



An
Bord
Pleanála

Inspector's Report

ABP-312570-22

Development	Change of use of the existing structure and construction of a mixed-use office and retail development
Location	The Queens Old Castle, 84-89 Grand Parade, Cork City
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2140406
Applicant(s)	City Properties (Cork) Limited
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	An Taisce Corcaigh
Observer(s)	None on file
Date of Site Inspection	05/05/2022
Inspector	Gillian Kane

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
3.1. Planning Authority Reports Upon Application	4
3.2. Prescribed Bodies	5
3.3. Third Party Observations	6
3.4. Further Information.....	6
3.5. Reports on File following submission of FI.....	6
3.6. Decision	6
4.0 Relevant Planning History	7
5.0 Policy Context.....	7
5.1. Cork City Development Plan 2022-2028	7
5.2. Cork City Development Plan 2015 -2021	7
5.3. Natural Heritage Designations	11
5.4. EIA Screening	11
6.0 The Appeal	12
6.1. Grounds of Appeal	12
6.2. Applicant Response	14
6.3. Planning Authority Response	16
6.4. Observations	16
7.0 Assessment.....	16
7.2. Principle of Development	16
7.3. Height, Design and Scale.....	17

7.4. Visual Impact.....	20
7.5. Summary.....	21
7.6. Appropriate Assessment	21
8.0 Recommendation.....	24
9.0 Reasons and Considerations.....	24
10.0 Conditions	25

1.0 Site Location and Description

- 1.1.1. The subject site is located in Cork city centre, at the junction of Daunts Square, Grand Parade, Saint Augustine Street and Saint Patrick Street. The site forms the south-eastern section of the urban block.
- 1.1.2. Currently on site is building known as the Queens Old Castle. The building has two-storey frontage (eastern boundary) on to Daunts Square / Grand Parade. The southern boundary address the narrow laneway known as Saint Augustine Street and the western and northern boundaries are landlocked, facing the rear of South Main Street and Castle Street respectively. A section of the eastern boundary faces the rear of no.s 90-93 Grand Parade, mostly 4-storey buildings with ancillary / mixed uses over ground floor retail units.
- 1.1.3. The existing building operates as a retail unit (Dealz) and a vacant retail unit (formerly Argos).

2.0 Proposed Development

- 2.1.1. On the 5th August 2021 planning permission was sought for a development comprising the conservation, refurbishment, alteration and change of use of the existing structures, which involves the partial demolition of original and non-original fabric and the construction of a mixed-use office and retail development.
- 2.1.2. The proposed part 3, part 4, part 6 and part 7 storey office block of 9,728sq.m. includes a retail space of 122.5sq.m. The proposed development provides for 66 no. cycle spaces.

3.0 Planning Authority Decision

3.1. Planning Authority Reports Upon Application

- 3.1.1. **Drainage Department:** No objection subject to conditions.
- 3.1.2. **Archaeological Report:** Concurs with proposed archaeological mitigation. No objection subject to conditions.
- 3.1.3. **Community, Culture & Placemaking:** No objection subject to conditions.
- 3.1.4. **Conservation Report:** acknowledges the significant level of demolition, is satisfied that the vast majority is insignificant modern fabric. Welcomes the proposal especially the retention and reinstatement of the significant interior and exterior

elements which define its special character. Concerned by the impact of the mass and scale of the central 7-storey element of the proposal and the choice of dark external treatment. The impact of the proposal on the view from the northern end of Cornmarket Street and the junction of St. Patrick's Street and Grand Parade should be mitigated by design, bearing in mind the contribution of the existing fine urban grain to the character of the area. FI recommended.

- 3.1.5. **Traffic Regulation & Safety Report:** No car parking spaces proposed. No objection subject to conditions.
- 3.1.6. **City Architect:** Welcome addition to the fabric of the city. Increase in height of the office block is accepted but one floor should be removed.
- 3.1.7. **Planning Report:** Proposed development is acceptable in principle. Plot ratio is 3.29, higher than the recommended 2.5 but this is acceptable due to city centre location. Proposed redevelopment enhances the architectural and historical built environment with modern back drop respectfully set back. One quarter of façade to be removed but has less architectural and historical value. Overall front elevation is acceptable. Proposed height and colour scheme of taller element of the rear element of the scheme are of concern as they increase the visual bulk of the proposal. Proposed south elevation is welcomed in terms of design and enhanced ground floor uses. Planner notes the Conservation Officers report and recommendation for further information. In terms of height, the planner concurs with the rationale outlined in the Architectural Design Statement but consider that the location within the ACA is such that the visual impact is excessive and over dominant. Close range views from Daunt Square / Grand Parade and Liberty Street / Shears Street are of concern. In terms of sunlight & daylight analysis, the planner notes the impact on the residential properties on the upper floors of 4-9 Castle Street and St Augustine's Church. Recommendation to request further information.

3.2. **Prescribed Bodies**

- 3.2.1. **TII:** No observation.
- 3.2.2. **Irish Water:** No objection.
- 3.2.3. **An Taisce:** Proposal is detrimental to the important historic building. Excessive height, scale and unsuitable design in an ACA, excessive demolition, permanent alteration of the vista from St Patricks Street, contrary to the development plan. No merit to demolishing part of the façade. Significant negative visual impacts.

3.3. **Third Party Observations**

- 3.3.1. **Irish Georgian Society:** Concerned that the excessive scale would have a detrimental impact on the character of the North Main Street ACA. Building, although not a protected structure, is on the NIAH as a building of regional importance. IGS considers that the proposal fails to meet the objectives of the City development plan, does not enhance the area and does not have regard to the cultural context. Requests that permission be refused.

3.4. **Further Information**

- 3.4.1. On the 29th September 2021 the Planning Authority requested the following items of further information:
- 1 provide a design solution to address the concerns regarding height and massing, colour palette of the taller element
 - 2 overshadowing of adjoining buildings
 - 3 identify all potential significant noise sources, full details of waste management, construction management plan
- 3.4.2. On the 25th November 2021, the applicant responded to the FI request. The cover letter submitted with the response states that the scheme was amended to address the concerns of the Planning Authority, by way of revised external finishes for the 7-storey and 4-storey elements of the scheme. The response was accompanied by a revised Townscape and Visual Appraisal, a Sunlight & Daylight Impact Analysis, Outline Construction Management Plan, Traffic and Transport Assessment, and an Operational Waste Management Plan.

3.5. **Reports on File following submission of FI**

- 3.5.1. **Environment report:** No objection subject to conditions.
- 3.5.2. **Planning Report:** Revised proposed is the most appropriate design solution. Applicants response has satisfactorily addressed the concerns of the Planning Authority. Recommendation to grant subject to conditions.

3.6. **Decision**

- 3.6.1. On the 17th December 2021, the Planning Authority issued a notification of their intention to GRANT permission subject to 29 no. conditions.

4.0 Relevant Planning History

- 4.1.1. Planning Authority reg. ref. **20/39364**: Planning permission granted for the demolition, and reconstruction of internal and some external elements of the existing block at all levels within the curtilage of the existing pattern to form 2 no. reconfigured smaller retail shops at ground level fronting onto Grand Parade, and the change of use of a large portion of the ground floor to the rear from retail (and ancillary storage) to retail and co-working office use (where the former Argos store and current Dealz stores are currently located) and the provision of a new entrance to the co-working space at ground floor level accessed off Grand Parade with a mezzanine office at 1.5 floor level. The development proposed constitutes the retention of 275.656m² of retail space and the provision of 3382.9m² of office/co working space. Planning permission is sought for the development outlined herein including, internal demolition, minor alterations to the facade, internal reconfiguration the removal/relocation of partitions, counters, accommodation stairs, reconfiguration of internal units, drainage, bin storage, reception area, meeting rooms, facilities, plant space and all associated site works.

5.0 Policy Context

5.1. Cork City Development Plan 2022-2028

- 5.1.1. The 2022-2028 Cork City Development Plan is due to be adopted between June and August 2022. Until then the operative development plan for the area is the Cork City Development Plan 2015 -2021. Under the draft plan, the subject site is zoned ZO 06 City Centre.

5.2. Cork City Development Plan 2015 -2021

- 5.2.1. The subject site is located within the Z01 City Centre Retail Area (CCRA), which has the stated objective to “To provide for the protection, upgrading and expansion of retailing, in particular higher order comparison retailing, as well as a range of other supporting uses in the City Centre retail area”.
- 5.2.2. **Section 4.8** of the plan states that “Cork City Centre is the principal retail centre of the South West Region and forms the first tier within the retail hierarchy. The City Centre exhibits a number of higher order retail, services and specialist functions not found elsewhere in the region and is the focus for higher order comparison retail

development”. **Objective 4.3** is to “To protect and enhance the role of Cork City Centre as the primary retail centre in the south-west region by facilitating the continued regeneration and modernisation of existing and the development of new retail building stock, coupled with a range of complimentary leisure, recreational and cultural uses and investment in public realm improvements”.

5.2.3. **Objective 4.8 Core Retail Areas** Core Retail Areas are the preferred location for new retail development. Consideration of new retail development outside of the core retail areas will be guided by the provisions of the Retail Planning Guidelines and the objectives of the City Development Plan.

5.2.4. Regarding the **City Centre**, policies of note include

Objective 13.1 Strategic Objectives –It is a strategic objective of Cork City Council to:

- a. Sustain and enhance the vitality and attractiveness of Cork City Centre as the ‘Healthy Heart’ of the region and as a quality place to live, work and visit;
- b. Facilitate the orderly expansion of the City Centre eastwards into Docklands and support the progressive development of Docklands as a sustainable urban quarter to complement the continued vibrancy and primacy of the City Centre;
- c. Implement the appropriate recommendations of the City Centre Strategy report (2014);
- d. Support the City Centre in realising its full potential as the leading regional retail centre and the primary office location;
- e. Continue to develop Cork City Centre as a high quality, vibrant and adaptable location for the growth of indigenous and international business;
- f. To develop the City Centre as a desirable place to live for all by providing a quality, sustainable and socially inclusive housing stock in proximity to quality services and amenities;
- g. To develop and establish the City Centre as an international destination for tourism, business, culture, leisure and arts;
- h. To continue to enhance the quality of the city’s public realm and improve access into and within the City Centre for all the city’s users and ensure that the City Centre is attractive to all age groups including children, young people and families;

i. To facilitate the safe, efficient and sustainable movement of people to, from and within the City Centre

- 5.2.5. Regarding employment, **Objective 3.7** states: The Cork City Council will support the development of the City Centre and Docklands as the primary strategic employment locations. Secondary locations in suburban areas at Blackpool/Kilbarry and Mahon also have potential for growth as outlined in local area plans. There is also potential for employment intensification in the future in areas such as Tivoli, Model Farm Road and the Tramore Road area. **Objective 3.9** Prime office locations The City Council will support the development of the City Centre and Docklands as the primary locations for higher order general office development in the city region. Any scale of general office is acceptable in the Commercial Core Area, while general offices over 400 sq. m. will be acceptable in Docklands mixed use zones.
- 5.2.6. The subject site in the south-eastern corner of the **North Main Street ACA**. Chapter 3 of the development plan states that “In addition to its architectural significance, it is an area of the greatest historic and archaeological significance within the city’s boundaries, and is therefore of civic importance for Cork. It is the site of the original medieval city with the present day street and lane layout reflecting the early medieval burgage plots”
- 5.2.7. Regarding Built Heritage, **Objective 9.1** Strategic Objectives : Built Heritage and Archaeology is a. To promote the protection of the heritage of the city and the implementation of the Heritage Plan; b. Ensure that elements of archaeological, architectural and other cultural significance are identified, retained and interpreted wherever possible and the knowledge placed in the public domain; c. Promote the retention reuse, and enhancement of buildings and other elements of architectural or other significance; d. Ensure that development reflects and is sensitive to the historical importance and character of the city, in particular the street layout and pattern, plot sizes, building heights and scales; e. Improve and encourage access to and understanding of the architectural heritage of the city.
- 5.2.8. **Objective 9.28** Protection of NIAH and other structures of built heritage interest: The City Council as planning authority aims to protect structures of built heritage interest. The “Ministerial Recommendations”, made under Section 53 of the Planning Acts, asking the City Council to protect structures will be taken into account when the

City Council as planning authority is considering proposals for development that would affect the historic interest of these structures of significance. The City Council will protect structures by making additions to the Record of Protected Structures, designating Architectural Conservation Areas, or other appropriate means.

Structures (including those recommended by the Minister) will be prioritized for protection, where: - Key stakeholders groups, building owners or members of the public ask that Cork City Council provide protection to specific buildings ; or - Area-wide assessment through architectural conservation area assessment or the development of forward planning frameworks lead to the need to protect key character areas and/ or buildings.

5.2.9. **Objective 9.32 Development in Architectural Conservation Areas** Development in ACAs should take account of the following: - Works that impact negatively upon features within the public realm such as paving, railings, street furniture, kerbing etc. shall not be generally permitted; - Acceptable design, scale, materials and finishes for new developments; - Original materials and methods of construction should be retained. For example, timber barge boards, windows and doors should not be replaced with PVC, original roofing material types should be retained along with original forms and locations of openings etc.; - Features of historic or architectural value should not be removed.

5.2.10. The **NIAH** identifies the Queens Old Castle as having a 'Regional' rating, with archaeological, architectural and artistic interest. The NIAH record describes the building as a "Five-bay two-storey former shopping arcade, built c.1835 and 1911, with off-centre pedimented Greek Doric breakfront. Rendered walls with balustraded parapet, and having pilasters flanking segmental-arched openings supporting entablatures above. Pairs of round-headed fixed windows with decorative tracery set in segmental-arched openings to first floor. Fluted columns to breakfront, having inset clock to pediment. Replacement fixed windows and glazed doors, c. 1980, to ground floor". The records notes that being located at the "northern end of the Grand Parade, this building closes the vista at the western end of St. Patrick's Street. The building is of apparent architectural form and design, with the off centre Doric breakfront, segmental-arched window openings and balustraded parapet. Built on the site of the former Queen's Castle, the building may contain some archaeological

fabric. The building retains many interesting features and materials, such as the timber fixed windows, fluted Doric columns and inset clock”.

5.3. **Natural Heritage Designations**

5.3.1. The Cork Harbour SPA (004030) lies 3.2km to the south-east of the subject site.

5.4. **EIA Screening**

5.4.1. A ‘Report in Support of EIA Screening’ was submitted to the Planning Authority with the application.

5.4.2. The report addresses the proposed development, the existing environment in terms of population, planning context, biodiversity, land & soils, water quality, flooding, Architectural and Cultural Heritage, Landscape and Visual, Air & Climate and EIA legislation.

5.4.3. The report notes that at less than 10,000sq.m. and below the threshold for urban development (2 ha.), the proposed development is below the threshold for class 10(b(i) of Part 2 of the Planning and Development (Amendment) Regulations 2001-2019. The report then assesses the proposed development against Schedule 7A criteria and concludes that the characteristics and location of the proposed dev and the characteristics of potential impacts are such that there will not be likely significant impacts on the environment. No cumulative impacts or transboundary effects were identified. The report concludes that an EIAR is not required.

Assessment

5.4.4. The subject proposal refers to a brownfield site of 0.229ha, which is zoned City Centre”. The nature and the size of the proposed development is well below the applicable thresholds for EIA. I note that the uses proposed are similar to predominant land uses in the area and that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance.

5.4.5. Having regard to nature and scale of the development and the built-up urban location of the site there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment

can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third-party appeal of the decision of the Planning Authority to grant permission was submitted by An Taisce Cork. The grounds of the appeal can be summarised as follows:

- The new building permitted behind and above the Queens Old Castle requires a reduction in height and a design revision, to provide a better integration into the historic city centre.
- The RIAH listed historic façade, marks the important point between the medieval city and the 18thC expansion.
- The building occupies a pivotal position, completing the vista at the western end of St Patricks Street. Any extension to the building requires a more considered architectural approach.
- The proposed building is of excessive height, scale and unsuitable design of the in a historic ACA, in particular the eastern façade, all in an historic area with a characteristic urban form.
- There is a significant discord between the proposed and surrounding buildings, having regard to the fine urban grain and architectural character of the area.
- The 7-storey element is of generic design, with floor to ceiling glazing and no variation in the east-facing façade.
- The permanent adverse alteration of the vista is contrary to the development plan, which aims to protect and enhance the built heritage of the city centre.
- Despite a FI request, no substantive amendments to the proposal were made.
- The planners report and the City Architect expressed concern about the height of the building. The Conservation Report notes that the proposal has a direct impact on a NIAH listed building or archaeological, architectural and artistic

merit. The planning report noted section 9.32 of the development plan and stated that mitigation in design and a reduction in height was required.

- The second planning report, following the submission of FI, concludes that the 7-storey scheme is appropriate. It is the submission of the third-party that several policies and objectives of the development plan have not been considered.
- The overall composition of the building should not be determined in isolation. There is no other example of a building of this scale, height or design in the city centre. The visual impact of the proposed building is not a sufficient justification for viability.
- The amendments made at FI stage address the Planning Authority concerns regarding overshadowing and overlooking but not visual impact. The subject site is on one of Corks set piece streets. The existing building is a key showpiece and deserves a more sympathetic architectural treatment. The proposed 7-storey building with dark glazing and strong horizontal emphasis is inappropriate.
- The applicant acknowledges it is the character of the area which makes it attractive as the centre of the city. This is widely recognised in the development plan, including Objective 9.28.
- A graduated set back of the eastern façade, the use of louvered panels or similar modulation of the horizontal elements and / or a change to the intense dark finish should be considered. The removal of the 7th floor is also requested.
- The proposed dark façade on to Saint Augustine's Street, while unifying the scheme, serves to further break up the overall streetscape. A lighter palette is required.
- It is submitted that the proposed building will not enhance the city's built and natural heritage, or respect its distinctive character. Other interventions have achieved a more successful balance between new and existing.
- The Board is requested to require a redesign and a lowering of the height, to address the excessive scale and inappropriate design.

6.2. Applicant Response

6.2.1. The applicant states that the proposed scheme takes account of the relationship with adjoining and uses and provides a quality design. The changes made to the scheme following the FI request have resulted in a more considered and robust scheme which constitutes a regenerative catalyst scheme on an underused landmark site. The applicant is committed to providing a high-quality scheme with conservation at the forefront.

6.2.2. The details of the response can be summarised as follows:

- The analysis of the medieval and modern built environment demonstrated a common shoulder height of 4-storey along the main thoroughfares. Contemporary additions to the vernacular respect this. Behind a 14-18m setback from the street edge, additional floors rise within the middle of linear blocks. Modern developments in the city reach seven and eight stories.
- The applicant undertook massing and height studies, used best practice with regard to conservation, and worked in a collaborative manner with the Planning Authority addressing their concerns.
- The proposed 7-storey element of the building should not be considered in isolation, being one of a hierarchy of elements within the overall design of the eastern façade. This will play a key role in defining the identity of the building. The existing built environment is respected.
- The new vertical element is set back from the building lines of surrounding streets, is distinctly contemporary in form, sits within the roofscape and does not distort the legibility of the surrounding historic buildings.
- The materials, finishes and simplicity of the façade enhance the legibility of the retained original façade and the new set back element. Similar approaches can be seen at Horgan's Quay. Examples of the design teams work submitted.
- The proposed colour palette is a result of several material studies and verified views. These demonstrate that the dark colour palette is appropriate, allowing a clear distinction between the new and the old. A lighter scheme would distort this legibility.

- The Townscape and Visual Impact Assessment demonstrates that the proposed development recognises the importance and sensitivity of the original façade and the site environs. The distance from which the scheme would be visible is limited by the alignment of the surrounding streets. Viewpoint 1 shows an enhanced view from the western stretch of St Patricks Street. Viewpoints 2,3 and 4 show the limited visibility from the majority of the street.
- The simple form, sleek, un-fussy finish and dark colours provide the best backdrop to the light-coloured, highly decorative Queens Old Castle façade. It avoids any competition with the retained façade.
- The conservation of the existing architectural heritage on site was central to the proposed development. The juxtaposition of form, scale, architecture and materials are appropriate in a 21stC city centre. The removal of the pastiche addition on the corner and the clear demarcation between old and new are appropriate for the broad urban grain of this part of the city.
- The appellant does not take account of the larger scale of the adjoining St Augustine's Church. The proposed re-development restores the historic streetscape relationship.
- The proposed four-storey corner element replacing the pastiche 1980's addition, will act as a bookend to the block whilst respecting the shoulder height of the city. The set-back of the taller element minimises the visual impact on the surrounding area.
- There are examples of buildings of this scale and height at Counting House development, 250m from the site. This development provides a rich townscape character in an existing historic building.
- The National Planning Framework and Building Height Guidelines place a responsibility to deliver compact growth and sustainable use of land and other resources. The proposed development will be a positive addition to the townscape in terms of land use, vibrancy, architecture and visual interest.
- The applicant worked in collaboration with the Planning Authority during the FI process. This is an excellent example of a meaningful planning process resulting

in improved outcomes. The applicants design team met with the appellant to defend the scheme.

- It is submitted that the proposed development will bring 900 employees into the city centre every day instead of a greenfield suburban site.
- The Board is requested to grant permission.

6.3. **Planning Authority Response**

6.3.1. None on file.

6.4. **Observations**

6.4.1. None on file.

7.0 **Assessment**

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Height, Design and Scale
- Visual Impact

7.2. **Principle of Development**

7.2.1. The subject proposal for the redevelopment of an underused building of architectural interest in the centre of Cork City is welcomed. Section 15.7 of the development plan states that retailing is prioritised in this City Centre Retail Area (CCRA) area but not to the exclusion of other land use types. Other uses such as residential, hotel, office and cultural and leisure facilities etc which compliment the retail function of the CCRA and promote vibrancy in the City. I note that the appellants do not object to the principle of the proposal, only the execution of the scheme.

7.2.2. The proposed development is largely an office development, with 9,728sq.m. of office floor space and 122.5sq.m. of retail in two units on the ground floor, with

frontage on to Daunts Square / Grand Parade. I note that no 'back-room' services are proposed for the retail units: storage, office, sanitary facilities for staff etc. The usability of the units is questioned, unless support services are to be provided from within the office development.

- 7.2.3. The development plan notes that there has been a shortage of modern 'large floor plate offices' in the city centre, and an increase in vacancy in older offices in recent years. The plan therefore supports the creation of new office space in the city centre, an area that can be served by existing transport and other infrastructure. I am satisfied that, notwithstanding the small area assigned to retailing, the proposed development complies with objective 3.9 of the development plan which seeks to support the development of the City Centre and Docklands as the primary locations for higher order general office development in the city region
- 7.2.4. The appellants raised the point that the concerns of the Planning Authority regarding height, scale and finishes were not robustly analysed during the FI process, given that no significant amendments resulted. The proposed development before the Board is assessed on a 'de-novo' basis.
- 7.2.5. I am satisfied that the proposed development is acceptable in principle, subject to other planning considerations.

7.3. Height, Design and Scale

- 7.3.1. The appellants main concerns are the scale, massing and finish of the proposed building having regard to the impact of same on the streetscape, the architectural sensitivity of the area and the visual impact.
- 7.3.2. The proposed development comprises the restoration and refurbishment of the original Queens Old Castle building at ground and first floor level. This involves the removal of the 1980's pastiche addition on the southern corner with Saint Augustine's Street. I note the support of the City Architect for the external composition of the façade in urban design and conservation terms. The City Architect states that the new dark curtain wall intervention has reinforced the grain of the street in a contemporary manner and has provided greater emphasis to the integrity of the design and composition of the Queens Old Castle building.

- 7.3.3. I consider the restoration of the existing building to a facade closer to the original intent – with the original entrance bay restored to primacy and symmetry restored, to be welcomed. The removal of the southern corner addition will improve the legibility of the original façade. The introduction of a four-storey corner element in place of the removed section, repeats the 4-storey building height that is present on most of Daunts Square and provides an appropriate bookend to the streetscape. Further, I note that photographs in the Heritage Impact Assessment report show that a 4-storey building stood at that corner up to at least 1965. The use of a darker finish and the simplicity of the new façade ensures that the new block is clearly demarcated from the older, lower in height, paler in colour and more decorative in finish original building. I am satisfied that the design approach to this corner element successfully ensures that there is no visual competition between the two elements.
- 7.3.4. The third element of the proposed development is the 7-storey section, set back from both the front façade and the 4-storey corner element. The height of the building has been raised as a concern by the appellant but also by the City Architect, the first planning report and a number of observers to the Planning Authority. This is addressed in greater detail below.
- 7.3.5. The proposed re-development of the subject site to a height greater than existing - in the city centre, with access to high capacity, frequent service public transport is supported by national policy.
- 7.3.6. Chapter 4 of the National Planning Framework (NPF) addresses “Achieving Urban Infill/Brownfield development” and it brings forward three National Policy Objectives (NPO), two of which are relevant to the current proposal. NPO11 refers to “...a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities...” and NPO13 states the following: “In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

- 7.3.7. The 2018 guidelines on Building Height refer to NPO 13 and state that securing compact and sustainable urban growth means focusing on reusing previously developed 'brownfield' land, building up infill sites (and either reusing or redeveloping existing sites and buildings, in well serviced urban locations, particularly those served by good public transport and supporting services, including employment opportunities.
- 7.3.8. At local level, the Cork City development plan defines the proposed building of 7-storeys as a 'medium-rise building' but as it is taller than the general building heights in the area, it is nonetheless considered a 'taller' building. The plan (section 16.29) notes that the city centre generally has buildings up to 5 storeys and any new development must respect the areas existing character, save in exceptional circumstances where an increase in height can be justified on sound urban design or architectural grounds.
- 7.3.9. The subject site with a large street frontage on a key location at the junction of two of the main city centre streets, is a prime location to reinforce and create a sense of place within the city centre. Assessing the proposed development against the development management criteria of the Building Height Guidelines, the proposed development is well served by public transport, will enhance the streetscape and wider public realm, will restore a local landmark to its original presentation and create new employment opportunities that otherwise may be served in out-of-centre or suburban locations. At the neighbourhood level, I am satisfied that the proposed development responds positively to the immediate and wider environment and positively contributes to the mix of land uses in the area. At the scale of the building, the form, massing and height are such that access to natural daylight, over shadowing have been considered both within the proposed building and the surrounding buildings.
- 7.3.10. I am satisfied that the proposed development would add to the variety of building typologies in Cork city centre. The location of the subject site at the intersection of importance streets means that the proposal would act as a focal point and thus a landmark/destination building

7.4. Visual Impact

- 7.4.1. Section 2.8 of the Building Height Guidelines states that with regards to large-scale and tall buildings in historic urban areas, an examination of the existing character of a place can assist establish the sensitivities of a place and its capacity for development or change and define opportunities for new development and inform its design.
- 7.4.2. Objective 16.2 of the City development plan requires the submission of a VIA for all developments that propose to break the existing city skyline, roofscape or established building heights.
- 7.4.3. The application was accompanied by a Townscape & Visual Appraisal with an appendix of Verified Photomontages. The report notes that the subject site lies within the Historic Urban Core landscape and lists those protected views and prospects that may be affected by the proposed development. The sensitivity classification of the TVIA takes account of the historic building on site, the junction of the two main streets in the city centre and the North Main Street ACA. The report finds that while the townscape value of the site is highly valued and of high sensitivity to change, the site is suitable for high architectural and urban design quality development and national policy encourages development of the nature proposed. The magnitude of townscape change is stated to be medium, with a positive impact on movement patterns, land-use mix and townscape character. The assessment of the proposed development against the Building Height Guideline confirms that the overall effect on townscape will be positive.
- 7.4.4. 26 no. viewpoints are assessed, including 5 no. protected views. View no.s 1, 56, 7, 10, 11,13, are very significant or significant positive. View no.s 2,3,4,12,14,18 and 19 have no effect. View no.s 8,9,21,22,23,24 are slight neutral and view no.s 15,1,6,17 and 20 are not significant neutral. The key findings of the VIA is that close-up and middle distance views would be significant and positive, and that distant views from elevated locations would significant but also positive.
- 7.4.5. Noting the concerns raised, the Planning Authority requested the Applicant to consider reducing the height of the proposed building at FRI stage. In response, the applicant submitted a supplementary report on the TVIA. The report states that while the proposed 7-storey element will be visible, it will not dominate, screen or

otherwise harm any of the smaller historic buildings. Further, the report states that a reduction in height by one storey would not remove the building from any key view, nor significantly reduce its prominence or its effect on the surrounding buildings or street elevations.

- 7.4.6. I agree with this reasoning and finding. A reduction in height of one storey would not be apparent from the streetscape or the wider views along Grand Parade and Saint Patricks Street. The reduction in height would only take effect from the wider views and more elevated points. It is at those points that the city centre skyline is more capable of absorbing changes or transitions in height, particularly those views where St Augustine's Church forms the backdrop.
- 7.4.7. The set-back of the 7-story element and its articulation in volume result in a building that is not dominant or overbearing, despite the increase in height. The use of differing elevations (in terms of finishes, form and design) allows a hierarchy of elements within the façade. The use of differing colour palettes also reinforces this hierarchy, with the bright white of the original queens old castle creating the strongest focus and the darker new elements retreating into the background.
- 7.4.8. I am satisfied that the design approach to this landmark site is the most appropriate approach, in terms of maximising the subject site and respecting the architecturally and historically sensitive environment.

7.5. **Summary**

- 7.5.1. I am satisfied that the location of the subject site and its current under-use comply with the criteria at national and local level for an increase in building height. The proposed development satisfies the development management assessment of the Building Height Guidelines for a taller building in an architecturally and historically sensitive area and is in accordance with the proper planning and sustainable development of the area.

7.6. **Appropriate Assessment**

- 7.6.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

- 7.6.2. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).
- 7.6.3. The application was accompanied by a 'Report in Support of Appropriate Assessment Screening'. The Report provides a brief description of the proposed development and states that the site is not located within or directly adjacent to any Natura 2000 site.
- 7.6.4. The report notes that the subject site is 240m from the River Lee and that the site is connected to the Cork Harbour SPA via the River Lee (5km upstream). Surface water run-off could potentially flow into the Cork Harbour SPA via this source-pathway-receptor link. The screening report notes that while the proposed development is hydrologically connected to the Great Island Channel SAC via Cork Harbour, given the small scale of the development, the dilution capacity available within the harbour and the robust nature of the estuarine qualifying habitats, no pathway for impact has been identified.
- 7.6.5. In terms of potential impacts, the screening report finds that the proposed development will not result in any significant deterioration in habitat quality or loss of habitat in any designated site. There will be no impact on qualifying interest birds in the SPA due to the distance between the subject and the designated site. the impact of effluent discharge is stated to be negligible due to the operating conditions at the Cork City WWTP and therefore significant effects can be excluded. No cumulative impacts are predicted. The report concludes with the statement that the proposed development either alone or in-combination with other plans and / or projects, does not have the potential to significantly affect any European Site, in light of their conservation objectives. Therefore a stage 2 AA is deemed not to be required.

7.6.6. Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

Assessment

7.6.7. The European Sites that occur within the vicinity of the proposed development are:

Natura 2000 sites within 15km range of site	Qualifying Habitats and Species	Natura 2000 Code Conservation Management Objectives
Great Island Channel SAC (001058)	<ul style="list-style-type: none"> • Atlantic salt meadows • Mudflats and sandflats not covered by seawater at low tide 	To restore the favourable conservation condition of Atlantic salt meadows in Great Island Channel SAC.
Cork Harbour SPA (004030)	<ul style="list-style-type: none"> • Little Grebe • Great Crested Grebe • Cormorant • Grey Heron • Shelduck • Wigeon • Teal • Pintail • Shoveler • Red-breasted Merganser • Oystercatcher • Golden Plover • Grey Plover • Lapwing • Dunlin • Black-tailed Godwit • Bar-tailed Godwit • Curlew • Redshank • Greys Shank • Black-headed Gull • Common Gull • Lesser Black-headed Gull • Common Tern • Wetlands and Waterbirds 	To maintain the favourable conservation condition of the species in Cork Harbour SPA, as well as the wetland habitat as a resource for the regularly occurring migratory waterbirds that utilise it

AA Screening Conclusion

- 7.6.8. I have had due regard to the screening report and data used by the applicant to carry out the screening assessment in respect of the Natura 2000 sites identified as being within 15km radius of the development site, which are Great Island Channel SAC (site code 001058) and Cork Harbour SPA (site code 004030), including the nature of the receiving environment and proximity to the nearest European sites.
- 7.6.9. I consider it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, in view of the said sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required. 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.

8.0 Recommendation

- 8.1. I recommend permission be GRANTED for the following reasons and considerations and subject to the following conditions:

9.0 Reasons and Considerations

- 9.1.1. Having regard to the City Centre Zoning Objective for the area under which and the provisions of the Cork City Development Plan 2015- 2021 together with the pattern, character and appearance of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate form of development in this location and would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of urban design and surrounding residential amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 25th day of November 2021 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 and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -</p> <p>(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,</p> <p>(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
3.	<p>No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the</p>

	<p>site or any adjoining lands under the control of the applicant unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the visual amenities of the area.</p>
4.	<p>Water supply and drainage arrangements including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity</p>
6.	<p>(a) 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. (b) The plan shall include a detailed method statement to mitigate potential nuisance including noise and dust. The plan shall outline how it is proposed to prevent spillage or deposits of clay, rubble or other debris on adjoining roads during construction.</p>

	<p>Reason: In the interests of sustainable waste management and to mitigate potential construction nuisance.</p>
7.	<p>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 access and use of Blessington Lane, hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interest of public safety and residential amenity.</p>
8.	<p>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.</p> <p>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.</p>
9.	<p>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 or management company of roads, footpaths, watermains, drains, public open space and</p>

	<p>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.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
--	--

Gillian Kane
Senior Planning Inspector

25 May 2022