the entire site. I note that such matters are essentially civil matters and are not strictly matters for determination within the scope of planning legislation. In this regard I would refer the parties to Section 34 (13) of the Planning and Development Act 2000, as amended as follows: "A person shall not be entitled solely by reason of a permission under this section to carry out a development."

7.5.2 In relation to servicing a pre connection enquiry to Irish Water indicates that there is sufficient capacity on the network to cater for the proposed development. No specific concerns are raised with regard to infrastructure.

7.5.3 Regarding construction impacts, I note that there will be a degree of disturbance and inconvenience arising during the course of construction however given the short-term duration and subject to mitigation and standard good construction practice such impacts can be managed to ensure no undue adverse impact.

7.5.4 I consider that the application as set out is acceptable from a traffic and servicing perspective and subject to standard good construction practice can be implemented on the site without undue impact on the amenities of the area and is in accordance with the proper planning and sustainable development of the area.

7.6 First Party Appeal

7.6.1 As regards the first party appeal this relates to Condition 3, which requires the omission of apartment 12. As set out above I consider that the proposed development as set out within the response to the request for additional information which sought to reduce the visual impact by stepped design achieves an appropriate standard and mitigates impact on established residential amenity. On this basis I consider the condition 3 is unnecessary.

7.7 Appropriate Assessment

7.7.1 As regards Appropriate assessment having regard to the nature of the proposed development and location within the built-up area and separation distance from Natura 2000 sites, significant effects are not likely to arise alone or in combination with other plans or projects that would result in significant effects to the integrity of the Natura 2000 network.

8 Recommendation

I recommend that planning permission be granted for the proposed development having regard to the reasons and considerations and subject to conditions as set out below.

Reasons and Considerations

Having regard to the nature and scale of the proposed development, the pattern of development in the vicinity and the policies of the Cork City Development Plan 2015-2021, the Architectural Heritage Protection Guidelines for Planning Authorities published by the Department of Arts Heritage the Gaeltacht 2011 it is considered that, subject to compliance with the conditions set out below, the proposed development would not have a significant adverse effect on the character of the protected structures, would not detract from the character of the area would not seriously injure the amenities of adjacent residential neighbourhoods or of the property in the vicinity, would not be prejudicial to public and environmental health and would be acceptable in terms of traffic safety and convenience. The proposed

development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and lodged with the application, as amended by the further plans and submitted on the 11th day of May 2020, except as may otherwise be required 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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. Details, including samples, of the materials, colours and textures of all the external finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. (a) A suitably qualified conservation expert shall be employed to manage monitor and implement the works on the site and to ensure adequate protection of the historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the building's structure and/or fabric.
(b) All repair works shall be carried out in accordance with the best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities Published by the Department of Arts Heritage and the Gaeltacht, 2011. The works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic reinstatement. (c) All existing original features, including interior and exterior fittings / features, joinery,

plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

Reason: To ensure that the integrity of the protected structure is maintained and that the structures are protected from unnecessary damage or loss of fabric.

4. Prior to commencement of development, detailed structural drawings and a construction methodology statement indicating the means proposed to ensure the protection of the structural stability and fabric of all the retained structures shall be submitted to and agreed in writing with the planning authority. These details shall include demonstrating the methods proposed to retain the existing building, demolition and excavation arrangements, the proposed foundation system and underpinning , structural bracing and support and method of construction.

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

5. No works shall be carried out to the loft during the nesting season.

Reason: To protect nesting swallows.

6. No materials of features, including fixtures and fittings, shall be removed from the site without prior consultation with the planning authority. Full details of the proposed treatment of such materials and features, including the storage, re-use or disposal arrangements shall be agreed in writing with the planning authority prior to their removal from the site.

Reason: To ensure that any materials, features, fabric, fixtures, or fittings removed from the site which are worthy of retention and stored / reused in accordance with good conservation practice, and that materials considered not worthy of retention or re-use are disposed of only with the agreement of the planning authority.

7. The applicant shall ensure that a photographic record of concealed features or

fabric exposed during works is maintained and submitted to the planning authority and the Irish Architectural Archive, within six months of the completion of works.

Reason: In the interests of the architectural heritage of the area.

8. 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 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.

9. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended, no additional plant, machinery or telecommunications structures shall be erected on the roofs of any of the building; height shall any external fans, louvres or ducts be installed without a prior grant of planning permission.

Reason: In the interest of visual amenity.

10. No signage, advertising structures / advertisements, security shutters or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

11. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

12. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

- 13 The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. The scheme shall include the following

(a) A plan to scale of not less than [1:500] showing –

- (i) The species, variety, number, size and locations of all proposed trees and shrubs [which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech, or alder]
- (ii) Details of screen planting [which shall not include cupressocyparis x leylandii]
- (iii) Details of roadside /street planting[which shall not include prunus species]
- (iv) Hard landscaping works, specifying surfacing materials, furniture [play equipment] and finished levels.

(b) Specifications for mounding, levelling, cultivation, and other operations associated with plant and grass establishment

(c) A timescale for implementation [including details of phasing]

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period

of 5 years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

14. A maximum of 15 car parking spaces shall be provided within the site.
40 no covered and secure bicycle / scooter parking spaces shall be provided within the site.
Prior to commencement of development, the layout and demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority.

Reason: To ensure an adequate off-street parking, bicycle and scooter parking provision is available to serve the development.

15. Lighting shall be provided in accordance with a scheme, which shall be designed to minimise glare and light pollution and shall include lighting of pedestrian / vehicular/cycle routes through the site and car parking areas, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Such lighting shall be provided prior to the occupation of the school. There shall be no lighting outside operational hours.

Reason: In the interest of residential amenity and public safety.

16. The roadworks serving the development and the setting out of the entrance, road markings, junction, footpaths, and kerbs shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of amenity and of traffic safety.

17. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on

Saturdays 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.

18. 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 commencement of development.

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

19. 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.

20. The construction of the development shall be managed in accordance with a construction 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 provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound including area 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 parking / transport facilities for site workers during the course of construction
- (e) Details of 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 and vehicles in the case of closure of any public road or footpath during the course of site development works;
- (i) details of appropriate mitigation measures for noise, dust and vibration and monitoring of such levels.
- (j) Containment of all construction related fuel and oil within specifically constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) Off-site disposal of construction / demolition waste and details of how it is proposed to manage excavated soil;
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

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

21. 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 recyclable materials and for the ongoing

operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

- 22 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.

23. The developer shall pay to the planning authority a financial contribution in respect of the Cork Suburban Rail Project in accordance with the terms of the Supplementary Development Contribution Scheme made by the Planning Authority under Section 49 of the Planning and Development Act 2000. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Bríd Maxwell
Planning Inspector
9th October 2020