



An
Bord
Pleanála

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

Inspector's Report ABP-308923-20

Strategic Housing Development

Demolition of former hospital buildings and the construction of 266 residential units (46 houses and 220 apartments), a childcare facility, an office enterprise centre and associated site works

Location

Former St. Kevin's Hospital Grounds, Shanakiel, Cork

Planning Authority

Cork City Council

Applicant

Land Development Agency

Prescribed Bodies

1. Irish Water
2. Minister for Culture, Heritage and the Gaeltacht
3. Heritage Council
4. National Transport Authority
5. Transport Infrastructure Ireland

Observers

1. Eamonn and Sharon Heffernan
2. Mick Barry and Fiona Ryan
3. Gerard Kirstein
4. John Keane
5. Joye McKernan
6. Mike Cussen
7. Pádraig O Sullivan
8. Paul O'Donovan
9. Thomas Gould and Others
10. Tom Mullins
11. Tony Fitzgerald and John Sheehan
12. Tony Fitzgerald

Date of Site Inspection

31st March 2021

Inspector

Colm McLoughlin

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1.0 Introduction

- 1.1. This report provides an assessment of a proposed strategic housing development submitted to An Bord Pleanála under the provisions of section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (hereinafter referred to as ‘the Act of 2016’).

2.0 Site Location and Description

- 2.1. Situated 2.2km to the west of Cork city centre in the Shanakiel area on a south-facing ridge overlooking the River Lee, the application site comprises former hospital buildings and associated grounds that previously formed part of the Our Lady’s hospital complex and measure a stated 5.7 hectares. Our Lady’s hospital complex is included in the record of protected structures (RPS) under reference PS260 and this complex includes the main building on the application site, the former St. Kevin’s psychiatric hospital, a red-brick Victorian landmark that dates from the late 1890s and was closed in 2002. The application site is listed as a derelict site by the local authority and features numerous vacant buildings, including St. Dymphna’s hospital block, a doctor’s/matron’s house, a mortuary, a corridor link building and St. Kevin’s chapel. In 2017 a significant fire occurred on the site causing extensive damage to St. Kevin’s hospital building. On the east side of St. Kevin’s hospital building is the former St. Bridget’s hostel, which has an extant planning permission to allow its demolition, and is included in the National Inventory of Architectural Heritage (NIAH), alongside St. Kevin’s hospital, the corridor link building and St Kevin’s Chapel.
- 2.2. Vehicular access to the site is available solely from a location off Beechtree Avenue leading to Shanakiel Road, which connects with the Sunday’s Well Road (R286 regional road) to the southeast. The topographical survey submitted reveals a drop of 60m from the northwest corner of the site to the southern boundary, in a stepped arrangement featuring embankments and retaining wall structures.
- 2.3. The surrounding area is characterised by a mix of land uses, including two-storey housing off Beechtree Avenue to the northwest, St. Anne’s pitch and putt course surrounding Carraig Mór hospital to the north and a waterworks reservoir along the northeast boundary. To the south and west of the site are apartment buildings, including Lee Vista, River Towers and Atkin’s Hall. The lower lands to the south of

the site along Lee Road consist of a range of properties, including two-storey housing and the Old Cork Waterworks buildings that have been refurbished as a visitor attraction. Housing areas along Rose Hill Upper, Hyde Park and Ashboro estate are located adjacent to the eastern boundary of the site.

3.0 Proposed Strategic Housing Development

3.1. The proposed strategic housing development would consist of the following elements:

Demolition Works

- the demolition of former hospital buildings measuring a stated total of 2,901sq.m, including the two-storey St. Dymphna's hospital block (1,129sq m), toilet blocks and stair core additions to St. Kevin's hospital building (672sq.m), two-storey former matron's/doctor's house (220sqm), single-storey mortuary (50sq.m) and sheds to the north of the chapel (480sq.m), as well as partial demolition of a link corridor structure to St. Kevin's hospital building (350sq.m) and the removal of a 151m-long retaining wall fronting this building;

Construction Works

- the provision of 266 residential units, comprising the stabilisation, conservation and renovation of St. Kevin's hospital building to provide 60 apartments, the construction of 46 two-storey houses, 54 duplex apartments in 7 three-storey blocks and 52 apartments in 3 four-storey blocks;
- the conversion of St. Kevin's chapel to provide for an office/enterprise centre (630sq.m);
- the provision of a crèche (440sq.m) located at ground floor to the renovated St. Kevin's hospital building;
- the construction of two rear extensions (228sq.m) with bridge access and two front glazed-porch extensions (31sq.m) to St. Kevin's hospital building;

Ancillary and Supporting Works

- internal vehicular routes, footpaths, lighting and signage, an upgraded vehicular access off Beechtree Avenue and four future potential pedestrian and cyclist accesses, as well as two future potential vehicular accesses;
- a total of 241 car parking spaces, including electric-vehicle charging points, and 563 cycle parking spaces;
- the provision of hard and soft landscaping, including retaining wall structures, revised boundary treatments providing for the repair of boundary walls and the provision of private, communal and public open spaces, including play areas and an integrated landscaped amenity area replacing the partially-demolished link to the immediate east of St. Kevin's hospital building;
- drainage and civils works to facilitate the development, including attenuation tanks, sustainable urban drainage systems (SUDS), surface and foul drainage infrastructure and all other associated and ancillary development/works.

3.2. The following tables set out the key features of the proposed strategic housing development:

Table 1. Stated Development Standards

Site Area	5.7ha
No. of apartments and houses	266
Part V units	27 (10%)
Residential Gross Floor Area (GFA)	23,274sq.m
Office Enterprise GFA	630sq.m
Childcare Facility GFA	440sq.m
Total GFA	24,344sq.m
Gross Residential Density	63 units per ha
Public Open Space (Passive and Active)	17% (c.7,200sq.m)
Communal Open Space	c.2,108sq.m
Plot Ratio (Gross)	0.42

Table 2. Unit Mix

	1-bedroom	2-bedroom	3-bedroom	4-bedroom	Total
Apartments	37	75	0	0	112
Duplexes	0	54	36	18	108
Houses	0	0	32	14	46
Total (%)	37 (14%)	129 (49%)	68 (25%)	32 (12%)	266

Table 3. Maximum Building Heights

	Storeys	Height
New Build	2 to 4	16.8m
Existing	5	19.6m

Table 4. Parking Space

Total car parking spaces	241
Residential	225
Childcare facility	6
Office Enterprise Centre	6
Car Share / Club	4
Cycle parking	563

3.3. The application was accompanied by various technical reports and drawings, including the following:

- Planning Report;
- Planning Statement of Consistency;
- Material Contravention Statement;
- Response to An Bord Pleanála Opinion;
- Social Infrastructure Audit;
- Design Statement;
- Housing Quality Assessment;
- Building Lifecycle Report;
- Materials and Finishes Report;
- Townscape and Visual Impact Assessment;

- LVIA Photomontages;
- Computer-generated Images Booklet;
- Landscape Design and Public Realm Report;
- Outline Specification of Softworks;
- Public Lighting Report;
- Arboricultural Impact Assessment and Tree Root Protection Plan;
- Arboricultural Tree Survey Report;
- Civil Engineering Infrastructure Report (includes Irish Water Pre-Connection Enquiry);
- Construction Environmental Management Plan;
- Construction Management Plan;
- Ground Investigation Report;
- Structural Report on South Retaining Wall;
- Traffic and Transport Assessment & Mobility Management Plan;
- DMURS Compatibility Statement;
- Environmental Impact Assessment Report - Screening document;
- Ecological Impact Report;
- Bat Survey;
- Screening Report for Appropriate Assessment;
- Invasive Alien Plant Species: Site Assessment Report and Management Plan;
- Archaeological Assessment;
- Architectural Heritage Impact Assessment;
- Mechanical and Electrical Basis of Design Report;
- Sunlight and Daylight Access Analysis;
- Energy Statement;
- Asbestos Refurbishment Survey Report.

4.0 Planning History

4.1. Application Site

4.1.1. The following recent planning applications relate to the application site:

- Cork City Council (CCC) planning register (reg.) reference (ref.) 18/37965 – permission was granted by the planning authority in August 2018 for the demolition of the former St. Brigid’s hostel building adjacent to the east of St. Kevin’s hospital building in order to facilitate the laying of a water services pipe along the eastern boundary of the application site. Conditions attached included a requirement to submit a measured drawn and photographic survey of the building and details of procedures to dispose of waste, including asbestos;
- CCC planning reg. ref. 01/25255 – permission was granted by the planning authority in August 2001 for extensions to the rear of St. Dympna’s block.

4.2. Surrounding Area

4.2.1. Recent planning applications in the neighbouring area are generally reflective of the wide range of land uses in the vicinity. At present, the closest strategic housing development applications in the vicinity of the application site all relate to permissions for student accommodation (ABP refs. 307096, 307364, 307441 and 307605). The following application relates to the Shanakiel waterworks reservoir adjoining to the northeast of the application site:

- CCC reg. ref. 17/37540 – permission was granted by the planning authority in November 2017 for a potable water pumping station as part of a new staged replacement pumping system and entrance reconfiguration.

4.2.2. The following application relates to a similar scale residential development to the subject proposals on the former Good Shepherd Convent site, 725m to the northeast of the application site in Sunday’s Well, Cork:

- ABP Ref. 300690 / CCC reg. ref. 17/37279 – permission was granted by the Board in September 2018 for 234 apartments on site measuring approximately 3.16 hectare.

5.0 Section 5 Pre-application Consultation

5.1. Pre-application Consultation

5.1.1. A pre-application consultation meeting between representatives of An Bord Pleanála, the applicant and the planning authority took place at the offices of An Bord Pleanála on the 7th day of September, 2020, in respect of a proposed development comprising 274 residential units, including 46 houses and 228 apartments, childcare facility, change of use of the chapel to an enterprise centre and associated site works. Copies of the record of this consultation meeting and the Inspector's report are appended to this report. The main topics raised for discussion at the tripartite meeting were as follows:

- conservation impact assessment, demolition proposals and impacts on St. Kevin's hospital building;
- development strategy, design, unit types, open space and parking;
- residential amenity of future occupants, including sunlight and daylight analysis;
- drainage matters, including location and capacity of infrastructures;
- transportation, including connectivity and justification for parking;
- Japanese knotweed and structural issues with a boundary wall.

5.2. Board Opinion

5.2.1. In the Notice of Pre-Application Consultation Opinion (ref. ABP-307259-20) dated the 24th day of September, 2020, An Bord Pleanála stated that it was of the opinion that the documentation submitted with the consultation request required further consideration, as well as amendment, in order to constitute a reasonable basis for an application under section 4 of the Act of 2016. In the opinion of An Bord Pleanála, the following issues needed to be addressed:

1. Development Strategy

Further consideration of documents, as they relate to the development strategy for the site, in particular the architectural approach and overall layout of the proposed development in relation to:

- the location, design and use of external materials for the apartment blocks in the vicinity of St. Kevin's hospital, in particular blocks U, T and S, having regard to the dominant location of the site in relation to Cork city, the visual impact on the protected structure and the protected views around the site;
- the configuration of the layout, particularly as it relates to the creation of a hierarchy of high-quality, functional and amenable public open spaces with further consideration given to maximum surveillance, appropriate enclosure, children's play, amenity and pedestrian connectivity;
- the inclusion of appropriate pedestrian and cycle connections into adjoining sites, indicating enhanced permeability;
- the design and layout of the duplex units to ensure clarity on the functioning and entrance into the units with regard to any double-fronted units provided, the appropriate public realm to ensure strong streetscapes are created in conjunction with the proposed pedestrian/cyclist movement through the site.

2. Car Parking Rationale

Further consideration of documents as they relate to the provision of car parking on the site, in particular the quantum and overall layout of the parking in relation to:

- the quantum of car parking provided within the scheme having regard to the potential for dual use for the crèche and enterprise centre, future proposed public transport schemes in the vicinity of the site and the requirement to promote sustainable transport patterns for new developments;
- the design and location of the car parking provision adjoining the apartment blocks, in particular blocks S, T and U, the need for high-quality public realm and landscaping, and the visual impact for occupants of these apartment blocks.

3. Specific Application Information

5.3. In addition to the standard strategic housing development application requirements, the following specific information was requested to be submitted with any application for permission arising from the notification:

- an updated Conservation Impact Assessment including, inter alia, surveys and justification for the demolition of structures within the site, as well as plans and particulars for the future integration, if any, of the linked corridor;
- updated Transport Impact Assessment, including enhanced pedestrian infrastructure along Beechtree Avenue and Shanakiel Road, the capacity of the junctions in the vicinity of the site having regard to car parking provision and the integration of sustainable transport options;
- updated Sunlight and Daylight Access Analysis indicating compliance with the Building Research Establishment (BRE) Guidelines, having regard to the worst-case scenario for the ground-floor apartments, inter alia, rooms with no direct sunlight or adjacent to retaining walls;
- clarification and integration of pedestrian and cycle connectivity from the site into adjoining sites in the vicinity, in particular to the southeast through Rose Hill Upper and to the southwest through the Atkin's Hall apartment complex;
- inclusion of all works associated and/or required for the proposed development within the red line boundary, including, inter alia, works proposed for any upgrades to the public road or infrastructure;
- a Mobility Management Plan;
- updated Landscape Masterplan detailing the functionality of all passive and active play facilities including, inter alia, overlooking and surveillance of active play areas, detailed plans for the future use of the open space within the landscape protection zone and compliance with the requirement for play facilities, as per Section 4.13 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020);
- submission of a detailed Construction Environmental Management Plan;

- a report that specifically addresses the proposed materials and finishes to the scheme, including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, pathways, entrances and boundary treatments. Particular regard should be had to the requirement to provide high-quality and sustainable finishes, and details that seek to create a distinctive character for the development. The documents should also have regard to the long-term management and maintenance of the proposed development and a life-cycle report for the apartments, in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2020);
- details confirming compliance with the Irish Water requirements and all works required for the water and wastewater connection. The application should address, inter alia, the issues raised in the submission received by An Bord Pleanála from Irish Water;
- a site layout plan clearly indicating what areas are to be taken in charge by the local authority;
- a phasing plan for the proposed development, which includes the phasing arrangements for the delivery of the public open spaces, surface water management proposals and Part V provision;
- submission of a Breeding Bird Survey and a Bat Survey;
- detailed plans for the removal, if any, of the retaining wall to the south of the site and submission of a boundary plan for the perimeter of the site, including, inter alia, integration of any pedestrian/cycle links, as well as boundary proposals along the east of the site adjoining the disused reservoir;
- submission of an Invasive Species Action Plan.

4. Notifications

The applicant was requested to notify the following prescribed bodies in relation to the application:

- Irish Water;
- Transport Infrastructure Ireland;

- The Minister for Culture, Heritage and the Gaeltacht (architectural heritage, archaeology);
- The Heritage Council;
- An Taisce;
- Cork City Childcare Committee.

5.4. Applicant's Response to Opinion

5.4.1. The application includes a report titled 'Response to An Bord Pleanála Opinion', addressing the pre-application consultation. Section 3 of this response report outlines the applicant's proposals with regards to each of the issues raised in the Board's opinion. In relation to each item raised, the applicant's response can be summarised as follows:

1. Development Strategy

- block U, which was directly behind St Kevin's hospital building, has been positioned to the east in order to present a narrower elevation to the south from the city and to enclose a residential square, reduce car parking and provide additional landscape areas;
- blocks S and T feature revised elevation treatments and pitched roofs and are more in keeping with the form and language of the St. Kevin's hospital building and the overall development;
- the addition of pitch roofs and additional vertical windows to blocks U, T and S is considered by the applicant to be more in keeping with the architectural language of the St. Kevin's hospital building, while a softer biscuit buff-colour brick for all the buildings in the vicinity of St. Kevin's, including block R, would differentiate these buildings from the darker red-brick in the existing hospital building and address the wider visual impacts;
- the open space strategy is set out, including a north-south primary link serving as the main pedestrian corridor spine, a play trail consisting of pocket parks and the primary open space to the south featuring natural woodland planting and wildflower meadows. Overlooked secondary open spaces are proposed

within the housing areas and two tertiary open spaces are proposed along the northern portion of the site, featuring woodlands with amenity routes and play opportunities;

- proposals provide for the development of distinct character areas across the scheme;
- subject to agreement, provision is made for future connectivity to both Rose Hill Upper to the east and the adjoining Atkin's Hall to the west;
- the typology of the proposed duplex units and their accesses is dependent upon topography with duplex A featuring a conventional duplex arrangement suitable for level sites and duplex B specifically designed to deal with the steeply sloping topography on site.

2. Car Parking Rationale

- the quantum of parking provided has been reduced from 287 car spaces to 241 car spaces with the majority of car spaces being removed in the area adjoining blocks U, T and S, in order to create a new residential square and with spaces being removed from home zone 2, in order to create an improved public amenity;
- the rationale for this reduction is set out in a Mobility Management Plan prepared for the development, including methods for the promotion of sustainable transport modes.

3. Specific Application Information

- 5.4.2. Section 4 of the applicant's response report outlines the specific application information that has been submitted, while also detailing how the development is considered to comply with the respective planning requirements and meet the Board's opinion.

6.0 Planning Policy

6.1. National Planning Policy

Project Ireland 2040 - National Planning Framework

- 6.1.1. Project Ireland 2040 links planning and investment in Ireland through the National Planning Framework (NPF) and a ten-year National Development Plan (NDP). The NPF encapsulates the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040 and within this framework Cork is identified as one of five cities to support significant population and employment growth. Section 3.4 of the NPF sets out key future growth enablers for the southern region, including the need to identify infill and regeneration opportunities, and to intensify housing development in inner city and inner suburban areas of Cork, supported by public realm and urban amenity projects. National policy objective (NPO) 3(b) aims to deliver at least half of all new homes that are targeted in the five cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.
- 6.1.2. The NPF supports the requirement set out in the Government's strategy for 'Rebuilding Ireland: Action Plan for Housing and Homelessness (2016)' in order to ensure the provision of a social and affordable supply of housing in appropriate locations. Section 4.5 of the NPF addresses the achievement of infill and brownfield development, including NPO 11 supporting a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth. Further NPOs for people, homes and communities are set out under chapter 6 of the NPF.

Ministerial Guidelines

- 6.1.3. In consideration of the nature and scale of the proposed development, the receiving environment and site context, and the documentation on file, including the submissions from the planning authority and other parties addressed below, I am satisfied that the directly relevant Section 28 Ministerial Guidelines, including revisions to same, comprise:

- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020);
- 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);
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009);
- The Planning System and Flood Risk Management, including the associated Technical Appendices (2009);
- Childcare Facilities – Guidelines for Planning Authorities (2001).

6.1.4. The following planning guidance and strategy documents are also considered relevant:

- Ireland’s National Waste Policy 2020-2025 – A Waste Action Plan for a Circular Economy;
- Traffic Management Guidelines (Department of Transport, Tourism and Sport, 2019);
- Climate Action Plan (2019);
- British Standard (BS) EN 17037:2018 ‘Daylight in Buildings’ (2018);
- Part V of the Planning and Development Act 2000 - Guidelines (2017);
- Permeability Best Practice Guide (National Transport Authority, 2015);
- Southern Region Waste Management Plan 2015-2021;
- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, (BRE, 2012);
- Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities (2009);
- Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020 (Department of Transport, 2009);

- Best Practice Guidelines for Delivering Homes, Sustaining Communities – Quality Housing for Sustainable Communities (2007).

6.2. Regional Planning Policy

- 6.2.1. The ‘Southern Region - Regional Spatial and Economic Strategy (RSES) 2020’ supports the implementation of Project Ireland 2040, as well as the economic and climate policies of the Government, by providing a long-term strategic planning and economic framework for the region. Regional policy objective (RPO) 10 supports compact growth in metropolitan areas, such as Cork. Volume 2 of the RSES provides a metropolitan area strategic plan (MASP) for Cork and other city regions, including recognition of the housing potential of brownfield sites in the city and the requirement to integrate land use and transport planning with an objective to prepare the Cork Metropolitan Area Transport Strategy.
- 6.2.2. Published in 2020, the Cork Metropolitan Area Transport Strategy (CMATS) supports the delivery of 2040 population growth targets for the Cork metropolitan area, providing an 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. A northern distributor road and bus connects route are proposed as future developments in the vicinity of the application site.

6.3. Local Planning Policy

- 6.3.1. The application site and the immediate areas to the east and west of the site have been assigned a land-use zoning ‘ZO 4 - Residential, Local Services and Institutional Uses’ within the Cork City Development Plan 2015-2021, with an objective ‘to protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3’. Section 15.10 of the Development Plan states that the provision and protection of residential uses and residential amenity is a central objective to this zoning. The lower lands on site generally fronting St. Kevin’s hospital building are assigned the zoning ‘ZO 12 – Landscape Preservation Zones’, with an objective ‘to preserve and enhance the special landscape and visual character of landscape preservation zones’.

- 6.3.2. The 'ZO 4' area of the application site and the surrounding area are also identified as being within an 'area of high landscape value'. The development would be situated along the lines of protected views that are mapped in Volume 2 and described in Volume 3 of the Development Plan. Objective 10.6 of the Development Plan seeks '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'. As noted above, Our Lady's hospital complex, including St. Kevin's hospital building, is a protected structure that is included in the RPS under reference PS260.
- 6.3.3. Objectives addressing residential developments and inclusive neighbourhoods are included within chapters 6 and 7 respectively of the Development Plan and development management standards are provided within chapter 16. The application site is located in the outer Zone 3 for the purposes of car parking standards. Other sections of the Development Plan that are of particular relevance to this application include:
- Section 5.11 - Walking and Cycling;
 - Section 9.1 – Built Heritage and Archaeology;
 - Section 12.9 – Sustainable Urban Drainage Systems.
- 6.3.4. Cork City Council has started the preparation of a new Cork City Development Plan for the period 2022 to 2028.

7.0 Statement of Consistency

- 7.1. The applicant has submitted a Statement of Consistency, as per the provisions of Section 8(1)(iv)(l) of the Act of 2016. Section 2 of the statement addresses national-level policy, encompassing the provisions of Project Ireland 2040 and the various national planning and development guidelines, including those referenced in section 6 of this report. Section 3 of the statement focuses on regional planning policy for the southern region and Cork. Consistency with Cork City Council's local planning policy is outlined in section 4 of the statement. In conclusion the statement asserts that the proposed development would be consistent with the proper planning and

sustainable development of the area and would be consistent with all relevant national, regional and local planning policies and guidelines.

7.2. The statement refers to the various documentation and drawings within the application to show adherence of the proposals to planning policy, objectives and standards, while also asserting the following:

- the subject development inherently complies with the overarching themes of the National Planning Framework, by proposing a compact well-designed sustainable form of residential development on an existing brownfield, zoned, urban site, located in close proximity to public transport services and a well-established social infrastructure that would contribute to the consolidation of Cork city;
- the proposed development seeks to counter the historical development pattern of the city, including a marked decrease in Cork city's population, thereby contributing to improved sustainability in land-use, transportation provision and infrastructure investment;
- in providing a net residential density of 63 units per hectare, the development achieves a moderately high-density residential scheme of high-quality design;
- the proposed development complies with the Urban Development and Building Heights Guidelines for Planning Authorities, as it would only include new buildings of a height less than that of the existing five storeys St. Kevin's hospital;
- respectful protection of extant heritage buildings on site has been central to the design team's approach for the former St. Kevin's hospital redevelopment;
- the careful consideration of the surrounding historical landscape, and the integration of a high degree of quality green spaces throughout the development, aims to protect and expand the green infrastructure of the city;
- the range of housing typologies presented throughout the scheme would contribute significantly to housing choice and the applicant is noted as a key agent in the progression of compact and strategic housing delivery in our cities;

- the wording within the Development Plan would suggest some flexibility in allowing for the provision of an enterprise office space in the former chapel and this use would be acceptable to the planning authority given the scale of the proposal and in the context of a wider regenerative and strategic housing development;
- where any conflict arises between Specific Planning Policy Requirements (SPPRs) of the New Apartment Guidelines and the Development Plan, the Guidelines supersede the Development Plan.

8.0 Material Contravention Statement

8.1. The applicant has submitted a Material Contravention Statement, as provided for under Section 8(1)(iv)(II) of the Act of 2016. The applicant asserts that the proposed development would materially contravene the Development Plan solely with respect to the provision of public open space. In the Material Contravention Statement the applicant sets out that the Development Plan identifies a minimum 20% requirement for the provision of public open space on 'Institutional Sites/Sites forming the setting to a Building of Significance' and that this requirement is applicable to the development of the application site. To justify the proposed provision of public open space within the development, the applicant sets out the following:

- while it is recognised that the overall site measures 5.7ha, as the site comprises a landscape preservation zone fronting St. Kevin's hospital, which is being kept free from development in line with Development Plan policy, together with areas where the topography precludes development, the overall 'developable area' of the site would be 4.2ha;
- the developable area should be used when considering the overall proportion of public open space relative to Development Plan standards;
- a total of 17% of the developable site (7,200sq.m) would be provided as useable passive and active public open space, which would be below the minimum 20% requirement and on this basis, it is considered that this shortfall in open space provision comprises a material contravention of the Development Plan;

- Table 16.2 of the Development Plan states the relevant open space requirement as 10-15% of the site area, which the proposals would comfortably meet;
- when the landscape preservation zone is taken into consideration (1.27 ha), which will be available for use as public open space, the overall provision increases to 2.59 ha or 45% of the overall landholding;
- accordingly, there are unclear or conflicting objectives in the Development Plan in respect of public open space provision.

8.2. In conclusion, the applicant asserts that the Board may grant permission for the subject strategic housing development having regard to Section 37(2) of the Planning and Development Act 2000, as amended (hereinafter ‘the Act of 2000’).

9.0 Observers’ Submissions

9.1.1. A total of 12 third-party submissions in relation to the application were received by An Bord Pleanála within the appropriate period and these were primarily from residents of the immediate area, as well as local-representative groups and local-elected representatives. The submissions were accompanied by photographs and other details relating to the subject area, as well as extracts from the application documentation. Issues raised in these submissions can be collectively summarised as follows:

Planning and Development Principles

- the development of these lands is broadly welcomed in principle, including the positive elements, such as the childcare facility and the potential for community supports to form part of the development;
- proposals need to respect the architectural heritage of the site;
- the development of the site is long overdue and much-needed, but concerns are raised regarding the absence of housing details and the proposed proportion of private tenure housing given the site history and its public ownership;

- the development represents a missed opportunity and a massive privatisation of a key public land bank with only 27 apartments out of the 266 proposed residential units to be provided as social housing;
- as public lands, a much greater percentage of the proposed housing should be allocated for social and affordable housing, with an overall 50:50 split of affordable and social housing suggested;
- overpriced housing lacking facilities have been characteristic of the Irish housing market for decades and the application appears to be continuing in this legacy;
- the application is absent of information relating to affordable housing, both in terms of percentage of overall housing and costs;
- the proposed development would not be carbon neutral, a feature that could be readily achieved via on-site micro-generation;
- the waterworks wayleave and attenuation tanks areas should not become unsecured, subject to anti-social behaviour or a danger to the public;

Traffic and Transport

- the proposals do not prioritise sustainable and active travel or reduce car dependency, and therefore they are not compliant with CMATS;
- a secondary vehicular access would be necessary;
- proposals and other permitted developments in the area would add to traffic congestion, which is problematic particularly during peak school times;
- the area has no public transport provision and the closest bus service to the site is of low frequency and does not serve the city centre. Further commitments to serving the area should be sought from transport providers;
- it is incorrect to state that the 202 bus route is 500m from the site, as in reality it is well over 1km from the site and requires a number of dangerous junctions without pedestrian crossings or traffic lights to be navigated;
- the development seems to rely heavily on cycling routes and the entire sustainable transport strategy is dependent on links for which the applicant shows no plans to deliver;

- it would be very difficult and unsafe to attempt to walk to local shops from the proposed entrance onto Shanakiel Road, especially while using a pushchair;
- the proposed entrances and junctions would be substandard and dangerous, as well as the proposed use of the existing footpath and roads, which are substandard;
- there is little planned works to genuinely improve road infrastructure to any significant degree in the area;
- the proposals should incorporate the same level of traffic-calming and pedestrian prioritisation at the junction of Beechtree Avenue and Shanakiel Road, as is envisaged for the entrance to the scheme;
- proposals should make significant improvements to the footpaths and pavements moving north from the access junction, to allow safer pedestrian use;
- proposals feature a shortfall in the supply of car parking to serve the development, including spaces for persons with impaired mobility;
- to state that the scheme allows for future pedestrian / bicycle connectivity is misleading;
- concerns for the safety of residents using existing uneven steps;
- a detailed survey of Thomas Davis Bridge should be undertaken to identify whether or not the bridge can accommodate the amount of traffic proposed;
- any improvements to roads infrastructure in the area should be incurred by the applicant and a substantial bond should be applied to ensure that the development is appropriately completed;
- cleaning, paving, fencing, LED lighting and the installation of monitored CCTV would be required along Rope Walk, in order to bring it into safe and secure pedestrian use, or alternatively, Rope Walk should be closed to prevent anti-social behaviour;

Access to Rose Hill Upper and Hyde Park

- it would appear that the applicants are requesting planning permission for a future access from the site into Rose Hill Upper and Hyde Park, without having to deal with the problems that would be caused by such an access;
- it is unacceptable for the applicant to expect the Board and the residents of Hyde Park to take a leap of faith and give consent to what is a poorly thought through future cycle and pedestrian connection;
- while there was once a gateway from St Kevin's hospital to Rose Hill Upper and Hyde Park, this was blocked up and extinguished with concrete blocks in 2004 and a right of way over Rose Hill Upper and Hyde Park from the subject development site does not exist;
- the applicant needs to provide evidence of legal standing to create an opening into Rose Hill Upper and Hyde Park;
- without demolishing a privately-owned garage, the proposed access point onto Rose Hill Upper is too wide to fit the available space;
- Rose Hill Upper and Hyde Park form a quiet, attractive and private cul-de-sac with very low traffic volumes and these streets would not provide a safe shared space for the anticipated increase in the volume of pedestrians, cyclists and vehicles, due to their narrowness and other features restricting their capacity;
- Rose Hill Upper and Hyde Park have not been taken in charge by the Council and are maintained by its residents;
- the top of Rose Hill Upper is a shared space used by residents for parking, turning, bin storage visitor parking and as a safe play area for children. A change to this space would result in loss of this amenity, nuisance and would negatively affect the lives of local residents;
- without a turning area, vehicles would have to reverse up or down Rose Hill Upper and Hyde Park to or from the junction with Sunday's Well Road, which is a busy route and features a severe blind bend;

- the Rose Hill Upper and Hyde Park cul-de-sac would offer a more direct route to the city centre than the Shanakiel Road access, while the indicated future pedestrian/cyclist access route through Atkin's Hall to Lee Road would provide a slightly longer but significantly safer route for cyclists to the city centre via a signalised junction;
- proposals would result in restricted emergency and refuse vehicle access along Rose Hill Upper and Hyde Park;
- details are required in relation to the rerouting of services, such as the existing gas main serving properties along Hyde Park;

Supporting Infrastructure

- the social infrastructure audit contains several debatable points;
- there are no schools and facilities nearby to the site, although the social infrastructure audit submitted incorrectly states that these are available within ten minutes of the site;
- the proposed crèche should be available to the wider community and detailed discussions should be held with stakeholders regarding the regulatory requirements for this facility;
- provision of retail units should have formed part of the proposals;
- there are no grocery shops, retail, library or medical services available nearby, with the nearest convenience shops 1 to 1.2km from the site and the nearest supermarket 2.6km from the site;
- there is a need for a library sub-branch or a co-working hub with high speed internet, a community centre and other shared facilities within the development, as well as more dedicated public recreation space for families;

Environment

- special consideration must be given to the existing bat and wildlife populations on site;
- proposals should feature a community-managed biodiversity garden;

Procedural and Other Matters

- the application should be invalidated as it is misleading and inadequate, as the applicant's response to the Board's Opinion was not available on the applicant's website, as the development description omits all pedestrians access locations and incorrectly refers to a proposed pedestrian or cycle route onto 'Rose Hill Upper' and not 'Hyde Park' and as insufficient site notices were displayed, including the need for notices at the Rose Hill Upper/Hyde Park proposed access point, the junction of Rose Hill Upper/Sunday's Well Road, the bottom of the steps leading to Rose Hill Upper and at the junction of Rose Hill and Lee Road;
- precedent for refusal is provided for by the Board Order under ABP-308156-20, where the Board concluded it was precluded from granting permission for a proposed strategic housing development due to deficiencies in the public notices;
- inadequate consultation with the public, including local residents;
- proposals should incorporate a memorial in memory of all those who suffered illness and those who died in St. Kevin's or Our Lady's hospitals;
- the naming of the development should be cognisant of the history of the site and should involve local consultation.

10.0 Planning Authority Submission

10.1. In accordance with the provisions set out under subsection 8(5) of the Act of 2016, the planning authority submitted the report of its Chief Executive Officer in relation to the proposal, summarising the observations received and providing planning and technical assessments of the proposed development. The planning authority's views can be summarised as follows:

Principle and Density

- the planning authority accept that the proposed development accords with the relevant land-use zoning and strategic development objectives for this central location on a prominent and derelict brownfield site;

- demolition of the buildings, including St. Dympna's hospital, the matron's/doctor's house and the mortuary, is acceptable given their poor condition;
- the proposed residential and crèche uses are supported within the 'ZO 4' zoning designation and the scale, access and layout of the crèche would be acceptable;
- the refurbishment of St. Kevin's chapel is welcomed and its change of use to an office enterprise unit is in line with objective 9.27 of the Development Plan referring to 'enabling development';
- the site is considered to be in a suburban or intermediate location served by the 201 bus route. Section 16.41 of the Development Plan outlines that minimum residential densities of 50 units per hectare apply in suburban locations along bus routes. When omitting the undevelopable land preservation zone measuring 1.5ha, the proposed development would provide for a residential density of 63 units per hectare in line with Development Plan and national planning guidelines;

Layout and Design

- it is acknowledged that there are significant constraints to developing this brownfield site, including a challenging topography, however, overall the proposed development provides for an innovative design and layout that is deemed appropriate in height, scale, massing and its relationship to the protected structure on site and the wider environment;
- the proposals would largely avoid extensive cut and fill works;
- repositioning of block U results in this no longer competing with the protected structure;
- the overall design, layout and materials are of a high quality, featuring variable new building heights between two and four storeys, and the 21 terraced blocks respond well to the site topography;
- the integrity of Shanakiel ridge would be maintained, despite proposed buildings being sited within the ridge, with the mature tree escarpment and hedgerow on the northern boundary largely maintained;

- despite three views of special amenity being directly impacted by the proposals, major impacts on these views would not arise;
- is considered that the visual and landscape impacts of the proposed development would be acceptable in terms of the 'high landscape value' designation and the proposals would make a positive contribution to the urban fabric and grain of the cityscape;
- six car parking spaces in home zone 1 and ten spaces in home zone 2 should be omitted, in order to improve overall amenities and increase usability of these zones, while having regard to the high landscape value designation;
- the play spaces are acceptable and the additional fencing to secure the boundary with the sunken reservoirs on the east side are welcomed;
- the access arrangements for the duplex units are acceptable;

Residential Development Standards

- 193 of the 220 proposed apartments in total would be dual or triple aspect (88%), which would be satisfactory;
- development standards relating to mix, minimum floor areas, floor-to-ceiling heights, internal storage and private amenity space are all considered to be acceptable;
- blocks U, T and S do not require lifts as they would be accessed via a single flight of stairs;
- planters are used as defensible space at street level to the duplex units and these should be permanent fixtures and a landscape strip is required for privacy reasons along the overhead railings fronting duplex type B;
- the majority of the 60 apartments in St. Kevin's hospital do not have private open space, although the rear apartments would feature balconies and terraces. However, as this is a vacant protected structure and would feature substantive floor areas and aspect over the river valley, this is considered acceptable;
- the provision of 17% open space based on the developable site area would be acceptable given the amount of open space proposed around the

protected structure, the quality of space, overlooking provided, incorporation of SUDS, the landscape preservation zone, and it is noted that a reduction in car parking could increase this overall public open space provision to 20%;

- the Board may wish to consider the need for updated daylight analysis to be undertaken in respect of a significant number of bedrooms in the three-storey duplex blocks E, F, H and R to be served by light wells and the provision of additional glazing would better serve bedroom 1 in this unit type. The removal of the dedicated bin stores and provision of communal bin stores would enable this;
- bedroom 2 windows to the third-floor apartments in blocks S, T and U may need to be widened or relocated to provide adequate daylighting;
- for the purposes of visual aesthetics, ease of access, improved residential amenities, all refuse storage for the apartments and duplexes should be in communal facilities. A revised waste management plan should be provided;
- rear private garden areas for 22 of the house units are under the minimum requirements of the Development Plan (48sq.m) and as the development would feature new build units on a substantial site, it cannot rely on the reduced standards for small infill sites in the city centre and inner-urban areas, as provided in section 16.64 of the Development Plan;
- attachment of conditions restricting exempted development rights to extend the proposed houses would not be appropriate, as they are constricted by design and not context;
- conditions can be attached to require windows to be added serving first-floor bathrooms onto gable walls, which would address mechanical ventilation and surveillance;
- the rear building line of houses M:01 and O:01 should be realigned with the adjoining houses, which would increase separation between these houses;
- while not featuring a house unit, the 27 proposed Part V units and their locations within the development relative to the 10% requirement and phasing plans would be acceptable;

Architectural Heritage

- the modifications required to the front of St. Kevin's hospital building would be limited, largely involving refurbishment and reroofing;
- the development proposals have been redesigned to reflect modifications required during the opinion and consultation phases with a revised positioned, orientation, roof type and reduced unit provision for block U, providing for a more sympathetic relationship with St. Kevin's hospital building;
- pitched roofs have been provided to blocks U, T and S and the appearance of blocks T and U have been revised to feature different materials and proportions to respect the aesthetics of St. Kevin's hospital building;
- the initial proposal to only retain the central archway to the link corridor as a landscape feature, is now revised to provide for the historic footprint of the link corridor also becoming a landscape feature, approximately 1m in height and providing seating areas along this route with the central archway restored in full;

Traffic and Parking

- existing and future public transport services for this area are noted, however, the lack of connectivity and dendritic network would place significant limitation on use of sustainable transport modes;
- the provision of pedestrian and cycle routes are noted and have been addressed as far as practical, and the applicant should engage with the respective third-party owners to enable these future connections;
- measures may be required to be implemented via condition, in order address connectivity issues, enhance the main access route and upgrade the main access junction for pedestrians and cyclists;
- cycle parking, connectivity and permeability within the scheme would be suitable;
- the Traffic section of the planning authority indicate that the Traffic and Transport Assessment submitted by the applicant is incomplete and it is recommended that this should be revised with clarified comparative trip rate

data to adequately describe and model the impact of the development on the existing and +5 year traffic scenarios, in particular the Sunday's Well Road / Lee Road bridge junction. In this context the Board may consider requesting further information from the applicant;

- to address the 3% shortfall of public open space and if the overall open space subsequently falls short of the 20% requirement, it is preferable for further parking to be omitted by way of condition;
- at least 16 parking spaces should be omitted by way of condition, in order to increase the public open space available to residents at the home zones and the Traffic section of the planning authority seeks a further reduction of 41 car-parking spaces. The four car club spaces should not be additional to the proposed communal parking;
- the use of the crèche and enterprise office car parking spaces outside of work times requires clarification and these spaces should not be dedicated to specific residential units;
- a road safety audit should be undertaken to identify any safety concerns with the proposed entrance and roadworks, and a complete mobility management plan with targets should be submitted;
- special contributions should be provided to facilitate the junction works outside the entrance, as well as alternative walking routes towards the city centre;

Environment and Services

- the loss of 82 trees appears excessive, but acceptable given their condition and the proposed woodland planting;
- demolition of the retaining wall to the south, including removal of ivy, should be overseen by an ecologist;
- trees should not be felled during bird nesting season or in winter, given their potential to serve as bat roosts;

- the potential for works to be undertaken alongside the Irish Water project is noted and evidence of capacity to connect to foul and stormwater drainage has been provided;
- mitigation measures to address impacts on bats are proposed and these should be implemented in full, as well as a derogation licence;
- treatment of invasive species should be implemented in full;

Building Regulations

- the internal Chief Fire Officer's report (Appendix B) has raised concerns with respect to the proposals for the 60 apartments and a crèche in St. Kevin's hospital building, stating that they do not currently meet the minimum fire safety principles or design for a single stair building, given that the travel distance in each wing exceeds the maximum travel distance allowed for a single stair building served with sprinklers with an excessively large margin;
- St. Kevin's hospital building should be redesigned to provide alternative escape stairs to meet the maximum travel distances, as outlined in the Technical Guidance Document band, to ensure adequate ventilation is provided in all required areas. Furthermore, all buildings with open plan layouts must be provided with sprinkler systems, irrespective of the common corridor and stairs configurations;
- building regulations are covered under a separate code, and therefore outside the remit of this report from a planning perspective. However, given the concerns raised above, the Board may consider attaching a condition requiring that layouts be revised to reflect the additional staircases that are likely to be required;

Other Matters

- the public lighting designs are insufficient;
- an archaeologist shall be engaged for assessment purposes prior to the commencement of the development;
- an updated construction management plan should be submitted when the main contractor is agreed;

- given the construction timeframe over 18 months and the use of the protected structure for the childcare facility, it would be overly onerous to require this facility to be provided prior to occupation of 75 units;
- the planning authority had to rely on the applicant's website to view some of the drawings, which were omitted from the hard copy of the application;

Conclusion, Recommendation and Statement

- in principle, the planning authority supports the development of the site. The planning authority is of the general opinion that the proposed strategic housing development would broadly be consistent with the relevant objectives of the Cork City Development Plan 2015-2021, as well as the ambitions set out in the NPF and Rebuilding Ireland;
- the proposed development of this central and brownfield site would be in keeping with the NPF aim of achieving compact growth. The development of much-needed housing and associated amenity spaces would also be positive on this prominent and vacant site;
- the constraints of the site in relation to topography have been well considered with innovative design solutions and conditions have been recommended, where appropriate, to address shortfalls in private open space and a reduction in car parking provision. In this context the development is broadly consistent with the Development Plan provisions;
- the provision of additional access points would be desirable from a permeability perspective, as set out in the Urban Roads and Street Design Section report and it is acknowledged that the applicant has provided potential opportunities for further pedestrian and cycle access in the future with routes up to the boundary lines;
- gaps in the Traffic and Transport Assessment are noted above and the Board may consider affording the applicant an opportunity to submit further information to address same;
- in the event of a grant of permission for the proposed development, the planning authority recommend the attachment of 92 conditions, including those referenced above and the following conditions of note:

Condition 4 – submission of revised drawings to show 48 to 60sq.m rear gardens for the 46 houses and revised building lines to houses M:01 and O:01;

Condition 6 – communal waste facilities to be provided for all apartments;

Condition 33 – road markings and signage details to be provided for the surrounding roads;

Condition 75 – 180 car parking spaces in total with 5% spaces for persons with impaired mobility, 10% featuring electric-vehicle charging and electric-vehicle ducting throughout;

Condition 87 – special section 48(2)(c) development contributions apply;

Condition 88 – submit a quality audit for the development;

Condition 89 – all estate roads should be a maximum of 5.5m;

Condition 92 – engagement of a registered conservation architect.

10.2. Inter-Department Reports

- Community, Culture and Placemaking – objects to development due to concerns regarding connectivity, permeability, and legibility through the site, achievement of DMURS core principles and the creation of a car-centric development. Conditions are also recommended;
- Parks, Landscape and Cemetery Division - no objections;
- Traffic Regulation and Safety - concerns raised regarding traffic and transport assessment, road safety audit and pedestrian / cyclist connectivity with conditions recommended;
- City Architect - the high quality of architecture and urban design is acknowledged and a condition is recommended regarding reduced parking in home zones;
- Conservation Officer - no objection subject to conditions;
- Heritage Officer - conditions recommended;
- Housing Directorate - no objection, subject to conditions;

- Environmental Management Division - conditions recommended;
- Planning Policy Section - no objections, subject to conditions;
- Archaeologist - no objections, subject to conditions;
- Operations Directorate (Drainage) – conditions recommended;
- Water Services - conditions recommended;
- Chief Fire Officer - requests the applicant meet the Fire Department regarding reservations with the layout of the St. Kevin’s hospital building.

10.3. Elected Members

10.3.1. The proposed development was presented to Elected Members from the local authority on the 27th day of January, 2021. In accordance with subsection 5(a)(iii) of the Act of 2016, the comments of the Elected Members at that meeting have been outlined within the planning authority’s submission and these can be summarised as follows:

- increased traffic volumes, including the additional permitted housing in the neighbouring Good Shepherd convent development, would raise concerns for local residents who are already reliant on existing inadequate road infrastructure and public transport services;
- designs are impressive and the maintaining of the historic façade to the main building is welcome;
- access to the site is constrained and the proposed development would be served by a single vehicular access with a poor level of permeability;
- history of the site needs to be considered and car parking is a concern;
- the proportion of social housing on public lands is concerning;
- various queries were raised, including those relating to the proposed boundary along Beechtree Avenue, the definition and cost of ‘affordable’ homes and whether a compulsory purchase order had been considered for the private road at Rose Hill Upper.

11.0 Prescribed Bodies

11.1. The following comments were received from prescribed bodies:

National Transport Authority

- under CMATS, BusConnects routes are being considered in the vicinity of the site, therefore, the site would benefit from improved bus services. The site is also located in the vicinity of indicative primary and secondary cycle routes;
- the achievement of walking and cycling CMATS objectives would be challenging based on the existing road network, topography and local connectivity / permeability;
- route options for a northern distributor road to be delivered in the short to medium term are being undertaken and the proposed development is located in an area that would complement CMATS objectives.

The Heritage Council

- the principle of reusing a landmark protected structure is supported and consideration should be given to the potential for burial sites, the recording of the works, provision of an interpretative resource outlining the built heritage of the site on completion and the assessment of the proposals using the Transport Infrastructure Ireland document 'Landscape Character Assessment and Landscape and Visual Assessment of Specified Infrastructure Projects – Overarching Technical Document' (2020).

Irish Water

- the applicant was issued with a confirmation of feasibility in respect of the connection(s) to the Irish Water network(s) for the preliminary residential development;
- details with respect to the Shanakiel rising and distributor mains project and the need to incorporate SUDS are outlined, as well as the need to consider the critical drinking water trunk mains on site and the combined wastewater and storm sewer running through the site, including the separation distances required from same;

- the applicant has engaged with Irish Water in respect of the design proposal, for which they have been issued a Statement of Design Acceptance for the development, subject to conditions, addressing connection agreements, compliance with standards, codes and practices, further details should proposals involve building over or diverting existing Irish Water infrastructures and SUDS to address local authority stormwater requirements.

11.2. The applicant states that they notified Transport Infrastructure Ireland, An Taisce, Cork City Childcare Committee and the Minister for Culture, Heritage and the Gaeltacht of the application. An Bord Pleanála did not receive a response from these bodies within the prescribed period.

12.0 Oral Hearing

12.1. The submission received from Thomas Gould and others has requested that an oral hearing be held in respect of this application. I note that Section 18 of the Act of 2016 provides that, before deciding if an oral hearing for a strategic housing development application should be held, the Board shall:

- (i) have regard to the exceptional circumstances requiring the urgent delivery of housing as set out in the Action Plan for Housing and Homelessness, and;
- (ii) only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.

12.2. Having regard to the circumstances of this case, to the issues raised in the observations received by the Board, and the assessments set out in sections 13 and 14 below, I consider that there is sufficient information available on the file to reach a conclusion on all matters arising. I do not consider therefore that there is a compelling case for the holding of an oral hearing in this instance.

13.0 Screening

13.1. Environmental Impact Assessment

13.1.1. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within an EIA screening statement and I have had regard to same in this screening

assessment. This report contained information to be provided in line with Schedule 7A of the Planning and Development Regulations 2001-2020 (hereinafter ‘the Regulations’). The EIA screening submitted by the applicant, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. Where an application is made for sub-threshold development and Schedule 7A information is submitted by the applicant, the Board must carry out a screening determination, therefore, it cannot screen out the need for EIA at preliminary examination.

13.1.2. This proposed development, is of a class of development included in Schedule 5 to the Regulations. Class (10)(b) of Schedule 5 to Part 2 of the Regulations provides that mandatory EIA is required for the following classes of development:

- (i) construction of more than 500 dwelling units,
- (iv) urban development which would involve an area greater than 2 ha in the case of a business district*, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

*a ‘business district’ means a district within a city or town in which the predominant land use is retail or commercial use.

13.1.3. The development would provide for the demolition of buildings and the construction of 206 dwelling units, as well as change of use of a former hospital building to 60 apartments and a crèche and a change of use of a chapel to an office enterprise unit, all on a site in a built-up urban area with a gross site area of 5.7 hectares. Having regard to classes 10(b)(i) and 10(b)(iv) of Schedule 5 to Part 2 of the Regulations, the proposed development is therefore sub-threshold in terms of the mandatory submission of an EIA.

13.1.4. I have completed a EIA screening assessment of the proposed development with respect to all relevant considerations, as set out in Appendix A to this report, and I recommend to the Board that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an EIA report would not therefore be required having regard to the following main reasons and considerations:

- the nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i) and 10(b)(iv) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2020,
- the location of the residential, childcare and office enterprise unit development on lands zoned 'ZO 4' for residential, local services and institutional uses within the Cork City Development Plan 2015-2021, and the results of the Strategic Environmental Assessment of this Plan;
- the existing development and history of the site;
- the pattern of development in the surrounding area;
- the availability of mains water and wastewater services to serve the proposed development;
- the location of the development outside of any sensitive location specified in Article 299(C)(1)(v) of the Planning and Development Regulations 2001-2020;
- 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);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001-2020, and;
- the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Outline Construction Environmental Management Plan and the Ecological Impact Statement.

13.1.5. 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 EIA report would not therefore be required.

13.2. **Appropriate Assessment**

Stage 1 Screening - Introduction

13.2.1. A Screening Report for Appropriate Assessment (AA) and an Ecological Impact Assessment were submitted with this application. I have had regard to the contents

of these reports as part of my assessment below. The applicant's Screening Report for AA concludes that the strategic housing development, either individually or in combination with other plans or projects, would not be likely to have any significant effect on any European sites and mitigation measures were not relied upon in arriving at this conclusion.

Receiving Environment & Proposals

- 13.2.2. The site drains towards the river Lee, which is situated approximately 85m to the south of the site and drains into Cork harbour 5km east of the site. Natural surface water drainage channels have not been identified on the subject site. The site primarily comprises modified habitats, including buildings and artificial surfaces (habitat category BL3), dry meadow (GS2), stone walls (BL1), recolonising bare ground (ED3) and a small area of broadleaf woodland (WD1). Invasive species including Japanese knotweed, three-cornered garlic and Spanish bluebell have been identified on site.
- 13.2.3. A description of the proposed strategic housing development is provided in section 3 of this report and expanded upon within the application documentation. The development would connect to mains water and sewerage services. The surface water arising on site would drain towards attenuation tanks on the southern side of the site, prior to discharge after passing through a fuel interceptor into the existing stormwater sewer network to the west of the site in the adjoining Atkin's Hall apartment complex. This stormwater sewer appears to discharge to the River Lee based on figure 2.1 of the Civil Engineering Infrastructure Report. Foul effluent from the development would be treated at the treatment plant at Carrigrennan, Little Island, which discharges treated effluent at Lough Mahon.

Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of the likely significant effects on European sites:

- discharge of silt laden / polluted waters from the site during construction works;
- habitat disturbance / species disturbance (construction and / or operational);
- operational surface water and wastewater emissions;

- spread of invasive species.

European Sites

13.2.4. The nearest European sites, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA), which could potentially be affected by the proposed development, are listed in table 5 below.

Table 5. Neighbouring European Sites

Site Code	Site Name	Distance	Direction
004030	Cork Harbour SPA	5.1km	east
001058	Great Island Channel SAC	11.4km	east

13.2.5. I have had regard to the potential zone of influence, as identified in the submitted AA Screening Report, which identifies an indirect linkage from the site via Little Island wastewater treatment plant to Cork Harbour SPA and Great Island Channel SAC. Based on the source-pathway-receptor model, I am satisfied that other European sites not listed in table 5 can be 'screened out' on the basis that significant impacts on the conservation objectives of these European sites could be ruled out, either as a result of the separation distance from the subject site, the extent of marine waters or given the absence of any direct hydrological or other pathway to the subject site. Accordingly and in line with the AA Screening Report, I am satisfied that the two sites, as identified above, are those sites that are within the zone of influence of the project.

Table 6. Qualifying Interest Features of Cork Harbour SPA [Site Code: 004030]

Conservation Objectives	
1. 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;	
2. 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:	Golden Plover,
Little Grebe,	Grey Plover,
Great Crested Grebe,	Lapwing,
Cormorant,	Dunlin,
Grey Heron,	Black-tailed Godwit,
Shelduck,	Bar-tailed Godwit,
Wigeon,	Curlew, Redshank,
Teal,	Black-headed Gull,
Pintail,	Common Gull,
Shoveler,	Lesser Black-backed Gull,
Red-breasted Merganser,	Common Tern,
Oystercatcher,	Wetland and Waterbirds.

13.2.6. The NPWS Conservation Objectives support document identifies factors that can adversely affect the achievement of conservation objective 1, including:

- habitat modification: activities that modify discrete areas or the overall habitat(s) in terms of how listed species use the site, that could result in the displacement from the SPA and/or a reduction in their numbers;
- disturbance: anthropogenic disturbance in or near the site that could result in the displacement of listed species from the SPA, and/or a reduction in numbers;
- ex-situ factors: listed waterbird species may at times use habitats situated within the immediate hinterland or areas outside of the SPA but ecologically connected to it. Significant habitat change or increased levels of disturbance

within these areas could result in the displacement of listed waterbird species from areas within the SPA, and/or a reduction in their numbers.

- 13.2.7. The maintenance of the 'quality' of wetland habitat lies outside the scope of conservation objective 2. However, the scope of conservation objective 1 covers the need to maintain, or improve where appropriate, the different properties of the wetland habitats contained within the SPA.

Table 7. Qualifying Interest Features of Great Island Channel SAC [Site Code: 000210]

Conservation Objective

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

- 13.2.8. The NPWS Conservation Objectives Supporting Document identifies the main threats to its conservation significance come from road works, infilling, sewage outflows and marina development.

Test of Likely Significant Effects

- 13.2.9. The proposed development is examined in relation to any possible interaction with European sites to assess whether it may give rise to significant effects on the stated European sites in view of the conservation objectives of these sites. Specific conservation objectives have been set for each of these European sites, as listed above in tables 6 and 7, which largely relate to maintaining the favourable conservation condition of water-dependent habitats and species, including coastal and inter-tidal habitats, as well as migratory wintering birds. Having regard to the conservation objectives of the SAC and SPA, factors potentially impacting on the sites arising from the proposed development are identified as:

- habitat loss or modification;
- spread of invasive species;
- disturbance or displacement of qualifying species;
- ex-situ impacts.

Habitat Loss or Modification

- 13.2.10. The project is not directly connected to or necessary to the management of any European site and the proposed development would not result in the direct loss or modification of habitats within any European sites. Any emissions to air during construction would be short-term in nature and having regard to separation from European sites, no effects on the integrity of the sites are considered likely. With regard to construction phase activities, having regard to separation from European sites and the lack of direct hydrological connections thereto, significant impacts are not considered likely on European sites. Furthermore, I am satisfied that the measures identified in the application, including the Outline Construction Environmental Management Plan and the Outline Construction Management Plan, are not specifically designed to avoid or reduce potential effects of the development on European Sites.
- 13.2.11. As the development would connect into a stormwater sewer that evidently discharges to the River Lee, there would be an indirect pathway from the application site to downstream European sites. Furthermore, the discharge of wastewater to the municipal wastewater treatment plant at Little Island provides a pathway for potential impacts to the downstream European sites.
- 13.2.12. Little Island treatment plant has a population equivalent capacity for 413,200 persons and is subject to licensing from the EPA, a process that is itself subject to AA. I note that Irish Water have indicated that capacity for the proposed development to connect to mains services is available and the scale of the development is not considered to be significant in the context of the available capacity. The 2019 annual environmental report for Little Island treatment plant indicated that there was overall compliance with the licence emission limit values (ELVs), albeit with the exception of ELV's for total phosphorus and nitrogen. Measures to address phosphorus levels were to be completed by August 2020. It is further reported that discharge from the wastewater treatment plant did not have an observable impact on water quality or on Water Framework Directive status of receiving waters. In terms of pollution arising from wastewater discharge, having regard to the available treatment capacity, it is considered that the additional loading to the Little Island wastewater treatment plant arising from the proposed development is not likely to give rise to significant indirect impacts on these European Sites.

13.2.13. SUDS and pollution prevention features, such as fuel interceptors have not been specifically introduced or tailored to avoid or reduce an effect on any European site, as they are standard requirements in developing sites such as this. Based on the application details, any potential pollutants or sediment arising from surface waters on site draining into the neighbouring stormwater network and any subsequent entry into the surrounding surface water network draining into Cork harbour, would not be significant to impact on water quality within the River Lee and would be further diluted by the point of discharge into Cork harbour, given the distance involved and the volume of water relative to the volume of potential pollutants/sediment. Therefore, potential surface waters arising from the proposed development would not be likely to give rise to significant indirect impacts on the two downstream coastal sites listed above.

Spread of Invasive Species

13.2.14. The invasive species Japanese knotweed, Spanish bluebell and three-cornered garlic (leek) have been identified on the site. These species are listed on the Third Schedule of the 2011 European Communities (Birds and Natural Habitats) Regulations and is a species which it is an offense to disperse, spread or otherwise cause to grow in any place. Soils and other material containing knotweed are also identified in the regulations as vector materials, subject to the same strict legal controls. Failure to comply with the legal requirements set down can result in either civil or criminal prosecution. I note the conclusions of the submitted AA Screening Report with regard to the potential spread of invasive species from the site, which are considered to be reasonable. The remediation of the site / eradication of identified infestations, in line with the recommendations of the Invasive Alien Plant Species: Site Assessment Report and Management Plan, is a mandatory requirement irrespective of proximity to any European Site, and is not therefore regarded as a mitigation measure.

Disturbance or Displacement of qualifying interests species

13.2.15. Great Island Channel SAC is designated for habitats rather than fauna and no disturbance or displacement impacts are therefore considered relevant. Given the distance across extensive urban lands from Cork Harbour SPA and the existing

levels of background noise and activity within the intervening urban area, the development would not lead to disturbance effects on birds within the SPA.

Ex-situ Impacts

13.2.16. Based on ecological surveying, including breeding bird surveys carried out for the project, the application site does not support habitats of ex-situ ecological value for the relevant qualifying interests within the zone of influence, including roosting or foraging bird species listed as qualifying interests for Cork Harbour SPA.

In Combination or Cumulative Effects

13.2.17. This project is taking place within the context of greater levels of building development and associated increases in residential density in the Cork area. This can act in a cumulative manner through increased wastewater volumes to the Little Island wastewater treatment plant, which is noted to feature capacity for residential development. Development in the Cork city centre area is catered for through land-use planning under the terms of the Cork City Development Plan 2015-2021. A Stage One AA Screening was carried out in respect of the Cork City Development Plan 2015-2021. It concluded that a Stage Two AA of the Development Plan was not required and the implementation of the Plan would not result in significant adverse effects on the integrity of any European sites. Permission has been granted for the demolition of a former hostel building on site and works to a water services pipe on site (CCC ref. 18/37965), a development that was subject to AA by the planning authority who stated that it would not affect the integrity of Cork Harbour SPA and Great Island Channel SAC. Having regard to this context, the nature of the proposed and permitted development and the separation distances arising to European sites, it is not considered likely that the development would act in combination with other projects to give rise to significant effects on these European Sites.

Stage 1 AA Screening - Conclusion

13.2.18. 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, either individually or in combination with other plans or projects, would not be likely to have a significant effect on Cork Harbour SPA (Site Code: 004030) and Great Island Channel SAC (Site Code: 001058), or any other European sites,

having regard to the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement is not therefore required.

13.2.19. In reaching this conclusion, I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

14.0 Assessment

14.1. Introduction

14.1.1. Having regard to the documentation on file, including, the applicant's documentation, the report of the planning authority, the observers' and prescribed bodies submissions, the planning and environmental context for the site and my visit to the site and its environs, I am satisfied that the planning issues arising from this proposed development can be addressed and assessed under the following headings -

- Development Principles;
- Urban Design and Visual Impact;
- Residential Amenities and Standards;
- Material Contravention;
- Traffic and Transportation;
- Cultural Heritage;
- Impacts on Residential Amenities;
- Ecology;
- Services and Flood Risk;
- Other Matters.

14.2. Development Principles

Land-Use Zoning Objectives

- 14.2.1. The application site and the immediate areas to the east and west have been assigned a land-use zoning 'ZO 4 - Residential, Local Services and Institutional Uses' within the Development Plan, with an objective 'to protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3'. Residential uses are acceptable in principle within this zoning objective.
- 14.2.2. The lower lands on site fronting St. Kevin's hospital building and along the southern boundaries of the site are assigned the zoning 'ZO 12 – Landscape Preservation Zones', with an objective 'to preserve and enhance the special landscape and visual character of landscape preservation zones'. Works to provide public open space are only proposed in this area, in compliance with the 'ZO 12' zoning objectives. Section 14.3 below addresses the visual impacts of the proposed development within this landscape, as well as the impacts on protected views.
- 14.2.3. As part of the development, the applicant has proposed a change of use of St. Kevin's chapel on the western boundary of the site into an office enterprise unit comprising 600sq.m of open-plan offices and meeting rooms. The potential end-users of the office-enterprise unit have not been specified, but it would appear that they would be aimed at the commercial market, as opposed to residents of the scheme. This building is included in the NIAH (ref. 20865011) and, therefore, is of historical architectural merit. Section 15.10 of the Development Plan provides details of the type of uses that would be permitted, open for consideration and not generally permitted on lands with a zoning objective 'ZO 4'. The employment policies in chapter 3 of the Development Plan designate particular locations for offices, office-based industry, major retailing development and these uses are not generally permitted in zone 'ZO 4'. In relation to a change of use that does not conform with zoning objectives for an area, the Development Plan states that such uses will be considered on their merits and having regard to the impact on the surrounding environment. The planning authority assert that this office enterprise use is justified by virtue of the terms set out in objective 9.27 of the Development Plan referring to 'enabling development', which states that notwithstanding the zoning objectives of an

area, consideration will be given to the restoration of a protected structure or a building of architectural merit to conservation best practice standards. I address the impacts of the development on the setting and architectural heritage of this building under section 14.7 below, which highlights that the development would be undertaken to conservation best practice standards. While the proposed office enterprise unit would generally not normally be permitted on 'ZO 4' zoned lands, I am satisfied that in restoring a building of architectural merit to a modest scale, objective 9.27 would provide for the change of use in these particular circumstances and without materially contravening land-use zoning objectives of the Development Plan.

14.2.4. Small-scale local services are open for consideration on 'ZO 4' zoned lands. Based on statutory planning provisions I am satisfied that the proposed childcare facility within St. Kevin's hospital building, with a floor area of 440sq.m, would be of a small-scale and would be an acceptable use on this site, as well as a necessary support service for residents, as expanded on below.

14.2.5. Having regard to the nature and scale of development proposed, comprising an application for 266 residential units, as well as an office enterprise unit and a childcare facility representing 4% of the overall floor area for the development, located on lands within zoning objective ZO 4 and proposed public open space on lands zoned ZO 12, I am of the opinion that the proposed development falls within the definition of a Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and is acceptable in principle.

Core Strategy

14.2.6. The Cork City Development Plan 2015-2021 is the current statutory plan for the subject area. Goal 1 of the Development Plan states that it is policy to meet population growth targets for the city by concentrating development, as well as creating a compact and sustainable city. The Shanakiel area would fall into the 'rest of city' area within the housing land and supply tables in the Development Plan. Table 2.3 of the Development Plan sets out the total housing capacity to be accommodated in selected areas of the city, including the 'rest of city' area, and the projected population for each area. For the 'rest of city' area, a residential capacity

of 3,114 units on 74 hectares of zoned lands is set out. The planning authority note that development of the subject zoned lands would provide for compact growth of the city, as supported in the RSES for the Southern Region and the NPF, while several of the third-party observations welcome the intention to reuse the subject site, albeit subject to a range of issues, as highlighted and addressed throughout the assessment below. There is no evidence from the planning authority or from other parties that the proposed development would result in a breach of the core strategy population and I am satisfied that the proposal does not provide for a material contravention of the Council's core strategy.

Density

- 14.2.7. The proposed net residential density for the development would be 63 units per hectare. While the proposed density would be greater than that of the immediate established residential areas, the proposals would appear moderate when considering the total size of the site, the urban context, including proximity to existing services, and contemporary planning policy.
- 14.2.8. Planning policy at national, regional and local level seeks to encourage higher densities in appropriate locations. The NPF seeks to deliver on compact urban growth and objectives 27, 33 and 35 of this framework seek to prioritise the provision of new homes at locations that can support sustainable development, while seeking to increase densities in settlements through a range of measures. Based on criteria set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), I am satisfied that the site can be considered to fall into the 'Public Transport Corridor' category, given its location a minimum of 160m to 200m to the west of bus stops along Shanakiel Road. The Guidelines promote minimum net densities of 50 dwellings per hectare within 500m walking distance of a bus stop, although the appropriate densities should also consider the capacity of public transport and proximity to bus stops. I recognise the stop along Shanakiel Road is not served by high frequency bus services, however, such services are available marginally outside a 500m walking distance.
- 14.2.9. The Cork Development Plan states that along bus routes, which this site is, densities should be a minimum density of 50 dwellings per hectare, subject to constraints imposed by the character of the surrounding area. As discussed further in this

report, the potential to provide for substantial additional densities on site are limited by the site constraints, including architectural heritage, steep topography and protected views.

14.2.10. In conclusion, I am satisfied that the proposed density for the application site complies with Development Plan and Government policy seeking to increase densities and thereby deliver compact urban growth. Certain criteria and safeguards must be met to ensure a high standard of design and I address these issues below.

Housing Tenure

14.2.11. While the supply of new housing is welcomed by some parties, it is also asserted that more detail is required with respect to the cost and tenure of the proposed housing, including assertions that a much higher proportion of social and affordable housing should be provided, particularly given that the application site uses state-owned lands. An overall 50:50 split of affordable and social housing is also supported by some observers.

14.2.12. Given the number of units proposed and the size of the site, the applicant is required to comply with the provisions of Part V of the Act of 2000, which aims ensure an adequate supply of housing for all sectors of the existing and future population. Part V Guidelines require a planning application to be accompanied by detailed proposals in order to comply with Part V housing requirements and the Housing Department should be notified of the application. Section 6.8 of the Development Plan addresses the supply of social housing in the city, noting that affordable housing is no longer required as part of the Part V provision. Following variation no.2 of the Development Plan, objective 6.3 was revised downwards to require 10% of units on all residential zoned land to be reserved for the purpose of social housing and specialised housing needs, albeit with each application to be considered on an individual basis subject to prior agreement of the Local Authority. Under section 94 of the Act of 2000, local authority housing strategies should require no more than 10% of the land zoned for residential use to be reserved for Part V housing.

14.2.13. The applicant has set out that the owner of the site is the Health Service Executive, and they have also provided details of the locations and typology of housing units that would be provided in fulfilling Part V obligations for the development. A total of 27 units, equalling 10% of the overall units, are proposed to be reserved in fulfilling

the Part V obligations, and this would be achieved in a mix of two, three and four-bedroom duplex units, spread out throughout the development, as identified on a housing layout drawing (no.P19-194C-RAU-00-ZZ-DR-A-31209 P01). The applicant has submitted correspondence from the Housing Directorate of Cork County Council, stating that an agreement in principle has been reached for the applicant to provide the housing on site. Cost plan summaries for the Part V housing are also appended to the application form submitted. The planning authority does not object to the proposed means of fulfilling the Part V obligations, subject to a standard condition requiring the developer to enter into agreement, which would be necessary and reasonable.

14.2.14. In conclusion, I am satisfied that the details provided accord with the requirements set out within the Part V Guidelines, the proposed Part V provision is in accordance with statutory requirements and the overall social housing provision would help to provide a supply of housing for all sectors of the existing and future population, as well as facilitate the development of a strong, vibrant and mixed-tenure community in this location.

14.3. **Urban Design and Visual Impact**

Layout

14.3.1. The Development Plan requires the layouts of buildings and spaces to be permeable, pleasant, legible and safe. The applicant has provided a variety of material to rationalise the designs, including a 'Design Statement' and a 'Landscape Architecture and Public Realm Design Report'. The layout for the proposed development would appear to be largely dictated by the steep and stepped site topography, the necessity to maintain and respect buildings of architectural heritage on site, protected views and landscapes, including the landscape preservation zone along the southern boundary, the existing internal roads layout, including the single vehicular access, legal constraints, including underground water service networks running through the site, and the desire to sustainably redevelop site in a manner compliant with planning policy. The applicant has set out various development options and layouts considered at the initial design stage of the project and the primary issues that shaped the subject development. The applicant's rationale for progressing the subject proposals over other options was primarily based on viability,

densities, urban design and housing typologies. The applicant's five phases for the construction of the development, as illustrated on the phasing plan layout drawing (no. the 19305-BMD-ZZ-XX-DR-C-1050 PL4), provides a rational approach in developing the site, which can be further controlled via measures to be included within a construction management plan, as a condition in the event of a permission.

- 14.3.2. The neighbourhood character areas would be defined primarily by terraced buildings fronting onto shared home zones, walkways, open space and local streets. An innovative use of unit typologies has been proposed to address the topography of the site and I consider the design and amenity of these units in section 14.4 below. The orientation of the proposed buildings follows the established pattern on site and in the neighbouring areas, harnessing the southerly aspect over the Lee valley. The landscape and public realm strategy has been guided by these differing character areas, and the layout of the streets has allowed for segregation of pedestrian routes through the site, while also catering for four potential future connection pedestrian and cycle routes to neighbouring lands. The alignment of the primary street serving the development has been largely guided by the existing road layout with secondary streets forming accessible home zones and local streets branching off this. Technical design standards with regards to these streets are addressed in section 14.6. The layout of the proposed new buildings relative to the St. Kevin's hospital building and St. Kevin's chapel would appear to be guided by the sensitivity of these structures to development and this matter is addressed in more detailed under section 14.7 below. The development has also retained the link corridor and central archway as integral landscape features.
- 14.3.3. Appendix A of the applicant's Design Statement sets out how the detailed design of the scheme meets the principles of the Urban Design Manual. I am satisfied that the layout and the design of the scheme would provide a logical, practical and legible approach in developing the site from an urban design perspective, particularly considering the primary site development constraints, in accordance with the principles set out in the Development Plan, the Urban Design Manual and the NPF. An assessment of the layout proposals with respect to DMURS is undertaken in section 14.6 of this report.

Open Space

14.3.4. The hierarchy and function of the various open spaces to serve the development and the public are illustrated as part of the applicant's landscape proposals contained in the Landscape Architecture and Public Realm Report. This reveals that the open spaces and amenity areas of varying function and aimed at differing end-users would be distributed throughout the development along the pedestrian network, including the green spine running through the site. The spaces would be overlooked by residential buildings, including dual frontage apartments and houses on corner sites. Three public open spaces are proposed within the scheme, including a primary open space to the south forming a parkland landscape, and two secondary open spaces, comprising a woodland area on the Beechtree Avenue northern boundary and a meadow landscape along the eastern boundary with the reservoir. The Sunlight and Daylight Access Analysis submitted by the applicant calculated that the proposed multi-use games area (MUGA) to the east of St. Kevin's hospital building would receive sufficient sunlight. The applicant's analysis indicated that 88% of the amenity area would meet or exceed the minimum recommended standard of two hours of sunlight on the 21st day of March. While the three larger public open spaces within the development were not tested, given their position and area relative to proposed and existing buildings, based on the assessment submitted and having regard to the referenced, I am satisfied that the proposed amenity areas would at least meet and most likely exceed the sunlight standards. I am satisfied that the open space proposals would provide a reasonable level of amenity for future residents and provide suitable urban design response in landscaping this challenging site. I address the acceptability of the overall quantum of open space proposed relative to Development Plan provisions under the heading 'Material Contravention' below (see section 14.5).

Public Lighting

14.3.5. An outdoor public lighting plan, including drawings, has been provided identifying the proposed provision of lighting throughout the site, the detail of which appears to correlate with bat protection measures set out in the applicant's bat assessment report and transposed into the landscape plan. The planning authority are not satisfied with the detail of the public lighting proposals and they have requested the attachment of condition to address same, which would appear reasonable.

Building Heights and Scale

- 14.3.6. The applicant's building height strategy is primarily dictated by the change in ground levels, protected views and the primacy of the landmark building / protected structure. The planning authority asserts that the proposed development would feature appropriate building heights with sufficient sensitivity for the protected structure on site.
- 14.3.7. The immediate area to the north and east is primarily dominated by buildings of two-storeys. The historical hospital complex features a range of building heights, including a five-storey apartment complex (Lee Vista) and the five-storey protected structure on site, as well as St. Kevin's chapel, which is almost 22m to its spire. Two to four-storey buildings are proposed throughout the development ranging from approximately 9.3m to 16.8m above ground level. The taller four-storey structures sit into the sloping ground to form two-storey structures on the higher ground. Contiguous elevation drawings submitted with the application illustrate the variation in ground levels and the proposed variations in building height within the development (see drawing no.P19-194C-RAU-00-ZZ-DR-A-32300A P01).
- 14.3.8. The proposals would result in a change of character of the site from the current derelict former hospital buildings and grounds in poor condition, to a large-scale housing development, of greater density, scale and height than the closest neighbouring residential areas. The most important architectural buildings and structures on site would be refurbished and reused as part of the proposals.
- 14.3.9. Sections 16.25 to 16.38 of the Development Plan address building heights and outline the appropriate building heights relative to specific areas within the city, including the acceptability in principle of heights of between three to five storeys in major development areas and larger development sites in suburban areas, as well as the acceptability of new building heights within the city centre that would generally respect the existing character and context.
- 14.3.10. The Urban Development and Building Heights Guidelines for Planning Authorities acknowledge that building heights must be generally increased in appropriate urban areas. As the proposed development would not breach the building height restrictions of the Development Plan, reliance on the provisions set out under

sections 3.1 and 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities is not required.

14.3.11. I am satisfied that given the constraints of developing this site, including the protected views and prospects considered further below, a reasonable variety and transition in building heights has been proposed with sufficient spacing between buildings, including an appropriate level of enclosure along the main streets and walkways. Duplex and apartment blocks primarily overlook public walkways, roads and amenity areas and with reasonable separation distances provided between the blocks in an urban context. Separation distance between blocks E and D would be approximately 15m, however, as illustrated in the section drawing on page 101 of the applicant's Design Statement, potential for direct overlooking between these blocks would be significantly reduced as a result of the 5.85m to 6.85m difference in finished-floor levels between these blocks. Stepped building lines are also proposed as part of the proposals to avoid excess monotony in buildings. Scope to provide additional building heights would potentially present difficulties in attempting to address the sensitivities of the site and I am satisfied that the proposals would be in compliance with the requirements set out in the Development Plan and the Urban Development and Building Heights Guidelines for Planning Authorities, providing an effective and appropriate mix of building heights appropriate for the location and site topography.

Visual Impact

14.3.12. As referenced above, the site is situated in a visually-prominent location, and it comprises lands designated in the Development Plan as being either within a landscape preservation zone or an area of high landscape value. Any development within a landscape preservation zone is required to safeguard its landscape value and sensitivity under objective 10.5 of the Development Plan. Objective 10.4 of the Development Plan aims to conserve and enhance the character and visual amenity of Areas of High Landscape Value (AHLV) through the appropriate management of development, in order to retain the existing characteristics of the landscape, and its primary landscape assets, including landmark buildings. The planning authority state that the site is affected by three views of special amenity, with Our Lady's Hospital, including St. Kevin's hospital, a landmark building within the cityscape. The relevant protected views relate to linear views of this landmark building, which are

listed in the Development Plan as LT15 from Lee Fields, LT16 from Carrigrohane Road / Model Farm Road / Farranlea Road and LT17A from Western Road / Thomas Davis Bridge.

- 14.3.13. I have viewed the site from a variety of locations in the surrounding area, including the linear views, and I have reviewed the Townscape and Visual Impact Assessment submitted by the applicant, which was accompanied by a book of photomontages. I am satisfied that the 13 photomontages are taken from locations, contexts, distances and angles, which provide a comprehensive representation of the likely visual impacts from key reference points, including protected views. As part of the application, 3D-model images and computer-generated images (CGIs) providing an artistic representation of the proposed development have been submitted and I am satisfied that they provide a reasonably accurate portrayal of the completed development.
- 14.3.14. From much of the surrounding area, including many of the sample viewpoints, there would be no discernible impacts on the landscape, as the sloping topography and existing features within the built and natural urban environment restrict views of the site. The wooded area along the northern boundary largely restrict views from Beechfield Avenue into the site. Where visible from more distant locations over 1km from the site (see viewpoints 11, 12, and 13), the new buildings and landscaping would sit into the backdrop of rising ground and buildings situated within the Shanakiel ridge, including an array of existing buildings. From such locations the development would only have an imperceptible to slight visual impact on the character of the landscape.
- 14.3.15. From outside the site, the proposed development would be most visible from the adjacent Atkin's Hall development to the west and along the river to the south (see photomontage viewpoint 10), including from the protected views identified above. Observers require the integrity of the landmark building to be protected as part of the development. The planning authority assert that the proposals have been revised as part of the application to ensure that buildings proximate to St. Kevin's hospital would no longer compete with this landmark building, particularly where visible from the stated protected views. It is asserted that this impact has been addressed via the repositioning of block U further to the rear and side from St. Kevin's hospital and by revisions to the design of new blocks, including the replacement of flat roofs with

pitched roofs, amendments to elevation treatments and the use of a softer palette of materials.

14.3.16. A Materials and Finishes report has been prepared by the applicant to clarify the rationale for the palette of materials proposed, and to set out via illustrations the external finishes to the elevations of the proposed buildings and the hard landscaping proposals. The applicant states that the proposed materials have been influenced by the red brick historical buildings on site and to the south of the site in the city waterworks, as well as the plaster finish to Georgian and Victorian properties along similar ridges in the city. When completed the applicant asserts that the development would have an imperceptible impact or an enhancing effect on the landscape, due to the refurbishment of the landmark building. To respect the historical context of St. Kevin's hospital and chapel, a light buff brick finish is primarily proposed for the buildings fronting onto these historical buildings. A warm terracotta brick is proposed for the houses and duplex blocks on higher ground.

14.3.17. While the detailing and materials are generally durable and of a high standard, including within the hard landscaping finishes, extensive use of a painted render finish is proposed along the elevations of some buildings, including house blocks and dual frontage duplex blocks. This render finish would only be largely visible from the immediate public realm and not alongside the landmark building. Notwithstanding this, as render is particularly susceptible to weathering, over time this can undermine the appearance of an area and would be more inclined to require regular maintenance. I would not have concerns regarding the use of render on the rear elevations of the house blocks, given that they would not be highly visible from the public realm. The dual frontage duplex apartment blocks D, E, F, H and R and the walk-up apartment blocks S and T feature elevations with walls almost entirely finished in painted render onto home zones, courtyards, amenity areas and pedestrian routes. The extent of render in these elevations should be reduced and a more durable quality material should be introduced into these elevations. I am satisfied that this and the final detail of materials, can be addressed via condition in the event of a permission for the development.

14.3.18. There is variety in the scale and a consistency in the rhythm and proportions of the buildings, which are well balanced and clearly draw from the architectural detailing of the landmark building and the historical terraces along the south-facing

ridges of the city. The proposed scheme is of contemporary innovative design and the development would make a positive contribution towards place-making in the area. With the exception of my concerns regarding the extent of render in finishes to certain elevations, which can be addressed, I am satisfied that sufficient care has been undertaken in the design and external appearance of the proposed buildings.

- 14.3.19. The new buildings closest to the landmark building have been stepped into the steeply sloping ground and positioned 10m to 30m away from this building to address its visual primacy within the cityscape. The form and design of these new buildings is sensitive to the prominence and integrity of the landmark building. I am satisfied that the applicant, has endeavoured to minimise the impact of the development on the landmark building, as viewed from the surrounding area, including from the protected views.
- 14.3.20. No buildings are proposed within the landscape preservation zone and this area would primarily serve as landscaped public amenity space. Having reviewed the material submitted, Townscape and Visual Impact Assessment, photomontages, CGIs and detailed drawings, and further to my inspection of the site and surrounding area, I am satisfied that the proposed development comprising two to four-storey blocks would not have a significant adverse impact on the visual amenity of the surrounding area and would not cause significant harm or injury to the intrinsic character of the Area of High Landscape Value overlooking the Lee valley. Outside of the immediate context and the lower grounds to the west and south, the site and proposed development would have limited visibility and where it would be visible it would be seen within the context of the surrounding urban development, where it would not break the existing ridge silhouette, and as such would not alter the visual character of the area.
- 14.3.21. Consequently, I am satisfied that the visual impact of the proposed development, would not harm the character of the area or the setting of the landmark building. Further consideration of the impacts of the development on the protected structure and buildings of architectural merit is undertaken under section 14.7 below.

14.4. Residential Amenities and Standards

- 14.4.1. Objective 6.1 of the Development Plan sets out strategic objectives for housing in the city, including the encouragement of sustainable residential neighbourhoods and the use of derelict or underused lands. Proposals would provide for 46 terraced townhouses onto the northwest home zone and centrally within the site, while the remaining 220 units would comprise 60 apartments in the protected structure, 52 walk-up apartments in three blocks to the rear of the protected structure and 108 duplex units in two arrangements distributed throughout the character areas.

Apartment Mix

- 14.4.2. Table 2 of my report above, provides details of the mix of apartments proposed, which would comprise 17% one-bedroom, 59% two-bedroom, 16% three-bedroom and 8% four-bedroom apartments. The apartment mix would comply with the provisions set out in the Sustainable Urban Housing: Design Standards for New Apartments (2020) (hereafter the 'New Apartment Guidelines') and alongside the proposed housing, the proposed development would contribute to the overall residential mix of housing in the locality.

Apartments – Unit Size

- 14.4.3. The applicant asserts that the proposed apartments have been designed to fully accord with the New Apartments Guidelines. From the outset I note that the New Apartment Guidelines require flexible application of the standards when considering refurbishment proposals, particular when involving historic buildings. The Development Plan also provides for relaxation of standards in differing circumstances, which I discuss further below, where relevant. A Housing Quality Assessment has been submitted, which provides details of unit sizes, heights, public and private open space, room sizes and storage.
- 14.4.4. The minimum size of the apartments proposed at 46sq.m for a one-bedroom unit, 81sq.m for a two-bedroom four-person unit and 110sq.m for a three-bedroom unit would exceed the 45sq.m, 73sq.m and 90sq.m respective New Apartment Guidelines standards required for these units. At 133sq.m the four-bedroom units would also exceed the 120sq.m set in the Quality Housing for Sustainable Communities Guidelines for this type of unit. The internal design, layout, configuration and room sizes for each of the apartments, would accord with or

exceed the relevant standards. Minor exceedances of 0.2sq.m greater than the 3.5sq.m maximum internal storage room size set within the Guidelines would not be detrimental to the amenities of the respective apartments. In safeguarding higher standards, the 10% additional floor space required for the majority of apartments would also be achieved. Private amenity space for each of the apartments, including balcony and terrace sizes, would meet or exceed the minimum requirements. Floor to ceiling heights of 2.7m would be provided for the ground-floor apartments, compliant with the minimum height requirements, and the number of apartments per core in the new buildings would be well within the minimum requirements.

Apartments – Aspect

- 14.4.5. The Development Plan sets a target of 90% dual aspect apartments and no single aspect apartments should be north facing, whereas a total of 88% dual-aspect apartments are proposed, which is well in excess of the 33% required for accessible urban sites such as this, as set out in the New Apartment Guidelines. According to the applicant all single aspect units feature southerly aspect and are located within the protected structure and at the lower levels to the walk-up apartment blocks (S, T and U). Section 16.59 of the Development Plan states that infill housing on suitable sites should comply with all relevant Development Plan standards for residential development, however, in certain limited circumstances; the planning authority may relax the normal planning standards in the interest of developing vacant, derelict and underutilised land. The Development Plan does not restrict relaxation in infill housing standards based on the size or the location of a site, and I am satisfied that the subject infill housing proposals on vacant, derelict and underutilised site would meet the criteria to allow a very minor relaxation in the standards for dual aspects units. Consequently, the proportion of dual aspect units in the subject development could not be reasonably considered to contravene Development Plan standards, given the relaxation allowed for when developing infill housing on vacant, derelict and underutilised land.

Apartments – Private Amenity Space

- 14.4.6. The planning authority has noted a number of issues with respect to the proposed provision of private amenity space to serve the apartments. While private amenity space would not be provided for 34 of the 60 proposed apartments in St. Kevin's

hospital building, the Development Plan allowances under section 16.59 providing for a relaxation in standards in certain circumstances would again reasonably allow for this, particularly as the New Apartment Guidelines require flexible application of the standards with regards to refurbishment schemes, particularly when involving historic buildings. Based on the Guidelines and given the proximity of these apartments to various multi-functional areas of open spaces, including the link corridor, MUGA and expansive parkland landscape to be developed to the immediate south, I am satisfied the apartments would be provided with an acceptable and accessible forms of amenity.

- 14.4.7. While the minimum required areas for private amenity space are met for all walk-up and duplex apartments, the planning authority consider the secondary amenity space serving as a light well to the lower duplexes, should incorporate a landscaped privacy strip outside of the railings onto the public realm. The provision of a landscaped strip outside each of these railings would appear reasonable in providing increased privacy, as well as increased security in line with section 3.41 of the New Apartment Guidelines. This would also soften the hardness of the boundary along the respective streets to these duplexes and this can be addressed by a condition should a permission be granted. The planning authority has also requested that the raised beds with planters forming a defensible space for the duplex units along the local streets, an example of which is provided on page 29 of the Landscape Architecture and Public Realm Design Report, should be conditioned to form permanent structures. I am satisfied that this would also be reasonable to attach as a condition. To ensure an adequate level of privacy, details of the screens between the adjoining private amenity spaces serving apartments, which should be complementary to the host buildings, should be provided as a condition of the permission. Subject to conditions, I am satisfied that the apartments would be provided with a reasonable provision of private amenity space relative to the appropriate standards and provisions of the Development Plan and the New Apartment Guidelines.

Apartments - Sunlight/Daylight

- 14.4.8. The applicant's Sunlight and Daylight Access Analysis Report (November 2020) provides an assessment of daylight access within the proposed scheme having regard to the quantitative standards within BS 2008 Code of Practice for Daylighting and the

BRE 209 Site Layout Planning for Daylight and Sunlight (2011). The report acknowledges the publication of the updated British Standard (BS EN 17037:2018 'Daylight in buildings'), which replaced the 2008 BS in May 2019 (in the UK), however, I am satisfied that this document/updated guidance does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referenced in the Urban Development & Building Heights Guidelines (i.e. BS 2008 and BRE 209). I am satisfied that the target average daylight factors (ADF) used within the applicant's assessment for the residential units are acceptable and general compliance with these targets/standards would ensure adequate residential amenity for future residents.

14.4.9. In respect of the proposed residential units, the aforementioned standards and guidelines recommend that for the main living spaces/living rooms a minimum ADF of 1.5% should be achieved with a 1% ADF for bedrooms and 2% ADF for kitchens. According to the applicant, a representative sample of daylight access for rooms within the proposed development was studied using the rooms that would be most likely to feature obstruction of daylight or lower levels of daylight, due to their location within the development, their lower level position or due to their layout and fenestration. Of the 266 units proposed, the results of testing for 19 rooms within the development were provided, which revealed a 100% pass rate for each room (3.48% to 6.25% ADF), well in excess of the minimum recommended ADF. The planning authority raises concerns that by only studying one of the 627 proposed bedrooms, the applicant has not provided sufficient information to adequately assess the access to daylight for apartments, including the lower bedrooms that would open onto light wells and the upper-level 'bedroom 2' windows in the walk-up apartment blocks, which have windows situated adjacent to projecting access cores.

14.4.10. The applicant has provided a level of testing, including testing of north-facing lower level windows, that would suggest it is reasonable to predict that the vast majority of rooms in the development would exceed the ADF minimum requirements based on the variety of room contexts and features. The planning authority has concerns regarding 83 of the bedrooms in the development, comprising 11 bedrooms in blocks S and T and 72 bedrooms in duplex type B (Blocks E, F H and R). I acknowledge the limitations of the assessment referred to by the planning authority, including the lack of testing of the subject 83 rooms, which I am satisfied would be the worse-case

scenario rooms within the development in terms of daylight access. Consequently, given that the indicative sample used by the applicant revealed a 100% pass rate, should all of the subject 83 bedrooms fail to meet the minimum ADF requirement, this would amount to 13% of the total proposed bedrooms or 9% of the total proposed habitable rooms in the development (914). The planning authority has also identified means of improving access to daylight in duplex type B bedrooms by the omission of dedicated bin stores, which I agree would be reasonable, and I address this further below under the subheading 'Operational Waste'.

14.4.11. I am satisfied that based on the information provided and available, it is reasonable to predict that using the worst-case scenario 91% of the habitable rooms in the development would achieve or exceed the minimum ADF requirements. Where duplex B bedrooms would potentially fall short of the ADF requirement, there would be scope for improved access to daylight via the omitted bin stores, and it is noted that all of these bedrooms are within dual aspect units, the majority of which feature southern aspect. In measuring the adequacy of the provision of sunlight/daylight by the proportion of rooms meeting ADF standards, I am satisfied that the proposed development would adequately meet the residential amenity levels for future residents.

14.4.12. The BS and BRE guidance allow for flexibility in regard to targets and do not dictate a mandatory requirement. Furthermore, the New Apartment Guidelines recognise that a discretionary approach should be taken with regards to compliance with daylight provisions in certain circumstances and I am satisfied that such an approach would be reasonable given the constraints in sustainably and efficiently providing for housing on this steeply sloping site. Having regard to the separation between blocks, the quality and extent of balconies and terraces provided and the open southerly aspect and views from the proposed units, including no north-facing single aspect units, I am satisfied that the applicant has endeavoured to maximise the sunlight and daylight to the buildings.

14.4.13. In conclusion, where the standards and guidelines potentially may not be achievable with respect to daylight access (ADF), such potential breaches would not be material, therefore with respect to the internal daylight provision, I am satisfied that the overall level of residential amenity for the units would be acceptable.

Block T – Unit T06

14.4.14. To address the positioning of the ground and first-floor apartments in block T (T06 and T12), which would be 2m directly to the north of the two-storey gable to block U, these apartments would feature numerous openings serving living areas and amenity space on the east elevation overlooking a restricted development area due to the alignment of a water infrastructure wayleave. The applicant's Sunlight and Daylight Access Analysis Report appears to state that the kitchen / living / dining room to ground-floor apartment T06 would well exceed (6.25%) the minimum ADF requirement of 1.5%. The eastern elevation for the ground-floor unit (T06) would face directly towards a retaining wall structure that is not illustrated in the section or elevation drawings, but is identifiable from the 3D model drawing (no.P19-194C-RAU-00-XX-DR-A-39100 P01). The outlook and amenity for this residential unit would be significantly compromised by virtue of the apartment context 2m from a gable and 3m to 4m from a retaining wall. Omission of this apartment measuring 45sq.m and replacement with communal space to serve the apartments would not result in the maximum 4,500sq.m of other uses allowed for a strategic housing development being breached. Furthermore, any alterations to the elevations of this unit would not be highly visible due to the context relative to the retaining wall and block U, therefore the loss of this unit would not have a significant visual impact. Accordingly, this ground-floor unit (T06) should be omitted by condition in the event of a permission, and the area should be replaced with ancillary or communal space to serve the immediate blocks/residents.

Apartments – Lift and Stair Core Access

14.4.15. Lift and stair core specific planning policy requirement (6) set out in the New Apartment Guidelines would be met in the new buildings and in the refurbishment of a protected structure, which would feature four storeys with eight or nine apartments per floor per core. The planning authority has flagged concerns raised by the Fire Officer regarding compliance with Part B (Fire Safety) of the Building Regulations, as set out in the current Technical Guidance Document B – Fire Safety, specifically in respect of meeting the requirements for internal travel distances within St. Kevin's hospital building, and seeking the provision of alternative escape stairs to meet the maximum travel distances and to ensure adequate ventilation in all required areas. Such matters will be evaluated under a separate legislative code. Notwithstanding

this, it is of relevance to note that in the case of material alterations or changes of use of existing buildings, in particular buildings of an architectural or historical interest, Technical Guidance Document B allows for the adoption of alternative approaches where the codes, standards or technical specifications would not otherwise be practical to achieve. Alternative internal design solutions to satisfy the requirements of the Regulations are set out in the Technical Guidance Document B and in various supporting or parallel guidance documents.

Houses – Size and Mix

14.4.16. The 32 three-bedroom houses feature floor areas ranging from 98sq.m to 134sq.m and the 14 four-bedroom houses feature floor areas ranging from 124sq.m to 137sq.m, in compliance with the minimum standards set out within the Quality Housing for Sustainable Communities Guidelines, while also meeting the relevant guidance with respect to layouts, room sizes and widths, as well as aggregate living room and bedroom sizes.

Houses - Private Amenity Space

14.4.17. The proposed development would feature rear gardens ranging in size from 30.2sq.m (block A) to 64.2sq.m (block Q). There are minor discrepancies between the garden sizes outlined in the applicant's Housing Quality Assessment and those annotated on the application drawings. According to the planning authority, the proposed provision of private amenity space to serve the houses would not be in compliance with standards within the Development Plan and they have requested that a condition be attached to require all private amenity spaces to meet the guidance. Table 16.7 of the Development Plan sets out minimum requirements for private open space serving various residential units, relative to the site location. The planning authority consider the subject terraced townhouses to require between 48sq.m and 60sq.m of private open space, based on the site location within a suburban area.

14.4.18. The Development Plan provides scope for reduced private amenity space serving houses in specific situations. Under section 16.64 of the Development Plan it is stated that a reduction in private open space standards may be considered to facilitate the development of small infill sites in city centre and inner-urban areas. The planning authority consider that the proposed development would comprise new

build units on a substantial size site and therefore it would not fit the circumstances allowing for reduced private amenity space. As highlighted above, section 16.59 of the Development Plan allows for a relaxation in standards when developing housing on sites such as this, although it does not set out the degree to which the relaxation should be allowed. Table 16.7 of the Development Plan provides private amenity standards for townhouses and terraced houses in an inner-urban context, and I am satisfied that a reasonable and rationale approach would be to use of the lower standards applied to inner-urban areas, in setting an appropriate relaxation of the standard. Consequently, based on table 16.7 of the Development Plan, the subject houses should be provided with 30sq.m of private open space. All private amenity spaces for these houses would be over 30sq.m, and I am satisfied that given the provisions of the Development Plan a reasonable provision of private amenity space relative to the relaxation in standards has been provided for. Consequently, a condition, as required by the planning authority, to amend the private amenity space provision for the proposed houses would not be necessary. However, there would be merit in attaching a planning condition placing a restriction on exempted development rights for all houses within the development, given the size of the gardens.

Houses - Separation Distances

14.4.19. The planning authority has also raised concerns regarding the separation distances between houses within the central character area (3) of the development. The site layout plan for this character area (see drawing no.P19-194C-RAU-00-ZZ-DR-A-32300A P01) reveals that the stepped rear building lines between houses along blocks M, L and K and blocks O, P and Q would generally vary from 10m on the western end to 23m along the eastern end. A slight oblique orientation in the rear building lines is provided for between the opposing blocks. Specific separation distances are not set within the Development Plan and in discussing density the Sustainable Residential Development in Urban Areas Guidelines outline that a 22m separation distance between opposing above ground-floor windows is normally recommended for privacy reasons, however, this may be impractical and incompatible with infill development on sites with densities greater than 40 units per hectare. Separation distances of 21m to 23m would be achieved between the opposing rear elevations of blocks K and Q, therefore I am satisfied that there would

be limited scope for excessive overlooking from these houses or loss of privacy for future occupants. While garden depths and separation distances of a minimum of 22m would normally be required as a means of addressing the potential for excessive overlooking and loss of privacy, I am satisfied that this would not be strictly necessary in the subject case, particularly due to the variation in ground levels and finished-floor levels. A section through the site (see section BB drawing no.P19-194C-RAU-00-ZZ-DR-A-32300A P01) illustrates the relationship between the two lines of housing within this character area. Ground-floor finished levels along the northern blocks M and L would be between 2.7m and 4.7m higher than the finished level for the ground-floor blocks O, P and Q. Consequently, with the proposed 2m-high block wall separating the rear gardens to the opposing houses (see drawing no.60619639-SHT-20-L-0002), the potential for overlooking would only be possible from the upper level windows of houses to the north, which serve bedrooms. The greatest potential for overlooking would be from corner house M01 into house O01, with their rear elevations separated by 10m. However, as house M01 is dual frontage, potential for overlooking can be averted by the attachment of a condition requiring a revised house type in this location omitting any first-floor rear elevation habitable room windows. I am satisfied that sufficient information has been provided to allow me conclude that with the proposed house designs and layouts for the proposed development would be acceptable, subject to a condition revising house M01, and they would not result in the residential amenities of future occupants being undermined by excessive direct overlooking or loss of privacy and the proposals are in compliance with the provisions set out in the Sustainable Residential Development in Urban Areas Guidelines.

Gable-ends

14.4.20. From a residential amenity perspective, the planning authority has requested the attachment of a condition requiring the insertion of bathroom windows into the gable ends of all buildings. The planning authority assert that this would reduce the need for mechanical ventilation and give the effect of passive surveillance. There would not be a strict necessity for windows to be inserted, as bathroom ventilation must comply with the requirements set under Part F of the Building Regulations (Technical Guidance Document F – Ventilation). These buildings have generally been designed with some openings breaking up the end elevations. While some bathrooms along

these gables do not feature windows, many of these bathrooms are at ground floor onto walkways and amenity areas that would be publicly accessible. For the stated reasons and from an amenity perspective I do not believe that it would be appropriate to require ground-floor bathroom windows in these circumstances.

14.4.21. Similar to the approach for other houses and ground-level apartments within the development, from a security and privacy perspective there is a requirement for defensible space along the southern elevation of house J01 and the northern elevation of house I01 in character area 3, as they feature windows directly onto the public footpaths (see drawing no.P19-194C-RAU-00-ZZ-DR-A-31204 P01). I am satisfied that it would be reasonable for this to be requested via condition in the event of a permission for the development.

Operational Waste

14.4.22. Within the Outline Operational Waste Management Plan submitted, the applicant outlines that it is proposed to provide a communal refuse collection area at basement level to St. Kevin's hospital building to serve apartments and the childcare facility, and also an external collection area on the northern side of the chapel to serve the office enterprise unit. The duplex apartments, the walk-up apartments and the houses would be each served by their own dedicated refuse collection areas. The planning authority recommends that all refuse waste arrangements for the duplex and walk-up apartments should be provided in communal stores. The concerns of the planning authority stem from the potential for bins to be left along the main roads serving the development and the resultant visual impacts of bins being left out. Further to this, by providing communal stores, this would also allow for the dedicated bins stores along the bridged accesses to the upper-floor duplex units to be omitted, which would provide more scope to provide natural lighting to the windows onto light wells below.

14.4.23. I am satisfied that the provision of communal bins for St. Kevin's hospital and chapel buildings would provide appropriate and secure facilities for their respective occupants and end-users, which can be readily served by refuse vehicles based on the refuse collection route drawing appended to the Outline Operational Waste Management Plan. Further details of the screening for the bin store to St. Kevin's Chapel would be necessary and this should be sought via condition.

14.4.24. Section 4.9 of the New Apartment Guidelines sets out key design considerations when providing for refuse storage facilities. The proposed bin stores to serve the duplex apartments and the walk-up apartments would be provided in varying locations close to the entrance to each respective unit, along private terraces or onto entrance corridors. The bin stores to serve the houses would either be positioned adjoining the front window location or in rear gardens to end of terrace houses. This arrangement has significant potential to compromise the amenities of residents of these units including by odorous emissions. While I acknowledge that dedicated bin storage could better serve waste segregation, given the potential impacts on residential amenities, secure communal bin stores for all residents would provide a more coordinated and discreet means of refuse collection for the development given the limited scope for dedicated bin stores serving all residential units. I also acknowledge the potential aesthetic and improved access to natural lighting that this would provide with the omission of the integrated and screened bin stores serving individual units. As an outline plan for refuse has only been provided, a condition should be attached in the event of a permission, to confirm the provision of facilities for the storage, separation and collection of the waste prior to the occupation of units and in line with the conclusions above. A condition requiring revised drawings showing the omission of dedicated bin stores and the provision of communal bin stores would also be necessary.

Energy Efficiency

14.4.25. Third-party observers raise concerns that the proposed development would not be carbon neutral and that this could be readily achieved via on-site micro-generation. Objective 6.1 of the Development Plan promotes high standards in new residential developments, including in energy efficiency. The applicant states that the proposed development would meet the latest energy efficiency standards and nearly zero energy building (NZEB) requirements. An Energy Statement has been submitted with the application outlining specific measures to address energy efficiency, including the renewable energy options considered and the conclusion that air-sourced heat pumps would be the most practical in complying with the relevant regulations in this regard. The design would provide for A3 building energy ratings (BER) and two possible locations for electricity substations are identified in the applicant's M&E Basis of Design report. A Building Lifecycle Report has also been

provided outlining other means of addressing energy efficiency and carbon emissions. I am satisfied that the information provided with the application reveals that due consideration for energy efficiency has been undertaken as part of the design of the development, in compliance with Development Plan provisions. Further consideration of energy efficiency matters will be evaluated under a separate code, including Part L of the building regulations.

Social/Community Infrastructure

- 14.4.26. Observers assert that a range of support services should be provided as part of the overall development, including a biodiversity community garden, a community centre, a library sub-branch, a co-working hub with high speed internet, dedicated public recreation space for families and retail units. It is also asserted in the observations that the area features limited access to a range of support services, including grocery shops, retail units, libraries, medical care and schools. The planning authority do not require any additional facilities to those proposed to be provided as part of the development.
- 14.4.27. The precise nature of the office enterprise unit has not been specified, but based on the plans submitted (drawing no. 31746 P01), this facility could feature co-working space. Notwithstanding this, from a planning policy perspective there is not a necessity to provide co-working space, or indeed retail units on site. The applicant has provided a social infrastructure audit as part of the application and while aspects of the information provided in this are contested by third-party observers, the audit identifies the main services and resources in the immediate area, considerate of guidance contained within the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas. A total of 60 community centres and related uses, 14 primary schools and six post-primary schools, as well as hospitals, nursing homes, recreation facilities, cultural facilities and retail services were identified in a 2km radius of the site. As part of the neighbouring built-up area to Cork, the area features substantial support services, many of which would be in easy walking distance of the subject site. The applicant's social infrastructure audit has identified limited provision of supermarkets and dedicated public recreation space for families and children. The proposed development would provide a minimum of 2.6ha public open space, including walkways and a host of play facilities to the benefit of families and children. Increased residential density in urban locations such

as this, ensure the efficient and increased use of existing and planned services, including public transport, shops and social infrastructure. Such services, whether commercial or social, are dependent on a critical mass of population to remain viable and to justify the creation of additional services.

14.4.28. Based on the provisions of the Childcare Facilities – Guidelines for Planning Authorities (2001), a childcare facility should be provided. While rationale for the scale of the facility has not been outlined, given the extent of similar services within the area, the proposed 229 residential units of two-bedrooms or more and the floor plans submitted (drawing no. 31740 P01), including indicative layouts, the scale of the facility would be appropriate based on the Childcare Guidelines. Reference in the Traffic and Transport Assessment submitted with the application estimating that the facility would cater for 72 children would not appear accurate based on the layout plans submitted. I also note that the planning authority are satisfied with the scale of the proposed childcare facility, including its opening in the third of five construction phases for the development.

14.4.29. In conclusion, subject to conditions, I am satisfied that the proposed development would provide an attractive mix of apartments, duplex units and houses, meeting the relevant design standards and providing a suitable level of amenity for future residents.

14.5. **Material Contravention**

14.5.1. The application contains a statement indicating why permission should be granted for the proposed development, having regard to the provisions specified in section 37(2)(b) of the Act of 2000, notwithstanding that the proposed development materially contravenes the development plan other than in relation to the zoning of the land. The material contravention of the Development Plan is stated to arise in respect of the proposed provision of public open space.

14.5.2. According to the applicant the total amount of public open space to serve the area, comprising active and passive useable space, featuring lawns, terraces, play spaces and a MUGA, as well as woodland walks and wildflower meadows, would cover 17% of the developable site area. Table 16.2 of the Development Plan identifies a minimum 10% general requirement for the provision of public open space and a 20%

requirement on 'Institutional Sites/Sites forming the setting to a Building of Significance'. This requirement is applicable to the development of the application site, given that St. Kevin's hospital is located on site, a landmark building and protected structure of significance. Objective 16.3 of the Development Plan addressing urban design aims to deliver high-quality built environments through good place-making and to ensure that developments are designed to a high qualitative standard. Section 16.19 of the Development Plan sets out exceptional circumstances where public open space would otherwise not be required, including developments close to existing parks, small residential developments and based on the established development patterns. I am satisfied that the subject development would not fall into any of the stated exceptions for reduced public open space provision and by failing to meet the minimum 20% public open space requirement for this site, the shortfall in open space provision could reasonably be considered to comprise a material contravention of the Development Plan, specifically the terms set out under the urban design objective 16.3 and the related public open space standards in Table 16.2.

14.5.3. Subsection 9(6)(a) of the Act of 2016 states that subject to paragraph (b), the Board may decide to grant a permission for a strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned. . Paragraph (c) states that 'where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development'.

14.5.4. The Act of 2000 provides that the Board is precluded from granting permission for development that is considered to be a material contravention, except in circumstances where at least one of the following applies:

- (i) the proposed development is of strategic or national importance;
- (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned;

(iii) permission for the proposed development should be granted having regard to the regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government;

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

- 14.5.5. The application has been lodged under the strategic housing legislation and the proposal is considered to be strategic in nature. National policy as expressed within Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness 2016 and the National Planning Framework, Project Ireland 2040 fully support the need for urban infill residential development, such as that proposed on this site. Accordingly, the provisions set out under section 37(2)(b)(i) are applicable.
- 14.5.6. I note the applicant’s contention that objective 16.3 urban design requirements, specifically those minimum requirements for 20% public open space on ‘Institutional Sites/Sites forming the setting to a Building of Significance’, as set out in Table 16.2 of the Development Plan, are unclear and in conflict with other standards and elements of the Development Plan. However, I consider the objectives in this regard to be clear, with exceptions clearly stipulated and the objective would not appear to be in conflict with other objectives of the Development Plan. Accordingly, the provisions set out under section 37(2)(b)(ii) are not applicable.
- 14.5.7. The National Planning Framework, the New Apartment Guidelines and the Southern Region - Regional Spatial and Economic Strategy 2020, support compact growth and recognise the housing potential of brownfield sites, including sites within Cork. The Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, as well as the Urban Development and Building Heights, Guidelines for Planning Authorities support increased densities in appropriate locations and the proposal has been assessed to comply with same. Accordingly, the provisions set out under section 37(2)(b)(iii) are applicable.
- 14.5.8. With regards to the pattern of development/permissions granted in the area since the adoption of the Development Plan, of particular relevance, is the permission (ABP

Ref. 300690 / CCC reg. ref. 17/37279) for 234 apartments on the former Good Shepherd Convent site, 725m to the northeast in Sunday's Well, Cork. When including the landscape preservation zone (ZO 12) measuring approximately 0.7ha as part of the 0.85ha overall open space provision on this 3.16 hectare site, 27% of the site was considered to form public open space in compliance with the minimum 20% requirement for Institutional Sites / Sites forming the setting to a Building of Significance set under Table 16.2 of the Development Plan. Should a similar approach to the quantification of the overall provision of public open space be undertaken for the subject development, 45% of the site would be allocated as public open space, which would be well in excess of the minimum public open space required. Accordingly, the provisions set out under section 37(2)(b)(iv) are applicable.

- 14.5.9. Should the Board be minded to invoke the material contravention procedure, as relates to Development Plan objectives pertaining to public open space, I consider that the provisions of Section 37(2)(b)(i),(iii) and (iv) have been met, and in this regard I consider that the Board can grant permission for the proposal.

14.6. Traffic and Transportation

- 14.6.1. A substantial proportion of the third-party observations have raised concerns in relation to the implications of the proposed development for ongoing traffic congestion issues within the area, road safety concerns primarily based on the present condition of local roads infrastructure, the distance from the site to neighbouring support services, and the potential impacts in using Rose Hill Upper and Hyde Park as an access route to the development. It is also asserted that the development would be heavily-reliant on car-borne trips.

Public Transport

- 14.6.2. Observers have asserted that it is incorrect to state that the area is well-served and accessible in terms of public transport, with bus services not directly serving the city centre and services such as the 202 bus route well over 1km from the site and requiring a number of dangerous junctions without pedestrian crossings or traffic lights to be traversed. The applicant's Traffic and Transport Assessment provides details of public bus services available in the environs of the site, including the 201

route operating along Shanakiel Road, which connects the Apple Campus to the north of the site with Mahon to the southeast of the city. This bus route has eight services per day and connects with high-frequency bus routes connecting with the city centre along Western Road/Victoria Cross to the south of the site. Bus stops serving this 201 route are positioned between 160m and 200m from the main entrance to the proposed development on the northern boundary. The closest high-frequency routes from the main entrance to the site, include the 202 on Harbour View Road, a ten to 15-minute walk to the north and the 220 on Western Road, approximately a 20 to 25-minute walk to the south. The 220 route would be less than a ten-minute walk using the potential future connection onto Rose Hill Upper / Hyde Park and the steps leading south to Rose Hill. The National Transport Authority note that under the CMATS, BusConnects routes are being considered in the vicinity of the site and the planning authority notes that an indicative short to medium term bus route (HH-CC) runs close to the site, and as such the development would benefit from improved bus services. Based on the information available, I am satisfied that the development site would have reasonable access to amenities via public transport, and it is further intended that these services will improve in future.

Car and Cycle Parking Standards

- 14.6.3. The applicant is proposing a total of 241 car parking spaces, six of which would serve the office enterprise unit and another six to serve the childcare facility. Observers to the application raise concerns that the proposed development would feature an undersupply of car parking, while the planning authority assert that car parking spaces should be reduced. The applicant has set out the breakdown of car parking proposed relative to Development Plan standards in table 5.1 of their Traffic and Transportation Assessment and also within their Planning Statement of Consistency Report, where it is stated that the parking strategy would allow for 0.5 spaces per one and two-bedroom apartments and one space per duplex units and houses. The applicant asserts that based on the Development Plan standards and the quantum of development, a maximum of 458 car parking spaces would be permissible, therefore, the overall provision would be well within the prescribed limits.
- 14.6.4. A Mobility Management Plan is provided with the applicant's Traffic and Transport Assessment, and this outlines various measures to influence use of more

sustainable modes of transport as part of the development, including the appointment of a mobility manager to promote and support the provisions of travel plans serving the development. The planning authority require this plan to implement modal shift targets for the development, as well as address the issue of pedestrian and cyclist connectivity.

14.6.5. The planning authority has requested omission of 61 car parking spaces from the development, providing for 180 spaces in total serving the entire development. The rationale for the reduction in spaces is set out within section 8.15 of appendix A to the planning authority's report and is based on comments received from the City Architect and the Traffic Regulation and Safety section. The primary driver for the planning authority requesting further reductions in parking throughout the development, is based on the fact that 83% of the residential units are apartments, and as the New Apartment Guidelines advocate the consideration of reduced overall car parking in urban locations served by public transport or close to town centres, particularly in residential developments with a net density of greater than 45 units per hectare. In initially reviewing the car parking the Traffic section report refers to the ratio of parking relative to the maximum standards (0.52) and subsequently states that parking would be discussed further within the report. Following this the only other reference to car parking is a condition requesting a reduction in car parking by 41 spaces, as well further details with respect to spaces for persons with impaired mobility and electric-vehicle charging spaces.

14.6.6. I am satisfied that car parking standards reduced below the Development Plan maximum standards would be reasonable in this location and the applicant has proposed a substantial reduction in car parking spaces relative to the standards, in line with reductions sought under the New Apartment Guidelines. The rationale for specifically requesting 41 car parking spaces to be omitted from the development has not been provided by the Traffic section, nor has the planning authority provided a reason for this to be in addition to the omission of 16 more spaces from home zones 1 and 2, as well as the four car club spaces. Based on the density of the scheme and the housing mix, including 37% three and four bedroom units, the parking ratio appears reasonable given the potential levels of saturation advised within DMURS and also given the applicant's mobility management measures. I am satisfied that any actual reductions in the proposed car parking numbers should,

therefore, be solely based on technical assessment against the provisions set out in DMURS, which I specifically address below under the subheading 'Internal Access and DMURS'.

- 14.6.7. Observers also assert that there would be an undersupply of accessible car parking spaces for persons with impaired mobility. The Development Plan requires 5% of spaces to be allocated as accessible car parking spaces and the layout plans submitted with the application identify 13 such spaces distributed throughout the development. This would equate to over 5% of the total proposed car park spaces, which accords with the provisions of the Development Plan and 'Building for Everyone - a Universal Design Approach' published by the National Disability Authority. The applicant states that all car parking spaces would be electric vehicle compatible the Building Lifecycle Report states that the development would include the installation of electric-vehicle charging points and ducting to cater for future demand. Section 16.117 of the Development Plan sets out requirements for electric-vehicle parking and given the information provided by the applicant, it is necessary to require supplementary details, which can be requested via condition in the event of a permission.
- 14.6.8. A car-parking management strategy should be provided as a condition in the event of a permission and this should identify off-street loading bays for the childcare facility and office enterprise unit, as well as how spaces for these non-residential uses would function. The development includes various hard surface areas that could accommodate informal parking with potential to restrict emergency and refuse vehicle access, while also impacting on permeability, mobility management measures, road safety and the setting of the St. Kevin's hospital building. Further details of how parking would be contained to the identified spaces, following the principles set out in the DMURS, should therefore be provided as part of the car parking management strategy.
- 14.6.9. A total of 563 cycle parking spaces would be provided throughout the development, including a ratio of two spaces per duplex unit and house, and 1.7 spaces per apartment. The planning authority note that the cycle parking provision would comply with Development Plan requirements and I am satisfied that this is to be welcomed in supporting sustainable transport options.

14.6.10. In conclusion, the ratio of car parking would be acceptable relative to the planning provisions, including the maximum car parking standards, the nature and scale of the development, the site location and the mobility measures to be undertaken.

Vehicular Site Access

14.6.11. Observers assert that upgrade works required to improve access in the area are not scheduled and such works are required to facilitate the development, particularly along the neighbouring access roads. The proposed vehicular access to solely serve the development would be at the location of the existing sole access to the site from the north on Beechtree Avenue and this new access would comprise an uncontrolled priority junction, featuring a raised table on entry to the proposed development and along Beechtree Avenue. The applicant asserts that the access arrangements have been designed based on extensive engagement with the planning authority, with provision for visibility in both directions, compliant with the relevant standards and featuring various measures included to prioritise pedestrian and cyclist movement. The proposed junction layout and details are illustrated on drawing no.19305-BMD-ZZ-XX-DR-C-1022 PL3 and the traffic report from the planning authority welcomes these upgrade proposals. It is also proposed to revise the road level and provide ramps along Beechtree Avenue to the west of the site entrance (see drawing no.19305 BMD-ZZ-XX-DR-C-1020 PL5). The upgraded access with new road crossings would link with the existing infrastructure running along the Beechtree Avenue, thereby averting the need to cross the road at other unregulated points. The timing of these enabling works are not identified within the applicant's phasing plan, and a condition should be attached to ensure delivery of this necessary infrastructure in advance of occupation of the development.

14.6.12. The planning authority's Urban Roads and Street Design (Planning) report lists an array of upgrade works that would be required to be undertaken and/or financed by the developer, in order to facilitate improvements to access routes within the immediate and wider area, including works along Shanakiel Road, at the junction of Shanakiel Road and Beechtree Avenue and along Ropewalk, a pedestrian lane off this junction. The traffic section has requested the agreement of details in relation to road markings and signage requirements on the surrounding roads beyond the access, the costs of which would be borne by the developer. Observers also assert that the proposed access and various junctions and routes in the neighbouring roads

network would be required to be upgraded to facilitate the development, including cleaning, paving, fencing, LED lighting, installation of monitored CCTV and possible closure of Rope Walk, to ensure safe and convenient movement for pedestrians and cyclists. While the development would utilise the existing operational neighbouring roads and pedestrian paths for access, with the exception of the proposed junction upgrade onto Beechtree Avenue, it would not be dependent on specific upgrades of these neighbouring roads and pedestrian paths for access. Special financial contributions for upgrade works off the site not specifically necessary to facilitate the development, which would be to the benefit of the wider area, and therefore not specific to this development, would not be appropriate and special contributions in this regard would not be warranted. The proposed development would be subject to general development contributions, which I note from the Cork City Development Contribution Scheme 2020-2022 would include payments towards roads, transportation infrastructure and other facilities.

14.6.13. I am satisfied that the access and connectivity for the various modes of transport onto Beechtree Avenue would be necessary and would adequately serve the development, providing for safe and convenient connections into local transport infrastructure. Beechfield Avenue is only served by a footpath on the northern side with a landscaped strip and mature trees on the application site northern boundary. Given the high landscape value of the area and the screening providing by the trees and hedgerow along this boundary, it would not be appropriate to remove this planting and provide a footpath, particularly as there is an opportunity to provide this within the application site. Accordingly, a condition should be applied to the permission requiring the proposed woodland walk to include an extended path leading to the western side boundary, providing for a future potential level access into the adjoining lands to the west.

Internal Access and DMURS

14.6.14. The planning authority's Urban Roads and Street Design (Planning) report states that the development fails to provide connectivity, permeability and legibility through the site for cyclists and pedestrians, and in doing so fails the first core principle of DMURS. It is considered by the planning authority that a permission for the proposed development would therefore be premature until such time as agreements are in place to permit connectivity and permeability into third-party lands.

Observations assert that it is misleading to state that the scheme allows for future pedestrian / bicycle connectivity, as the proposed connections are dependent on agreements. The suitability of using existing uneven steps on site is also raised by observers, however, I note that such steps would not remain as part of the proposed development.

14.6.15. In addition to the condition requiring the extension of a pathway to the northeast boundary through the woodland to address the absence of a footpath on the southern side of Beechtree Avenue, the proposals would make provision for four future pedestrian and cyclist routes into adjoining lands, including Atkin's Hall, the former hospital grounds to the north of St. Kevin's chapel, the reservoir lands to the east and Rose Hill Upper to the southeast, which I discuss in detail below. The routes to the former hospital grounds and the reservoir would also potentially facilitate vehicular access. A pedestrian and cyclist accessibility and connectivity plan drawing (no.19305-BMD-ZZ-XX-DR-C-1051 PL4) illustrates routes through the site. A DMURS Statement of Compliance has been submitted outlining that the development roads would feature roads designed for a 30km/hr speed-limit, while the layout and topography would also curtail traffic speeds. A proposed street hierarchy drawing is provided in this compliance report, indicating the primary local street leading through the development to St. Kevin's chapel and the secondary local streets or home zones off this, with raised tables at all road junctions and crossing points.

14.6.16. The planning authority request the omission of parking from home zones 1 and 2 specifically to address the visual dominance of cars and the housing mix, to increase amenity areas and play space, and also considering the designation as an area of high landscape value. Additional trees are requested to be planted in this area by the City Architect. The Urban Roads and Street Design (Planning) report states that estate roads should be reduced to a maximum of 5.5m, and while welcoming the use of shared surface areas within the development, it is stated that the effect of such features would be dependent on the quality of the material finishes, which are identified in the Landscape Design and Public Realm Report submitted and can be agreed as a condition with the planning authority should permission be granted for the development.

14.6.17. The proposed carriageway widths do not fully comply with the provisions set out in DMURS, which allows for standard carriageway widths of 5m to 5.5m along local streets and 4.8m where a shared surface is provided. The main spine road would generally be 5.5m in width, which is acceptable, however, a 6m-wide stretch is proposed fronting blocks M, L and K and this should be reduced to 5.5m. Furthermore, given the provision of a possible vehicular connection into the reservoir, as well as to safeguard the residential amenities for house J01 with extensive banks of parking fronting this house, the road leading from the central three-arm junction fronting block J should be categorised as a primary local street and not a home zone, and a carriageway width of 5.5m should be provided with parallel parking only along the northern side to allow for a pedestrian path and landscaping along this boundary. A condition should be attached to address this. DMURS allows for staggered on-street perpendicular and parallel parking on local streets, therefore the parking layout along the street between blocks O, P, Q and R should be revised to only provide for perpendicular parking on one side of the street. I recognise that these revisions would be likely to result in reductions in car parking, however, these measures are necessary in order to comply with DMURS and would not be substantive. For shared surfaces and home-zones, as noted above 4.8m-wide carriageways are normally only allowed for in DMURS, whereas 6m widths are proposed. However, given the perpendicular parking arrangements in these zones this would be acceptable. To reduce the visual impact of perpendicular parking throughout the scheme, in accordance with DMURS parking bays should be limited to six perpendicular spaces with substantive planting segregating these bays.

14.6.18. The planning authority state that a stage 1 road safety audit and a Quality Audit should be provided. A stage 1 Road Safety Audit is appended to the applicant's Civil Engineering Infrastructure Report and this outlines various recommendations to address safety concerns, which would not have substantial impacts on the proposals. Road signage and markings details, as well as emergency and refuse vehicles tracking analysis details are also provided to illustrate how roads layouts would function and further safety audits can be requested via condition. I am satisfied that a Quality Audit, incorporating a Street Design Audit in accordance with Advice Note 4 of DMURS should be undertaken in respect of the development and agreed with the planning authority as a condition the event of a permission.

14.6.19. I am satisfied that with the amendments outlined above and within the stage 1 Road Safety Audit, the proposals would generally accord with the standards contained in DMURS and a condition to ensure same can be attached to any permission arising. Given the steep topography of the site it would be preferable if cyclists and pedestrians could utilise the accesses to the south, however, the development is not dependent on the immediate provision of these accesses and the applicant has progressed proposals in a manner that would allow the future integration of connections across the site, as part of an expanding network of pedestrian and cycle routes, thereby supporting CMATS objectives. I also note that the achievement of these connections would have benefits for surrounding residents in providing access to the public open space on site, including the area fronting St. Kevin's hospital building.

Access - Rose Hill Upper and Hyde Park

14.6.20. Observations highlight concerns regarding the potential use of Rose Hill Upper and Hyde Park as a pedestrian and cyclist access to the serve the subject development and the implications that this would have for local residents, including via change in the character and amenity of these lanes, the loss of bin storage areas and play space, and the restriction of vehicular movement and access for emergency and refuse vehicles along this lane. It is stated that this 415m laneway leading to Sunday's Well Road is a private road primarily serving houses and domestic garages and the developers or residents of the development would not have a right to use this route. It is also asserted that the route would not be necessary as other more convenient and safer routes, avoiding access onto a blind bend on Sunday's Well Road, would be available including those provided for in the development. Observers assert that the route does not have capacity to cater for the pedestrian and cyclist flows anticipated to arise from the development, due to the narrow width of the road surface and potential safety issues that would arise from increased activity along the lane. Furthermore, it is asserted that the position of a private garage and infrastructures, including a gas pipe, would also impede the potential for a safe access onto this lane.

14.6.21. The proposed development does not specifically propose works along Rose Hill Upper and Hyde Park and an actual opening is not provided for as part of the application. A future potential access is provided for and this would potentially

impact on Rose Hill Upper and Hyde Park by increasing pedestrian and cyclist activity along this route. The applicant states that the vertical alignment of this route would match levels outside the site (see section SR-G on drawing no.19305-BMD-ZZ-XX-DR-C-1120 PL3) and the drawing details show the connection in a location adjacent to a domestic garage and at the top of steps leading south to Rose Hill.

14.6.22. Rose Hill Upper and Hyde Park feature a road surface with a width of approximately 2.5m to 3m leading west from Sunday's Well Road to houses and domestic garages on the western end closest to the application site. There are no gates restricting access to Rose Hill Upper and Hyde Park and the public can readily traverse these lanes, including from the footpaths on Sunday's Well Road. While a future connection would clearly increase activity along the lane, this would comprise pedestrian and cyclist movement only and would not add to vehicular traffic, which is not substantial at present given the number and type of properties accessed off the lane. Based on the drawings provided to show the potential access location, the proposed access would not directly interfere with or result in the loss of bin stores or play space, nor would it restrict vehicular movement and access for emergency and refuse vehicles. The steps leading to Rose Hill would divert much of the pedestrian traffic off Rose Hill Upper and Hyde Park, as they would provide a shorter route in the direction of Thomas Davis Bridge. In providing potential for increased connectivity in the future, from a planning perspective the principle of providing this route accords with planning policy, including objective 5.1 of the Development Plan, which supports projects that can increase connectivity. As a lightly-trafficked lane, it has capacity to allow for ease of movement of cyclists and pedestrians using the existing surfaced carriageway, allowing for increased connectivity to various services in the area, including public transport and shops. Consequently, I am satisfied that the provision of a potential future connection for pedestrian and cyclists to the boundary with Rose Hill Upper / Hyde Park would support planning policy and would not be detrimental to road safety or the amenities of residents along Rose Hill Upper and Hyde Park.

Traffic

14.6.23. Observers assert that proposals and other permitted developments in the area would add to traffic congestion, which is problematic particularly during peak school times. It is also asserted in observations that the development should include a secondary

vehicular access. Observers also require similar levels of traffic-calming and pedestrian prioritisation at the Beechtree Avenue / Shanakiel Road junction, as is proposed at the main entrance to the site on Beechtree Avenue.

14.6.24. As noted above, I am satisfied that the vehicular access arrangements off Beechtree Avenue are adequate to safely serve the site. Concerns have been raised by the planning authority that the trip rates used for the development may not be adequate, as they may not be based on a comparative housing development, as capacity analysis was not carried out for the Sunday's Well Road / Lee Road bridge junction and as the +5 year-traffic scenario was not included. The planning authority recommend that a revised Traffic and Transport Assessment should be provided to address the identified shortcomings.

14.6.25. Based on the modelling used, the additional trips associated with the proposed development exiting onto Beechtree Avenue towards the Shanakiel Road junction during the morning peak hour (08:00 – 09:00) would be 92, with 86 returning trips during the evening peak hour (17:00 – 18:00). The submitted Traffic and Transport Assessment asserts that, if permitted, the proposed development would result in an increased impact on the operational traffic volumes in the opening design year (2022) at the site access onto Shanakiel Road north of Beechtree Avenue by 13.2% during the morning peak hour and 10.6% in the evening peak hour, compared with 9.4% morning and 7.2% evening peak hour increases along the Shanakiel Road southeast of Beechtree Avenue. Along Blarney Road northeast of the site an increase of 5.1% to 10.6% is anticipated during the morning and evening peak hours. Increases of between 2.3% to 3.7% are estimated during the morning and evening peak hours on Sunday's Well Road. Where the operational impact of the development on traffic would be less than 5%, as is calculated for the Sunday's Well Road / Lee Road (2.7% to 2.9%), based on the Transport Infrastructure Ireland (TII) Traffic and Transport Assessment Guidelines (2014) the likely traffic impacts of the development would be nominal. Consequently, the applicant only undertook further modelling of the Blarney Road, Beechtree Avenue and Sunday's Well Road junctions with Shanakiel Road, which revealed that the Shanakiel Road junctions with Beechtree Avenue and Sunday's Well Road would operate satisfactorily in the design year, while the proposed development would have an impact relative to background traffic on the Blarney Road / Shanakiel Road junction, but this junction

would have capacity to adequately absorb the traffic impact in the design year. The applicant states that while the +15 year scenario was presented, the +5 year scenario was not presented as background traffic in the surrounding area is not anticipated to grow given current traffic trends in urban areas and sustainable transport policies.

14.6.26. I note the planning authority's comments regarding the limitations of the Traffic and Transportation Assessment, however, having regard to my assessment, I am satisfied that the applicant has provided adequate justification and rationale for the approach undertaken in their Traffic and Transportation Assessment and that sufficient information has been included for the purpose of this assessment. Notwithstanding this, the site is located on zoned lands, within the built-up area of Cork city with reasonable access to an array of services. The proposed development would provide for a reasonable scale of development, particularly when compared with wider existing built-up development in the area. There are plans in place for the improvement of public transport in this area, as well as pedestrian and cycle infrastructures, which the project may directly support in future by providing potential to extend same and indirectly in providing critical mass to support these services. There would undoubtedly be some increase in traffic numbers as a result of the proposed development, which would invariably add to the existing congestion that is acknowledged by observers, the planning authority and the applicant. However, traffic congestion at peak periods in an urban area such as this, would be anticipated to occur and various measures and design features have been set out within the application and as part of the proposed development to support the use of public transport, cycling and walking, as an alternative to the use of private vehicles. I am satisfied that based on the information provided in the Traffic and Transportation Assessment a reasonable approach to modelling future traffic scenarios on the local road network with the development in place have been set out and this does not reveal substantive impacts on traffic, particularly when considering background traffic levels. Accordingly, the development would not be dependent on the provision of a secondary vehicular access. An observer has sought a detailed survey of Thomas Davis Bridge to identify whether it could accommodate the amount of traffic arising from the development, however, this would not appear necessary in the context of the traffic modelling presented and the proportion of traffic arising from

the development relative to background levels that use this bridge. Furthermore, as the Beechtree Avenue / Shanakiel Road junction would operate satisfactorily in the design year with the development in place, specific additional measures to upgrade traffic movement at this junction would not appear necessary.

Conclusion

14.6.27. I am satisfied that the impact of the proposed development on the surrounding urban road network would be limited in terms of additional traffic volumes and would not warrant a refusal of permission based on the considerations outlined above. In conclusion, subject to conditions, the proposed development would not result in traffic hazard or significant additional traffic congestion in the area, and it would feature an appropriate provision of car and cycle parking.

14.7. Cultural Heritage

Architectural Heritage

14.7.1. Based on information provided within an architectural heritage impact assessment included with the application, former hospital buildings and structures have previously been demolished and removed from the site, and as part of the proposed development it is intended to demolish and remove further buildings and structures. Our Lady's hospital complex, including St. Kevin's hospital building is a protected structure that is included in the RPS under reference PS260 and this building is also included in the NIAH (ref. 20865030) alongside other buildings on site. Despite suffering extensive fire damage in 2017, it is intended to refurbish this building as part of the redevelopment proposals. There is an existing planning permission (CCC ref.18/37965) dating from 2018 to allow for the demolition of St. Bridget's hostel (NIAH ref. 20865030) on the east side of St. Kevin's hospital. As stated above, St. Kevin's chapel (NIAH ref. 20865011) would be reused as part of the proposals and the remaining NIAH building on site, the link corridor building running west of St. Kevin's hospital (NIAH ref. 20865029), including its central arch feature, would be partially maintained as part of the landscaping proposals. A 4m to 5m-high retaining masonry wall structure with support buttresses, located to the south of the site, is proposed to be removed following the results of structural investigations submitted with the application.

- 14.7.2. Observers to the application have highlighted the need for the proposals, including the naming of the development, to respect the architectural heritage of the site, while also requiring a memorial to persons who suffered illness and died in Our Lady's hospitals. The Heritage Council support the principle of reusing St. Kevin's hospital building and the planning authority, including their Conservation Officer, has not objected to the proposed demolition works, and they have recommended conditions are attached with respect to the protection of the architectural heritage of the area, including recording and submission of method statements. The planning authority welcome the proposed reuse of buildings on site as part of the overall development strategy and they are satisfied that the layout, scale and design of the proposed development, including the proposed buildings closest to St. Kevin's hospital, would satisfactorily respond to their context relative to this protected structure. Objective 9.22 of the Development Plan supports the reuse and refurbishment of historic buildings and the protection of archaeological resources. The Architectural Heritage Protection - Guidelines for Planning Authorities (2011) require applicants to provide justification for demolition proposals and not to adversely affect the character of a protected structure.
- 14.7.3. An architectural heritage impact assessment is included with the application and this highlights the heritage value of the buildings on site, including historical details and the neglected condition of the buildings proposed for demolition. Photographs and drawings of all of the existing buildings are included with this assessment and it is noted that the buildings are in a poor state having been subject to various degrees of decay. A conservation method statement is appended to the architectural heritage impact assessment and the applicant's conservation consultant has outlined the need for best practise in repairing and salvaging the features of the buildings proposed to be reused on site.
- 14.7.4. Based on the information available and the rationale presented, the proposed demolition of the shed structures to the rear of the chapel, St. Dymphna's building, the matron's/doctor's residence and the mortuary would appear reasonable, as they do not have any conservation status and given their poor condition and the overall development strategy in providing for efficient use of these urban lands, while protecting and recording those elements of the architectural heritage most worthy of conserving. The landmark protected structure would be refurbished and extended,

and the modifications proposed to its primary façade overlooking the Lee valley would be respectful of the buildings architectural features and would be necessary in rejuvenating the building. Annexes to the rear of this building would also be removed and four-storey flat-roof extensions are proposed to the rear of the protected structure, and I am satisfied that the design and scale of these works would not adversely affect the character of the protected structure. I am also satisfied that the positioning, scale and design of the proposed buildings (blocks U, T and S) closest to St. Kevin's building, including the soft materials palette and pitch roofs are sympathetic to the aesthetics, character and setting of this building. These buildings would not compete with the setting of this landmark protected structure. I am also satisfied that the location, scale and design of the proposed buildings (blocks N, O and R) closest to St. Kevin's chapel, would ensure that the proposals would not substantially interfere with the character and setting of this historic building. Given the overall development strategy, the present condition and status of the communication corridor or link building running between St. Kevin's chapel and the hospital, the intention to reuse the footprint, the central arch and lower walls as part of the landscaping proposals, would be acceptable in appropriately respecting the architectural heritage of this building. A structural report investigating the condition of the retaining wall structure to the front of St. Kevin's hospital, clarifies that this is in a poor structural state with significant potential to collapse. From a health and safety perspective removal of the wall would be warranted and the immediate ground should be graded to a safe angle as part of the landscaping works.

- 14.7.5. The planning authority has requested the attachment of conditions addressing procedures for the safe disposal of demolition waste, the submission of an archival record of the structures on site and the requirement for further construction details, including method statements, with respect to buildings proposed to be reused, and these conditions would appear reasonable to attach. A condition should also be attached with respect to the naming and numbering of the development, although I note that there is not a necessity as part of this to consult with neighbouring communities. Section 16.71 of the Development Plan sets out requirements for proposed naming and numbering of residential developments. Furthermore, from a planning perspective the incorporation of a memorial as part of the development

proposals would not be strictly necessary, and it is at the discretion of the developer if they wish to do so in future.

- 14.7.6. In conclusion, notwithstanding the loss of lower-value buildings and structures on site and having regard to the proposals to reuse buildings on site, I am satisfied that subject to conditions, the proposed development would not substantially interfere with the architectural heritage of the site and would not detract from the setting or character of the protected structure. Furthermore, the proposed development would provide the most important aspects of the built heritage of the site to be maintained using best practice conservation methods.

Archaeology

- 14.7.7. As part of the planning application, the applicant submitted an archaeological assessment, which indicated that following various investigations, including field surveys, the subject site does not contain any recorded monuments or archaeological sites. However, given the potential for unknown archaeological features to survive on site, the applicant states that ground disturbance works should be monitored by an archaeologist and if findings are uncovered preservation or recording should occur. As highlighted by the planning authority and the Heritage Council, further consideration should be given with respect to the potential for burial sites on these lands. The planning authority has requested a condition be attached to address the potential for archaeological finds on site during the construction phase of the project and based on the information available and the requirements set out in objectives 9.16 and 9.17 of the Development Plan, addressing development sites featuring major ground disturbance and potential burial grounds, such a condition would appear reasonable and necessary to attach.

14.8. Impacts on Residential Amenities

- 14.8.1. As noted above, a central objective of the land-use zoning for this site is the protection of residential uses and residential amenity, and when considering applications for new residential development, including those comprising apartments, the Development Plan requires due consideration of proposals with respect to orientation, overlooking and overshadowing. The amenities of residents within the proposed development are considered under section 14.4 above, therefore, this

section of my report solely focusses on neighbouring residential amenities. The context for the site, relative to the neighbouring residential areas has been set out above and expanded upon below. I have assessed the overall connectivity of the development and the provision of access, including the Rose Hill Upper and Hyde Park route under section 14.6 above. The planning authority did not highlight any specific concerns with regards to impacts of the development on neighbouring residential amenities.

Overlooking and Overbearing Impacts

- 14.8.2. The nearest proposed residential building to properties to the north would be block B, which is approximately a minimum of 40m southeast of no.1 Beechtree Avenue, a house on higher ground that is screened from view within the site by a northern woodland escarpment. The proposed blocks T and U proximate to St. Kevin's hospital building would be a minimum of 30m southwest of no.8 Ashboro and 20m west of residential properties along Rose Hill Upper and Lee View. These properties to the east are on similar levels to the immediate application site area, while the nearest apartments to the south in Atkin's Hall would be 75m from proposed block R, the nearest proposed block, and on much lower ground. The layout of the development, including separation distances to the nearest neighbouring properties, is such that excessive direct overlooking or loss of privacy from the proposed residential buildings into the neighbouring residential properties would not arise and where visible from neighbouring properties the proposed development would not be excessively overbearing. Furthermore, the proposed development would not substantially inhibit the future development potential of neighbouring lands, particularly given the provision for future connections.

Overshadowing and Sunlight

- 14.8.3. The applicant has provided a Sunlight and Daylight Access Analysis, which provides an overview of the potential impact of shadows cast by the proposed development outside the application site, detailed analysis of the potential impact of shadows cast by the proposed development on existing buildings outside the application site and detailed analysis of the potential impact of shadows cast by the proposed development on existing amenity areas/gardens outside the application site. Using the standards contained within the BRE guide Site Layout Planning for Daylight and

Sunlight: A Guide to Good Practice' (2011), the applicant asserts that there would be no material change to the shadow environment, with at worst only an imperceptible to slight impact of shadowing to the nearest properties in the Ashboro estate adjacent to the east of the reservoir tanks.

14.8.4. I have visited the site and neighbouring areas and I have reviewed the findings of the report submitted by the applicant. When considering the quantitative performance approaches to daylight provision the Urban Development and Building Heights 2018 refer to the standards and approaches contained in BS 8206-2:2008 - British Standard Light for Buildings - Code of practice for daylighting and BRE 209 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011).

Concerns with respect to overshadowing and loss of light arising from the proposed development have not been expressed by third-party observers. In assessing the potential impact on light access to existing dwellings, two considerations apply, including excessive loss of daylight/light from the sky into the existing houses through the main windows to living/kitchen/bedrooms and excessive overshadowing of the private amenity space associated with existing houses (typically the rear garden).

14.8.5. Section 3.2.2 of the BRE Guidelines states that the 'obstruction to sunlight' to existing dwellings may become an issue if –

(i) some part of a new development is situated within 90° of due south of a main window wall of an existing building;

(ii) the new development subtends an angle greater than 25° to the horizontal measured from the centre of the lowest window to a main living room.

14.8.6. To this end, in respect of the proposed development, as all of the dwellings potentially effected within Rose Hill Upper, Rose Hill, Lee View, Lee Vista, River Towers and Atkins Hall Apartments are south of the proposed new buildings, it can be confirmed that the development is situated outside of 90° of due south of these residences and obstruction of sunlight would not arise. Due to differences in ground levels, building heights and separation distances, the proposed development would subtend below an angle of less than 25° to the horizontal when measured from the centre of the lowest window to a main living room of properties to the north along Beechtree Avenue (see section A-A and B-B of drawing no.P19-194C-RAU-00-ZZ-

DR-A-32300A P01). The proposed development is therefore not considered to cause an obstruction to sunlight to these properties either, and as such no further tests in respect of overshadowing or access to lighting to these properties is necessary.

- 14.8.7. The applicant asserts that the proposed development has the potential to extend shadows over the Ashboro estate for a short time during only the very late evenings of the summer and autumn months. The gardens in Ashboro would be a minimum of 30m from the nearest of the proposed buildings on site, block T. The extent and duration of any additional overshadowing of lands in the Ashboro estate is likely to be so small in duration and extent that it is unlikely to be noticeable according to the applicant. To identify the potential impacts on properties to the west, using computer software modelling the applicant carried out tests of expected existing and proposed levels of sunlight to the gardens of the four properties closest to proposed block T site (nos.8, 9, 10 and 11 Ashboro). In considering the potential impact, the Guidelines recommend that the sun hitting the ground in the garden/amenity space should not be 0.8 of that previously enjoyed before the development and, in any event, there should not be less than two hours of direct sunlight on the 21st day of March (the equinox). The applicants modelling presents the extent of shadowing that would arise from the development at four test times during the 21st day of March and also at additional test times during the summer and winter solstices (21st day of June and 21st day of December). The information presented is not contested by parties to the application.
- 14.8.8. Having regard to the minimal levels of overshadowing on the test date, the garden sizes, and location of the houses within each site, it is considered that the gardens associated with the four closest properties in Ashboro would not be unduly impacted by reason of overshadowing as a result of the proposed development, and they would receive a minimum eight hours of unaltered sunlight to their gardens and that well in excess of the minimum 50% of the gardens would receive two hours of sunlight.
- 14.8.9. Having regard to the recommended standards and guidance material laid out in the referenced daylighting standards (BRE 209 and BS 2008), I am satisfied that the applicants have carried out sufficient analysis in respect of those properties where a potential impact may arise by reason of obstruction of sunlight or overshadowing,

and that these tests demonstrate that these existing dwellings are unlikely to be significantly affected as a result of the proposed development. I am therefore satisfied that there will be no or negligible impact on the surrounding residential properties by reason of overshadowing.

14.8.10. In designing a new development, it is important to safeguard the daylight to nearby buildings. The BRE guidance outlines a series of testing to identify whether or not rooms where daylight is required in adjoining dwellings, would receive adequate lighting as a result of a proposed development. The first of these tests states that if the separation distance is greater than three times the height of the new building above the centre of the main window (being measured), no further testing would be necessary. The closest existing house to the proposed buildings on site would be the two-storey detached house at no.8 Ashboro, the rear elevation of which would be approximately 47m northwest of proposed block T. Block T sits into sloping ground below the level of no.8 (see VP4 of the photomontages booklet for illustrative purposes), featuring four-storeys with a maximum height of 15.5m on the southern side and two-storeys with a maximum height of 9.5m on the northern side facing towards no.8. Without taking into consideration the difference in ground levels, the proposed building would be approximately 8.2m above the centre of any ground-floor window and 11m above the centre of any first-floor window in no.8. Therefore, even without having to include the lower position of block T relative to no.8, the distance between the proposed buildings is greater than three times the height above the lowest window ($47\text{m} > 25\text{m}$ approx.) and the upper-floor window ($47\text{m} > 33\text{m}$ approx.). Accordingly, daylighting is unlikely to be significantly affected and no further tests are required to assess the potential for loss of daylight to this house, as in this case the loss of light would at worst be negligible.

14.8.11. By way of example, in order to illustrate the findings outlined in the overview section, the applicant's representative conducted quantitative analysis of the potential for the proposed development to result in impacts on daylight access to a representative sample of sensitive receptors, comprising rooms in buildings in proximity to the application site. The analysis indicates that the construction of the proposed development would not result in impacts greater than imperceptible on daylight access within neighbouring buildings and that with the demolition of St. Brigid's

hostel (CCC ref.18/37965), there would be potential to experience an improvement in vertical sky component for a neighbouring tested property.

14.8.12. Based on the information provided, I am satisfied that given the layout, orientation and scale of the buildings, the proposed development would not be likely to result in excessive overshadowing or loss of natural light to neighbouring residences below the minimum standards contained in the BRE guide and construction of the proposed development would not result in any undue adverse impact on daylight access to rooms within neighbouring buildings.

Boundaries and Construction Emissions

14.8.13. With appropriate scope for surveillance of the public realm and private gardens provided for, the proposed development would not lead to increased risks to the security of neighbouring residential properties and detailed proposals to secure the site boundaries have been outlined and presented within the boundary treatment drawing (no.60619639-SHT-20-L-0002), including the maintaining of existing boundary walls along the east side and supplementing boundaries with planting. A weld mesh fence would also be attached to the top of the existing wall to further secure the boundary with the reservoirs. An outline construction management plan was submitted with the application, including measures to control noise and dust emissions within prescribed limits during the temporary construction phase of the project. Sufficient information has been provided with the application to allow a comprehensive and thorough assessment of the impacts of the proposals on neighbouring residential amenities, as well as the wider area.

14.8.14. In conclusion, the proposed development would not result in excessive overshadowing or overlooking of neighbouring properties and would not have excessively overbearing impacts when viewed from neighbouring residential properties. Accordingly, the proposed development would comply with the central objective for these 'ZO 4' zoned lands, as contained in the Development Plan and the proposed development should not be refused for reasons relating to impacts on neighbouring residential amenities.

14.9. Ecology

Local Ecological Impacts

- 14.9.1. This site lies within an urban area and current land uses in the vicinity are detailed in section 2 above. Observers assert that special consideration must be given to bat and wildlife populations on site. An Ecological Impact Assessment (December 2020)' was submitted with this application following site surveys in November 2019 and May 2020. This Assessment outlines the habitats and species identified on site during surveys, as well as referring to designated sites for nature conservation in the vicinity, including Cork Lough proposed Natural Heritage Area, which is of importance to birds and situated 1.6km to the southeast. The site primarily comprises modified habitats, including buildings and artificial surfaces (habitat category BL3), dry meadow (GS2), stone walls (BL1), recolonising bare ground (ED3) and a small area of broadleaf woodland (WD1). Habitats suitable for protected plant species were not identified, although invasive plant species were identified. Numerous trees would be removed as part of the development. No evidence of mammal activity was recorded during initial surveys, although bat roosting was identified in follow-up surveys. Common bird species were only identified on site and the lands are not suitable for wintering wetland or wading birds. Habitats suitable for fish and protected invertebrates was not identified. Habitat listed in Annex I of the Habitats Directive or species listed in Annex II have not been identified on the subject site. The site is sufficiently removed from the nearest environmentally-sensitive sites, and other designated sites beyond, to ensure that no likely significant effects would result.
- 14.9.2. The site is of low ecological value and the applicant predicts that moderate negative impacts would only arise for the site from the proposed development, but this would be without the implementation of measures to address potential impacts. The applicant sets out various avoidance, remedial and alleviation measures to address the negative impacts, including supplementary planting to address the loss of trees, as expanded upon below. Other measures outlined include the need for ecological monitoring of vegetation removal and timing of such works to avoid the nesting season. Various SUDS and pollution-control measures form part of the surface water drainage proposals, limiting runoff and addressing water quality, including

during the construction phase. After alleviation, the applicant asserts that no other residual effects are likely to arise to biodiversity arising from this project, which could be assessed as moderate negative or greater. With the implementation of the identified alleviation measures, I am satisfied that the residual impact on local ecology would be no more than moderate negative. Specific impacts on bats, trees and invasive species are examined under separate subheadings below.

Invasive Species

- 14.9.3. An 'Invasive Alien Plant Species: Site Assessment Report and Management Plan' (December 2020) has been submitted with this application following site surveys in March, May and October of 2020. The identified invasive species on site, Japanese knotweed, Spanish bluebell and three-cornered garlic (leek), are all listed in the Third Schedule of the 2011 European Communities (Birds and Natural Habitats) Regulations (S.I. No. 477 of 2011), and as such, it would be a serious offence to spread these species. Japanese knotweed was identified in an increasing number of locations on site during surveys, with nine locations identified in the final survey spread throughout the site, close to the site boundaries, the access road and St. Brigid's hostel. Three-cornered garlic and Spanish bluebell were identified in three locations on site, including two locations along the lower boundaries and one location close of the northern boundary with the reservoir. The planning authority requires all measures included in the applicant's Invasive Alien Plant Species report to be implemented in full and I am satisfied a condition to address same should be attached in the event of permission being granted for the development.
- 14.9.4. The applicant's report outlines the principle measures to manage and treat Japanese knotweed, including the preferred management solution comprising a multi-annual control programme with identified infestations fenced-off, further inspections to identify any additional infestations and pre-construction phase multi-annual treatment with herbicides. The construction phase alien invasive plant species management plan, which would involve a combination of remediation actions, including the phasing out of in-situ herbicide treatment for sites not impacted by development works and the installation of certified vertical root barrier membranes along vulnerable boundary lines. Where development works are proposed within infested areas prior to eradication having been validated, the plans provide for removal of all associated infested soil and bio-secure disposal. With regards to the bio-secure

removal of infested soils affected by development works, two options are presented dependent on soil volumes, including their placement in an on-site underground containment cell and their off-site transport for disposal at a licenced and approved waste facility.

- 14.9.5. With the exception of bio-secure removal of infested soils for disposal off-site to a licenced and approved waste facility, the actions outlined with regards to the management and treatment of Spanish bluebell and three-cornered garlic (leek) generally follow the actions proposed in the Invasive Alien Plant Species: Site Assessment Report and Management Plan for the management and treatment of Japanese knotweed on site.
- 14.9.6. I am satisfied that subject to the implementation of the identified measures the management and treatment of invasive plant species can be satisfactorily resolved. The measures proposed are known and understood to be consistent with best practice and are considered to be effective. I am satisfied that this matter can be conditioned, as the identified mitigation measures proposed are deemed to be effective and satisfy the requirements under S.I. No. 477 of 2011.

Bats

- 14.9.7. All Irish bats are protected under national (Wildlife Acts, 1976-2012) and EU legislation (under Annex IV of Habitats Directive, with Lesser Horseshoe Bat included under Annex II also). A bat assessment was submitted with the application identifying the extent of bat activity in the wider Cork area and on site, with four species of bats identified foraging or commuting through the site and three species of bats identified to be roosting on site in groups of no larger than three individuals in a total of 11 roosts and three possible roosts within St. Kevin's hospital building, St. Dymphna's hospital building and the matron's / doctor's house. Substantive bat populations such as large maternity roosts were not found on site.
- 14.9.8. As buildings and structures are to be demolished, removed or refurbished, and trees are to be removed, featuring locations with identified and possible roosts, there would be a direct potential impacts on roosting bats. There would also be potential for loss of commuting and feeding areas on site via loss of existing trees and planting. In order to compensate for the loss of feeding areas for bats, as part of the Landscape Design and Public Realm Report the applicant has proposed maintaining

and supplementing areas to the north, northeast and south of the site with native planting and designating the associated areas as dark-sky areas that would be more suitable for bats. Lighting proposals, as stated and detailed in the public lighting report submitted, have been specifically designed to address the impacts on commuting and foraging bats.

14.9.9. To address the potential impacts on bat roosting, the applicant has set out proposals to alleviate disturbance of bats during the construction phase, including methods statements for the timing and undertaking of the proposed works, including supervision by a bat specialist, the acquiring of a derogation licence from the National Parks and Wildlife Service (NPWS) and the ceasing of any work should bats be discovered during works. While the trees on site and the ivy-clad southern retaining wall were not identified as being used by roosting bats, the applicant has outlined proposals for the carrying out of tree felling and the removal of the retaining wall to address the potential for roosting bats. Bat boxes are proposed to be placed on mature trees within these dark sky areas, as well as bat tubes in St. Kevin's chapel, and the locations of these features, which would remain in situ during the construction proposals, are identified on a bat protection drawing (no. 60619639-SHT-20-L0003). The planning authority's Heritage Officer has recommended that a derogation licence is obtained from NPWS prior to commencement of any works and any recommendations incorporated into the design and construction of this project should be implemented in full.

14.9.10. The ecological impact assessment sets out that the loss of feeding and light pollution would have mild long-term negative effects despite the proposed alleviation measures. The applicant also sets out that while bat boxes would be provided, there would be some loss of roosts for bats, which would have mild to moderate long-term negative impacts on bats. Monitoring of bat boxes is proposed to take place within a year of the development being built, and the location of the bat boxes should be changed if they are unused and their site is unsuitable. It is not possible to fully avoid impacting on bats, particularly as the protected structure would be brought back in to use. The applicant has engaged a bat specialist and an ecologist to provide the best means of addressing the likely impacts arising, which I am satisfied would be moderate based on the measures proposed to address likely impacts arising. While there would be potential for disturbance of bats over the construction

and operational phases, I am satisfied that, subject to the stated measures being implemented in full, including monitoring, and based on the surveyed levels of bat activity on site, there would not be a significant adverse impact on bat populations, as a result of the proposed development.

Trees

14.9.11. Following a tree survey, 111 of the 165 trees on site were identified for removal, including 14 grade B trees of moderate quality with an estimated remaining life expectancy of at least 20 years and 68 grade C trees, which are trees of low quality with an estimated remaining life expectancy of at least ten years, or young trees with a stem diameter below 150mm. The applicant's tree survey states that the trees mainly consist of self-seeded native trees or trees that grew as part of the original landscaping on site, with no category A trees identified and 54 trees to be maintained as part of the overall proposals. I am not aware of any tree preservation orders relating to the site. A total of 82 trees would be required to be removed to facilitate the development, while 29 trees would be removed for sound arboricultural management given their likely short lifespan. Half of the grade B trees to be removed are Sycamores, while the remaining trees consist of Oak, Ash, Apple, Scot's Pine and Whitethorn. Proposals with respect to tree protection were submitted as part of the Arboricultural Impact Assessment, and root protection areas and trees to be removed are identified on tree root protection drawings (nos. 20.04.SKH.02A Sheets 1 and 2). Replacement tree planting would be planted throughout the site, as illustrated and listed on the Landscape Framework Plan drawing (no.60619639-SHT-20-L-1000) and well in excess of the number of trees to be removed. The planning authority acknowledge that the loss of trees, albeit extensive, would be acceptable give the condition of the trees and the proposed woodland planting, including the escarpment along the northern boundary. The applicant has also outlined that trees would not be felled during bird nesting seasons, as required by the planning authority and detailed work methods are detailed in the outline landscape specification report. The planning authority has also sought the submission of an arborists report to confirm measures proposed in the tree survey report and the Arboricultural Impact Assessment are fully implemented and to oversee the felling and removal of trees.

14.9.12. I am satisfied that given the extent of trees to be maintained, including the woodland areas to the north and south of the site, the stated condition of the trees on site and the proposed provision of replacement tree planting, a sustainable approach to redeveloping the site has been set out in this regard. Furthermore, I note the planning authority's requirements for the engagement of an arborist as a condition in the event of a permission, and these requirements would appear reasonable.

14.10. Services and Flood Risk

Services

- 14.10.1. The application was accompanied by a Civil Engineering Infrastructure Report addressing site services, including foul sewers, surface water drainage and water supply. SUDS measures, including permeable paving and soakaways, would be incorporated into the development to provide interception storage, attenuation storage and a flow control to limit the rate of discharge to greenfield run-off rates. A bypass petrol interceptor would be installed downstream of a hydrobrake prior to discharge to the existing stormwater system on the adjacent Atkin's Hall site. Consultation with Irish Water and the planning authority following the submission of the application, confirmed the acceptability of the drainage proposals, subject to conditions, including requirements where diversion works are proposed and additional SUDS measures. In conclusion, I consider the drainage proposals to serve the development are satisfactory, subject to appropriate conditions.
- 14.10.2. Several watermains run through the site and the applicant states that it is their understanding that these Irish Water infrastructures are to be rationalised, including the decommissioning works provided for under planning reg. ref. CCC 18/37965. It is proposed to connect into 6inch cast iron watermains running along the northern and southern ends of the site, in order to supply water to the development. It is proposed to discharge the foul water effluent from the proposed development at a single connection point and by gravity in a southern direction into the existing 375mm diameter foul water sewer running across the southern end of the site. The applicant forwarded correspondence from Irish Water with respect to a pre-connection enquiry and this outlined that the connections to wastewater can be facilitated without upgrade of this infrastructure and that Irish Water do not object to the proposals, subject to standard parameters, including those addressing proposals

with respect to the existing watermains on site. Observers raised concerns that wayleave for the water services pipe following the eastern boundary and areas containing attenuation tanks would be unsecured, resulting in an increased risk of anti-social behaviour and endangerment to the public. I note from the Landscape Framework Plan drawing (no.60619639-SHT-20-L-1000) that these areas would be integrated into the landscaping proposals and would be overlooked from various routes and accommodation within the development.

Flood Risk

14.10.3. The applicant submitted a site specific flood risk assessment as part of their Civil Engineering Infrastructure Report and this asserted that the site was at no risk of coastal, fluvial, pluvial or ground water flooding based on information available, including mapping. Following the approach set out within 'The Planning System and Flood Risk Management – Guidelines for Planning Authorities' the site is within an area of low probability for flooding (flood zone C) and the proposed development is 'less vulnerable' and therefore appropriate for the site. The flood risk assessment also highlights that the residual risk of pluvial flooding on site due to overflowing or blockage of the surface water system, would not arise due to the existing conditions and as a potentially surcharged system would not result in water levels in storage tanks above the finished-floor level of the lowest building on site. In conclusion, based on the information available, I am satisfied that the development would be at low risk of flooding and it would not increase the risk of flooding to other lands.

14.11. Other Issues

Development Description

14.11.1. Concerns have been raised regarding the preciseness of the wording used to describe the development on the public notices advertising the planning application, in particular the absence of specific references to all pedestrian, cycle and vehicular accesses. As noted above, the applicant has only proposed works up to the boundaries where potential future connections may be made into third-party lands, and I am satisfied that the development description, including reference to internal roads, pathways, pedestrian access points, hard and soft landscaping, provides a sufficiently brief outline of the nature and scale of the development, in line with

statutory requirements under section 8(1) of the Act of 2016. The deficiencies in the description referenced by observers with respect to the Board Order under ABP-308156-20, related to the absence of a specific reference to material contravention matters and is not a directly comparative case.

Site Notice

14.11.2. Concerns also raised regarding the failure to erect site notices at all future potential connections to adjoining lands. An application site notice should be erected or fixed in a conspicuous position on or near the main entrance to the land or structure concerned from a public road, or where there is more than one entrance from public roads, on or near all such entrances, or on any other part of the land or structure adjoining a public road, so as to be easily visible and legible by persons using the public road. The applicant states that they erected a notice at the main entrance to the land, which is the only entrance to the land adjoining a public road. Consequently, based on the standard site notice requirements, I am satisfied that site notices in other locations were not needed.

Documentation and Consultation

14.11.3. Concerns have been raised outlining that all information was not available to all parties. As part of this assessment I have had due regard to all observations received in considering the acceptability or otherwise of the various aspects of the proposals and public participation was facilitated in line with the regulatory requirements. Consultation with neighbouring groups is not a mandatory requirement for this planning application.

Building Lifecycle and Management

14.11.4. As required within the New Apartment Guidelines, a building lifecycle report assessing the long-term running and maintenance costs and demonstrating the measures that have been considered by the applicant to manage and reduce costs for the benefit of residents, has been included with the planning application. While the measures and sinking fund details are lacking in specification for this development, prior to the sale or lease of individual units the developer would have to achieve compliance with the terms of the Multi-Unit Development Act 2011, inclusive of the establishment of a development specific Owners Management Company and a development specific sinking fund.

15.0 Conclusion and Recommendation

Having regard to the land-use zoning objectives for the site, as set out in the Cork City Development Plan 2016-2022, the proposed residential, childcare facility and office enterprise unit uses are appropriate for this site and the proposed density of residential development would be appropriate having regard to the immediate proximity to existing services and Government policy seeking to increase densities and deliver compact urban growth. The bulk and massing, detailed design and layout of the proposed development would be largely acceptable and the proposed development would not have a substantial impact on an area of high landscape value or protected views. The future occupiers of the homes would also benefit from a high standard of internal amenity and the proposal would contribute to the public realm with a substantial area of public open space to be provided as part of the development. The overall provision of site services, car parking and cycle parking would be acceptable, with sufficient provision made for future potential increased connectivity. The proposed development would enable the refurbishment and reuse of a protected structure and buildings of architectural merit and the design and layout of the proposed development would not detrimentally impact on the setting or character of these structures. Significant impacts on the architectural or archaeological heritage are not anticipated. The development would not seriously injure the amenities of the area or of property in the vicinity, would be suitably served in terms of access and without excessive hindrance to neighbouring properties. The development would not be at substantial risk from flooding and the proposals would not be likely to increase the risk of flooding elsewhere. The ecological impacts of the proposed development have been addressed as part of the detailed design and additional measures can be incorporated as conditions.

Having regard to the above assessment, I recommend that section 9(4)(d) 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.

16.0 Recommended Order

Planning and Development Acts 2000 to 2019

Planning Authority: Cork City Council

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 17th day of December, 2020, by the Land Development Agency care of Tom Phillips + Associates Town Planning Consultants, 80 Harcourt Street, Dublin 2.

Proposed Development:

The development will consist of:

- a) the demolition of former hospital buildings measuring a stated total of 2,901sq.m, including the two-storey St. Dymphna's hospital block (1,129sq m), toilet blocks and stair core additions to St. Kevin's hospital building (672sq.m), two-storey former matron's/doctor's house (220sqm), single-storey mortuary (50sq.m) and sheds to the north of the chapel (480sq.m), as well as partial demolition of a link corridor structure to St. Kevin's hospital building (350sq.m) and the removal of a 151m-long retaining wall fronting this building;
- b) the provision of 266 residential units, comprising the stabilisation, conservation and renovation of St. Kevin's hospital building to provide 60 apartments, the construction of 46 two-storey houses, 54 duplex apartments in 7 three-storey blocks and 52 apartments in 3 four-storey blocks;
- c) the conversion of St. Kevin's chapel to provide for an office/enterprise centre (630sq.m);
- d) the provision of a crèche facility (440sq.m) located at ground floor to the renovated St. Kevin's hospital building;
- e) the construction of two rear extensions (228sq.m) with bridge access and two front glazed-porch extensions (31sq.m) to St. Kevin's hospital building;
- f) internal vehicular routes, footpaths, lighting and signage, an upgraded vehicular access off Beechtree Avenue and four future potential pedestrian and cyclist accesses, as well as two future potential vehicular accesses;
- g) a total of 241 car parking spaces, including electric-vehicle charging points, and 563 cycle parking spaces;
- h) the provision of hard and soft landscaping, including retaining wall structures, revised boundary treatments providing for the repair of boundary walls and

the provision of private, communal and public open spaces, including play areas and an integrated landscaped amenity area replacing the partially-demolished link to the immediate east of St. Kevin's hospital building;

- i) drainage and civils works to facilitate the development, including attenuation tanks, sustainable urban drainage systems, surface and foul drainage infrastructure and all other associated and ancillary development/works.

at St. Kevin's hospital, Shanakiel, Cork.

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

In coming to its decision, the Board had regard to the following:

- a) the location of the site in an established urban area, with a developable sit area zoned for residential development;
- b) the policies and objectives of the Cork City Development Plan 2015-2021;
- c) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- d) the National Planning Framework, Project Ireland 2040, which identifies the importance of compact growth;
- e) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by

the Department of the Environment, Heritage and Local Government in May 2009;

- f) The Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in March 2018;
- g) 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 in March 2013;
- h) The Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009;
- i) Architectural Heritage Protection, Guidelines for Planning Authorities 2011;
- j) The nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;
- k) The pattern of existing and permitted development in the area;
- l) Section 37(b)(2) of the Planning and Development Act 2000, as amended, whereby the Board is not precluded from granting permission for a development which materially contravenes a Development Plan;
- m) The submissions and observations received;
- n) The Chief Executive's report from the Planning Authority;
- o) The report of the Inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Appropriate Assessment Screening document submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the

Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environment Impact Assessment Report Screening document submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- the nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i) and 10(b)(iv) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2020,
- the location of the residential, childcare and office enterprise unit development on lands zoned 'ZO 4' for residential, local services and institutional uses within the Cork City Development Plan 2015-2021, and the results of the Strategic Environmental Assessment of this Plan;
- the existing development and history of the site;
- the pattern of development in the surrounding area;
- the availability of mains water and wastewater services to serve the proposed development;
- the location of the development outside of any sensitive location specified in Article 299(C)(1)(v) of the Planning and Development Regulations 2001-2020;
- 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);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001-2020, and;

- the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Outline Construction Environmental Management Plan and the Ecological Impact Statement.

The Board concluded that, by reason of the nature, scale and location of the subject site, there is no real likelihood of significant effects on the environment arising from the proposed development. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of impacts on an area of high-landscape value, protected views, a protected structure and buildings of architectural merit, traffic and pedestrian safety and convenience, ecology, flood risk and drainage. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, a grant of permission could materially contravene the Cork City Development Plan 2015-2021 in relation to public open space provision. The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission, in material contravention of the Cork City Development Plan 2015-2021, would be justified for the following reasons and consideration.

- The application has been lodged under the strategic housing legislation and the proposal is considered to be strategic in nature. National policy as expressed within Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness 2016 and the National Planning Framework,

Project Ireland 2040 fully support the need for urban infill residential development, such as that proposed on this site. Accordingly, the provisions set out under section 37(2)(b)(i) are applicable.

- Objective 16.3 of the Cork City Development Plan 2015-2021 addressing urban design requirements, specifically those minimum requirements for 20% public open space on 'Institutional Sites/Sites forming the setting to a Building of Significance', as set out in Table 16.2 of the Development Plan, are clear and not in conflict with other standards and elements of the Development Plan. Accordingly, the provisions set out under section 37(2)(b)(ii) are not applicable.
- The Southern Region - Regional Spatial and Economic Strategy 2020, supports compact growth and recognises the housing potential of brownfield sites in Cork. The Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009, support increased densities in appropriate locations and the proposal has been assessed to comply with same. Accordingly, the provisions set out under section 37(2)(b)(iii) are applicable.
- With regards to the pattern of development/permissions granted in the area since the adoption of the Development Plan, of particular relevance, is the permission (ABP Ref. 300690 / CCC reg. ref. 17/37279) for 234 apartments on the former Good Shepherd Convent site, 725m to the northeast in Sunday's Well, Cork. When including the landscape preservation zone (ZO 12) measuring approximately 0.7ha as part of the 0.85ha overall open space provision on this 3.16 hectare site, 27% of the site was considered to form public open space in compliance with the minimum 20% requirement for Institutional Sites / Sites forming the setting to a Building of Significance set under Table 16.2 of the Development Plan. Should a similar approach to the quantification of the overall provision of public open space be undertaken for the subject development, 45% of the site would be allocated as public open space, which would be well in excess of the minimum public open space required. Accordingly, the provisions set out under section 37(2)(b)(iv) are applicable.

17.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the, 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:
 - (a) ground-floor apartment T06 to Block T shall be omitted and ancillary space for the walk-up apartments shall only be provided in its place with revised elevations;
 - (b) a revised house type for plot M01 shall be provided, omitting the first-floor rear (south-facing) elevation windows and compliant with all relevant standards;
 - (c) reduced use of painted render to the dual frontage elevations of the duplex apartment blocks D, E, F, H and R and the walk-up apartment blocks S and T, to be replaced by durable quality material finishes;
 - (d) omission of the dedicated bin stores serving the duplex apartments, walk-up apartments and houses, to be replaced by on-site secure communal bin stores;
 - (e) the proposed woodland walk on the northern boundary with Beechfield Avenue shall be extended to provide a pathway to the site boundary that

would provide for a future potential level connection to the adjoining lands to the west;

(f) the 6m-wide carriageway to the local road fronting blocks M, L and K shall be reduced to 5.5m in width and the omitted area shall be provided for soft landscaping or pedestrian permeability in compliance with the Design Manual for Urban Roads and Streets;

(g) the 6m-wide carriageway from the central three-arm junction west of block J leading to the future potential vehicular access to the reservoir lands, shall be reduced to a maximum width of 5.5m and perpendicular parking shall be omitted from along the northern side of this stretch of local road, to be replaced by parallel parking with a pedestrian path and a landscaped verge along the northern boundary abutting the reservoir lands, in compliance with the Design Manual for Urban Roads and Streets.

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

Reason: In the interests of visual and residential amenity, traffic and pedestrian safety.

3. Details of the materials, colours and textures of all the external finishes to the proposed houses/apartment blocks 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.

4. The developer shall comply with the following requirements in relation to the proposed restoration of St. Kevin's hospital, a the protected structure, which shall be carried out in accordance with the document: 'Architectural

Heritage Protection – Guidelines for Planning Authorities’ (Department of Arts, Heritage and the Gaeltacht, 2011):

(a) the replacement of any brickwork or any works of re-pointing shall be undertaken so that it matches the original existing wall finish and shall be in accordance with current Conservation Guidelines issued by the Department of Arts, Heritage and the Gaeltacht,

(b) the existing roof slates, chimney stacks and pots shall be retained, any replacement roof slates shall match the existing,

(c) where possible the remaining rainwater goods and bargeboard shall be repaired and reused, the replacement rainwater goods and bargeboard shall match the original in terms of design and materials,

(d) replacement windows shall be modelled on surviving windows and shall match them in dimensions, opening mechanism, profiles and materials;

Detailed elevation drawings to a scale of not less than 1:50, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to ensure an appropriate standard of restoration works for the protected structure.

5. 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 retained structures shall be submitted to and agreed in writing with the planning authority.

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

6. All works to St. Kevin’s hospital, the link corridor and St. Kevin’s Chapel 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 these structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

7. A Quality Audit, incorporating a Street Design Audit in accordance with Advice Note 4 of the Design Manual for Urban Roads and Streets, shall be undertaken in respect of the development. The scope of the audit shall be submitted to and agreed in writing with the planning authority and shall include gradients along internal access routes. All findings of the audit shall be incorporated into the development, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of pedestrian and cycle safety and convenience

8. (a) The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to the planning authority for agreement.

(b) The development hereby permitted shall not be made available for occupation by the developer until such time as all enabling infrastructure, including the interface along Beechtree Avenue, are completed to the written satisfaction of the planning authority.

Reason: To ensure the timely provision of services and facilities, for the benefit of the occupants of the proposed dwellings and the satisfactory completion of the overall development.

9. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design

Manual for Urban roads and Streets. Perpendicular parking bays shall be limited to six perpendicular spaces with substantive planting segregating these bays.

In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

10. A Stage 2, 3 and 4 Road Safety Audit shall be undertaken in respect of the proposed development. The audits and associated design responses shall be submitted to and agreed in writing with the planning authority.

Reason: In the interests of road safety.

11. 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 visual amenities of the area.

12. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001-2020, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed houses without a prior grant of planning permission.

Reason: In the interest of residential amenity and in order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings.

13. Proposals for a development naming and numbering scheme, and associated signage, including for the office enterprise unit, shall be

submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and dwelling numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

14. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. Six clearly identified car parking spaces for the office enterprise unit, six clearly identified car parking spaces for the childcare facility and four clearly designated spaces for car share use shall be assigned permanently. Off-street loading bays/set-down areas for the childcare facility and office enterprise unit, shall be identified and allocated for these uses. Residential car parking spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.
- (b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how car parking shall be continually managed.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units.

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 include modal shift targets and shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents and 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. The strategy shall be subject to annual review with the planning authority.

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

16. A minimum of 10% of all car parking spaces should be provided with electric vehicle (EV) charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

17. The developer shall enter into water and / or waste water connection agreement(s) with Irish Water, prior to commencement of development. The applicant must demonstrate separation distances can be achieved prior to commencement of any works on site in respect of minimum horizontal distance between the existing Irish Water infrastructure to the new buildings and structures.

Where a diversion is required, the applicant must enter into a diversion agreement with Irish Water prior to commencement of any works on site.

Reason: In the interest of public health.

18. a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
- b) 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.
- c) 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.

19. Public lighting shall be provided in accordance with a scheme, which shall include lighting along finalised pedestrian routes through open spaces and the mitigation measures to address impacts on bats, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The design of the lighting scheme shall take account of existing public lighting in the surrounding area. Such lighting shall be provided prior to the making available for occupation of any dwelling unit.

Reason: In the interests of amenity and public safety.

20. All service cables associated with the proposed development, such as electrical, telecommunications and communal television, shall be located

underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

21. a) The site shall be landscaped and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, including the Landscape Architecture and Public Realm Design Report, which accompanied the application submitted, unless otherwise agreed in writing with the planning authority prior to commencement of development.

b) Further details of the boundary treatment along the public realm to the balconies / terraces serving duplex apartments and along the south side of house J01 and north side of house I01, including the provision of permanent planted privacy strips and defensible space, shall be submitted to and agreed in writing with the planning authority.

c) Further details of the screens to be provided between adjoining balconies / terraces serving duplex apartments and walk-up apartments, shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity

22. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the houses/apartments are made available for occupation.

Reason: In order to ensure the satisfactory development of the public open space areas.

23. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.
- (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.
- (c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of trees identified for protection and retention on Tree Survey drawing no. 20.02.SKH.01A sheet 1 and 20.02.SKH.01A sheet 2, as submitted with the application, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.
- (d) No trench, embankment or pipe run shall be located within three metres of any trees, shrubs, hedging which are to be retained on the site.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

24. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

This schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.

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

25. Prior to commencement of development the developer shall submit, for the written agreement of the Planning Authority, a schedule of Ecological Avoidance, Remedial and Alleviation Measures, as detailed in Section 6 of the Ecological Impact Assessment (dated November 2019) submitted with the application. The schedule shall set out the timeline for implementation of each measure and assign responsibility for implementation. All of the mitigation measures shall be implemented in full and within the timescales stated.

Reason: In the interests of clarity, protection of the environment and the proper planning and sustainable development of the area.

26. Trees to be removed on site shall be felled in late summer or autumn outside bird nesting season and winter (bat hibernation). Any disturbance to bats on site shall be in a manner to be agreed in writing with the planning authority on the advice of a qualified ecologist. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

Reason: In the interest of nature conservation.

27. Bat roosts shall be incorporated into the site and the recommendations of the Bat Survey report and Ecological Impact Report shall be carried out on the site to the written satisfaction of the planning authority and in accordance with the details submitted to An Bord Pleanála with this application unless otherwise agreed in writing with the planning authority

Reason: To ensure the protection of the natural heritage on the site.

28. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

29. (a) 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 and for the ongoing operation of these facilities 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.

(b) This plan shall provide for secure communal bin stores for the development, the locations and designs of which shall be included in the details to be submitted.

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

30. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of

archaeological materials or features which 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, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works and shall undertake a pre- and post-construction survey for potential burial grounds on site.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site and surrounding area,
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements, including, if necessary, archaeological excavation, prior to commencement of construction works.

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 area and to secure the preservation and protection of any archaeological remains that may exist within the site.

- 31.** 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.

- 32.** 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 on-site 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 or footpath during the course of site development works;

- 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) Details of appropriate mitigation measures for noise and dust, and monitoring of such levels;
- l) 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;
- m) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- n) Details of the implementation and monitoring of measures set out in the Invasive Alien Plant Species: Site Assessment Report and Management Plan, including locations of on-site underground containment cells for the bio-secure removal of infested soils;
- o) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains;
- p) 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.

- 33.** 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.

34. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

35. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

36. 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.

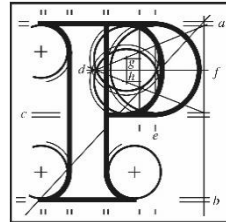
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Colm McLoughlin
Planning Inspector

7th April 2021

Appendices

Appendix A: EIA Screening



An
Bord
Pleanála

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS

An Bord Pleanála Case Reference		ABP-308923-20
Development Summary		Demolition of former hospital buildings and the construction of 266 residential units (46 houses and 220 apartments), a childcare facility, an office enterprise centre and associated site works at the former St. Kevin's hospital grounds, Shanakiel, Cork.
	Yes / No / N/A	

1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening Statement, an Ecological Impact Statement and a Stage 1 AA Screening Report was submitted with the application
2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	SEA undertaken in respect of the Cork City Development Plan 2015-2021.

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			

<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>No</p>	<p>The development comprises the demolition of existing former hospital buildings, reuse of two buildings and construction of housing and terraces of duplex apartments. There is variety in the nature and scale of development in the surrounding area, including former buildings reused for residential and other purposes and various residential buildings, and the proposed development is not regarded as being of a scale or character significantly at odds with the surrounding pattern of development.</p>	<p>No</p>
<p>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>Yes</p>	<p>Such changes in land use and form are not considered to be out of character with the pattern of development in the surrounding city area.</p>	<p>No</p>
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Yes</p>	<p>Construction materials will be typical of such urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.</p>	<p>No</p>
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Where asbestos containing materials were identified in the surveys, recommendations have been set out in the Asbestos Refurbishment Survey Report, including methods to safely deal with same. Such methods and materials would be typical for construction sites. Any impacts would be local and temporary in nature and implementation of Outline Construction Management Plan, an Outline Construction</p>	<p>No</p>

		<p>Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p> <p>Invasive species have been identified on site and a management plan to safely remove same has been initiated.</p>	
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Where asbestos containing materials were identified in the surveys, recommendations have been set out in the Asbestos Refurbishment Survey Report, including methods to safely deal with same. Such methods and materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan and a Construction Management Plan would satisfactorily mitigate potential impacts. Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p>No</p>

<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>No significant risk identified. There is no direct connection from the site to waters. The operational development will connect to mains services. Surface water drainage will be separate to foul services. Operation of a Construction Environmental Management Plan will satisfactorily mitigate emissions from spillages during construction.</p>	<p>No</p>
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Environmental Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p>No</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Environmental Management Plan and Construction Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p>No</p>

<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p>No</p>
<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>Yes</p>	<p>Redevelopment of this site as proposed would result in an intensification of use, an increase in population and employment in the crèche and office enterprise unit. The development would provide housing that would serve towards meeting an anticipated demand in the area.</p>	<p>No</p>
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>No</p>	<p>Development alongside a minor development permitted for the demolition of a former hostel building and the laying of a water services pipe along the eastern boundary (CCC ref. 18/37965), with minor developments in the immediately surrounding area.</p>	<p>No</p>
<p>2. Location of proposed development</p>			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p>	<p>No</p>	<p>No conservation sites located in the vicinity of the site. The nearest European sites are Cork Harbour SPA approximately 5.1km</p>	<p>No</p>

<ol style="list-style-type: none"> 1. European site (SAC/ SPA/ cSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 		<p>downstream and Great Island Channel SAC 11.4km downstream. Lee Valley proposed Natural Heritage Area (pNHA) is located approximately 700m west of the site, while Cork Lough pNHA is located 1.6km to the southeast. Annex II habitats or habitat suitable for protected species of plants were not found on site during ecological surveys. The proposed development would not result in significant impacts to any of these sites.</p>	
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>Yes</p>	<p>The lands are not suitable for wintering wetland or wading birds associated with coastal inlets and estuaries and breeding bird surveys did not identify the lands being used by such birds. Suitable habitat for frogs, newt, fish or protected invertebrate were not identified on site during ecological surveys. Three bat species were recorded roosting in non-maternity size groups within existing buildings on site, while four bat species were recorded foraging. The project incorporates measures set out in a Bat report an addressed in the Construction Environmental Management Plan to avoid, remediate or alleviate impacts on roosting and foraging bats. With measures in place and proposed the development would not result in significant impacts to bats or other species.</p>	<p>No</p>

<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>Yes</p>	<p>Proposals provide for the demolition of former buildings, there is an existing permission to demolish a hostel building on site, reuse and refurbishment of two protected structures is proposed and a link building that is also part of a protected structure will be partially maintained as part of the landscape development strategy. The proposals would bring historical buildings back into use and secure their existence. Conservation impact assessment and archaeological assessment assert that no impacts would arise. The development site sits on the southside of a prominent ridge overlooking the Lee valley in an area of high landscape quality and featuring three views identified in the Development Plan for protection. The proposed development would not have a major impact on protected views or prospects and the proposals would make a positive contribution to the urban fabric and grain of the cityscape.</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>		<p>No</p>

<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No</p>	<p>There are no connections to watercourses in the area. The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding.</p>	
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>Yes</p>	<p>Bedrock in the area is sandstone. No evidence of landslide or erosion. The site features steeply sloping ground. Detailed ground investigations have been undertaken. Construction methodologies can adequately mitigate any risks arising in this regard.</p>	<p>No</p>
<p>2.7 Are there any key transport routes (eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No</p>	<p>The site is served by a local urban road network.</p>	<p>No</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>Yes</p>	<p>Carraig Mór hospital is located within St. Anne's pitch n' putt club grounds to the north of the site. Significant operational impacts are not anticipated. Construction management should ensure that no emissions or traffic impacts arise.</p>	<p>No</p>

3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	There is an extant permission to demolish St. Brigid's hostel building and lay a water services pipe on site (CCC ref. 18/37965) and this development and other minor developments in the vicinity would not give rise to significant cumulative environmental effects.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No transboundary considerations arise	No
3.3 Are there any other relevant considerations?	No		No

C. CONCLUSION			
No real likelihood of significant effects on the environment.	✓	EIAR Not Required	
Real likelihood of significant effects on the environment.		Refuse to deal with the application pursuant to section 8(3)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended)	

D. MAIN REASONS AND CONSIDERATIONS

Having regard to

- the nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i) and 10(b)(iv) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2020,
- the location of the residential, childcare and office enterprise unit development on lands zoned 'ZO 4' for residential, local services and institutional uses within the Cork City Development Plan 2015-2021, and the results of the Strategic Environmental Assessment of this Plan;
- the existing development and history of the site;
- the pattern of development in the surrounding area;
- the availability of mains water and wastewater services to serve the proposed development;
- the location of the development outside of any sensitive location specified in Article 299(C)(1)(v) of the Planning and Development Regulations 2001-2020;
- 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);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001-2020, and;
- the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Outline Construction Environmental Management Plan and the Ecological Impact Statement.

Inspector: _____ Colm McLoughlin

Date: 7th April 2021