



An  
Bord  
Pleanála

## Inspector's Report ABP-318919-24

<b>Development</b>	Change of use of office space to residential. 2 no. apartments and material alteration to internal stairwell together with associated site works.
<b>Location</b>	2nd Floor, Unit 1, Market Square, William O'Brien Street, Mallow, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	236175
<b>Applicant(s)</b>	Breamore Capital Partners LP
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Joseph Buckley
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	15 August 2024
<b>Inspector</b>	Claire McVeigh

## **1.0 Site Location and Description**

- 1.1. The subject site is located on William O'Brien Street within the Market Square development in Mallow approximately 30km north of Cork City and 60km south of Limerick City. The N20 and Cork-Dublin railway line currently dissects the town west of the town centre.
- 1.2. The existing building contains a retail/commercial unit at ground floor with WC, currently in use as Insomnia café, with access to small rear yard. A separate entrance at ground floor provides access to the first-floor office units, J. Buckley Construction Ltd and Kieran Murphy Chartered Accountant & Registered Auditor and vacant second floor office space.
- 1.3. There is a screened sitting area associated with Insomnia to the front with on-street parking is available immediately outside the premises. On the day of my site inspection, I was unable to access the upper floors.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises change of use of office space to 2 no. residential apartments. The proposed change of use will include works to the internal stairwell. Access to the proposed residential units is via stairs from ground floor to second floor.
- 2.2. Proposed apartment no. 1 (64.03 sq.m) to the rear of the property comprises a 1 no. bedroom unit with combined kitchen/living/dining/ of 30.86 sq.m, bedroom of 12 sq.m, separate storage area of 7.75 sq. m and bathroom 4.14 sq.m.
- 2.3. Proposed apartment no. 2 (81.32 sq.m) to the front of the property comprises a 2-no. bedroom unit with combined kitchen/living/dining of 33.02 sq. m, bedrooms (aggregate 25.3 sq.m), store of 7.0 sq.m and shower room of 4.86 sq.m.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On the 21 December 2023 the planning authority decided to grant permission subject to 3 no. conditions.

Conditions are generally of a standard type.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

- Notes development plan designation within the area zoned for town centre and the Architectural Conservation Area. The building is not a protected structure or listed on the NIAH. No impact to the ACA.
- The proposed use is acceptable in principle having regard to Objective MW-T-01 which seeks to promote the town centres as the primary area for retail and mixed-use development and ZU 18-17 which encourages residential development on the upper floors of retail and commercial premises in the town centre.
- Notes the third-party submission with respect to the accuracy of the site boundary. Plans submitted indicate that access to the second floor is within the ownership of the applicant and notes provisions under section 34 (13) of the Planning and Development Act 2000 (as amended).
- Assessment of the apartments under Design Standards for New Apartments 2020 [sic] notes the lack of private amenity space but considers that a practical and flexible approach, as recommended in the guidelines, should apply in this building refurbishment proposal in respect to the non-provision of private or communal amenity space and noting the proximity of the town park.
- Acknowledges the restricted nature of the site and parking is limited to on street parking or public car parks.

- The site is outside the mapped flood risk zones A and B, and according to section 11.11.9 of the development plan lies within flood zone C. No issue in this regard.
- Screens out the need for Appropriate Assessment.
- Financial contributions are not applicable in this case.

#### 3.2.2. Other Technical Reports

- Area Engineer no objection, recommend conditions.
- Conservation Officer no objection.

#### 3.3. Prescribed Bodies

None.

#### 3.4. Third Party Observations

One third party observation received from Joseph Buckley, issues of concern include inaccuracies of delineation of site boundaries and impact on established commercial uses at first floor by potential disruptions from residential occupants.

### 4.0 Planning History

18/5442 ABP 302550-18 (December 2018) Permission granted (for change of use of permitted off-licence use to coffee shop use with ancillary take-away facility, the erection of a shop front fascia signage, external lighting and all associated site works.

05/55083 Permission granted (February 2006) to construct alterations to front facade of building and permission for material change of use on ground floor from retail to off licence.

D240/23 Declaration of exemption request under section 5 of the Planning and development. A determination was made that the proposed change of use of vacant 2<sup>nd</sup> floor over a commercial property to 2 residential apartments constitutes development and is not exempted development.

## 5.0 Policy Context

### 5.1. Cork County Development Plan 2022-2028

- Town Centre/Neighbourhood Centre land use zoning (TC)
- Within the designated Architectural Conservation Area (ACA) Mallow Conservation Area

#### **County Development Plan Objective ZU 18-17: Town Centres/ Neighbourhood Centres**

a) Promote the development of town centres and neighbourhood centres as the primary locations for retail and other uses that provide goods or services principally to visiting members of the public. The primary retail areas will form the main focus and preferred location for new retail development, appropriate to the scale and function of each centre and in accordance with the Retail Strategy. Residential development will also be encouraged particularly in mixed use developments while the use of upper floors of retail and commercial premises in town centres for residential use will in particular be encouraged.

Appropriate Uses in Town Centre/Neighbourhood Centres: Retail, cultural uses, recreation uses, hotel, bed and breakfast, public houses, financial services, professional services, medical and healthcare services, leisure facilities, places of worship, residential, mixed residential, childcare facilities, education facilities, community facilities, civic uses, offices, public transport facilities, car parks, funeral homes.

#### **County Development Plan Objective PL 3-2: Encouraging Sustainable and Resilient Places:**

As part of the Council's commitment to deliver compact growth and resilient places, the Plan supports

- a. The use of the upper floors of the existing town centre building stock for appropriate uses, including Living Over the Shop. The separate access to the upper floors should normally be retained.

### **Volume Three North Cork**

Paragraph 2.4.1. Mallow is a designated Key Town in the Regional Spatial and Economic Strategy (RSES) for the Southern region. The overall vision for Mallow is to sustainably strengthen the employment-led growth and town centre-led regeneration of Mallow as a regional economic driver, leverage its strategic location and accessibility on inter-regional road and rail networks to build upon inherent strengths, in particular food production and tourism potential, while protecting and enhancing the natural environment of the Blackwater Valley. It aims to ensure new development delivers enhanced quality of life for all, based on high quality residential, working and recreational environments, respectful of the unique character and heritage of the town and supported by a good range of services and community facilities.

Paragraph 2.4.7 As part of the Council's commitment to deliver compact growth within the town, a new focus is placed on the better utilisation of the existing building stock, prioritisation of brownfield and under-utilised land and identification of regeneration and infill opportunities that can contribute positively to Mallow's housing stock and 30% target of 331 units

### **Section 28 Ministerial Guidelines**

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024)
- Section 28 Guidelines for Planning Authorities – Design Standards for New Apartments (July 2023)

## **5.2. Natural Heritage Designations**

The subject site is approximately 300m from the Blackwater River (Cork/Waterford) Special Area of Conservation (SAC) Site Code: 002170.

## **5.3. EIA Screening**

See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of

significant effects on the environment arising from the proposed development. An EIA screening determination or an EIA, therefore, is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

One third party appeal was received from Joseph Buckley; in summary the key grounds of appeal are:

- The wayleaves associated with the first-floor access are not shown on the submitted plans and particulars. As such the application does not comply with the Planning and Development regulations and should therefore be deemed invalid.
- Issues raised in respect to noncompliance of building regulations with respect to provision of passenger lift access (Part M) and adequate ventilation (Part F).
- The proposed development does not comply with the Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities in respect to adequate refuse storage and bicycle parking including bicycle storage.

### **6.2. Applicant Response**

- Contends that there are no inconsistencies or inaccuracies in the delineation of site boundaries within the planning application. In this respect:
  - Submission of Appendix A comprising: - copy of appellant's title and map (outlined in green), folio map relating to the stairwell and landing on first floor and solicitor letter confirming same to be true.
  - Submission of Appendix B Head Lease approved and passed by owners/agents facilitating second floor residential use. Solicitor letter confirming that the attached Deed of variation to the Head lease is a full and final draft and an executed copy sites with David J O'Meara & Sons Solicitors.

- Section 1.3.4.1.1 of Technical Guidance Document M 2010 refers to access within building other than dwellings, this section is not relevant to the subject site. The subject site is governed by Section 2 – Access and use of existing buildings other than dwellings. Highlights that the provisions under section 2 acknowledge circumstances where it is not practicable to provide a passenger lift.
- There are many ways to achieve the minimum requirement of Technical Guidance Document F, and the natural ventilation of a window opening can be supplemented by background ventilators and mechanical extract fans.
- Waste collection and stairwell cleaning will be provided as part of the estate service charges to which Breamore Capital Partners LP contribute. Refuse bags will not be left in the common stairwell.
- Minimum requirement of 7sq.m within a 2 bed/4-person apartment has been achieved within both proposed apartments in compliance with the Sustainable Urban housing: Design Standards for New Apartments: Guidelines for Planning Authorities.

### **6.3. Planning Authority Response**

- No further comment.

## **7.0 Assessment**

- 7.1. The proposed development is in an area zoned for 'Town Centre/Neighbourhood Centre' (TC) land use. The development plan emphasises the important role of town centres to deliver compact growth and contribute to the delivery of residential development to help ensure activity levels in town centres stretch beyond normal business hours. It is stated that the use of upper floors of retail and commercial premises in town centres for residential use will be particularly encouraged to provide safer streets through passive surveillance and to focus on optimising the existing business stock. I am of the view that the principle of residential development is therefore acceptable, subject to the detailed considerations below.



7.2. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Compliance with Section 28 guidelines for new apartments
- Legal and procedural issues
- Other – Building Regulations, Part V and Development Contributions

7.3. *Compliance with Section 28 guidelines for apartments*

7.3.1. The *Sustainable Urban Housing: Design for New Apartments* (July 2023), herein referred to as ‘apartment guidelines’, provides a target standard where existing buildings are to be wholly or partly redeveloped or refurbished for residential use such as is the case in the subject application. I note that Specific Planning Policy Requirement (SPPR) 2 provides scope for planning authorities to exercise discretion on a case-by-case basis, having regard to the overall quality of a proposed development.

7.3.2. Concerns have been raised by the third parties in respect of noncompliance with refuse storage and bicycle parking and storage. In addition, they raise concerns about the provisions of adequate ventilation (and noncompliance with Building Regulation Part F). Having undertaken an assessment of the proposed 2 no. apartments against the minimum standards contained in the apartment guidelines I note the following:

- Both apartments exceed the minimum apartment floor areas, the minimum aggregate floor areas of living/dining/kitchen areas and minimum bedroom sizes.
- Apartments proposed are both single aspect, however I note that there is a floor to ceiling height of over 3m for the majority of both apartment floor spaces.
- Internal storage proposed for both apartments having 7 sqm and 7.75 sqm exceed the minimum storage requirements of 6 sqm for a 2-no. bedroom apartment and 3sqm for a one-bedroom apartment. Internal storage in the

form of an individual storage room in both apartments exceed the maximum 3.5 sqm, contrary to paragraph 3.31 of the apartment guidelines.

- No private amenity space provided to either proposed apartment.
- I note that the applicant's response to the appeal outlines that the managing agents have confirmed that waste collection and stairwell cleaning services will be provided as part of the estate service charges to which the applicant 'Breamore Capital partners LP' contribute. Refuse bags shall not be left in the common stairwell. Written confirmation from the managing agents has not been received, however, it is considered that this issue could be addressed by condition.
- No identified provision of bicycle storage within the apartments or at ground floor level.

7.3.3. I am of the opinion that by reason that the proposed apartments are on the upper level of the building and taking into account the floor to ceiling height extends to 3.125m for the majority of the floor area of both apartments (see section A-A) that the apartments would have an acceptable level of internal amenity.

7.3.4. The apartment guidelines suggest as a rule that no individual storage room within an apartment should exceed 3.5 sq. metres. In the event of a grant of a permission I would recommend to the Board that a condition is attached to revise the internal layout of both proposed apartments to ensure that the storage area provided is in the form of two individual storage rooms no greater than 3.5 sq. m to allow for adequate storage of household utility functions and storage of bulky items.

7.3.5. With respect to bicycle parking and storage the applicant's response indicates that the provision of 7sq.metres storage within the apartments meets with this requirement. I do not consider that the proposed storage rooms at second floor level would be suitable for bicycles given that the apartment guidelines state that cycle storage facilities should be directly accessible from the public road or from a shared private area. The subject site has limited external space to the rear and no space at the street frontage, as such there is no obvious area to provide for bicycle storage provision. Given the limited scale of the proposed change of use of one floor to residential use I consider that it is acceptable, in this instance and having regard to its central location, not to provide for bicycle storage.

- 7.3.6. I note that on-street car parking is available in the immediate area. Furthermore, the report from the area engineer sets out that the required car parking for the proposed 2 no. residential units of 1.25 spaces per unit (total 3 no. spaces), as per Table 12.6 'Car Parking Requirements for New Developments' in the development plan is less than the car parking spaces demand (8.5 spaces) generated by the existing commercial use at second floor. As such, taking into account the reduction in demand for car parking spaces associated with the change of use and the development plan provisions to allow for a relaxation of car parking requirements for town centre zoned sites I am of the opinion that the reliance on the on-street parking spaces and town car parks is acceptable.
- 7.3.7. I note that there are no proposed external alterations to the front façade of the building to accommodate the proposed change of use and, therefore, I have no concerns with regard to impact on the character of the designated Architectural Conservation Area.
- 7.3.8. On balance, taking into account the discretion that may be exercised for proposals comprising a building refurbishment scheme within the apartment guidelines I am of the opinion that the proposed apartments sufficiently meet with the standards and that, subject to condition, will positively contribute to the mix of uses within the building in this town centre location in accordance with the development plan's new focus placed on the better utilisation of existing building stock.

#### 7.4. *Legal and procedural*

- 7.4.1. In terms of procedural matters and the alleged irregularities in terms of indicating the wayleaves associated with the stairway access to the first floor of the building owned and occupied by J. Buckley Construction Ltd and Kieran Murphy Accountant, I note that the application documentation was considered acceptable by the planning authority. I acknowledge that there is clearly a difference of opinion on the entitlements of the applicant regarding nature of access, it is not the Board's role to determine such disputes. In this regard I refer the Board to Section 5.13 of the Development Management Guidelines (2020) which outline that the planning system is not designed to resolve disputes about title to land and even if there is doubt in relation to the legal title, the planning authority may still decide to grant permission. Such permission is subject to the terms of Section 34(13) of the Planning and

Development Act 2000, as amended, which states that ‘a person shall not be entitled solely by reason of permission under this section to carry out any development’.

Notwithstanding, the applicant has endeavoured to clarify legal ownership and rights as part of the response to the grounds of appeal. I acknowledge the submission of up-to-date folio map relating to the stairwell and landing on first floor with solicitor’s letter confirmed same to be true and the submitted deed of variation as agreed in 2023 permitting the upper floor units as residential use. Accordingly, I do not consider there is a reasonable basis to refuse permission on grounds of insufficient title or inadequacies in the application drawings.

#### *7.5. Other – Building Regulations, Part V and Development Contributions*

##### *Building regulations*

- 7.5.1. The granting of planning permission does not remove the requirement to comply with any other code, particularly in relation to building regulations. The issue of compliance with Building Regulations will be evaluated under a separate legal code and thus need not concern the Board for the purposes of this appeal.

##### *Part V*

- 7.5.2. No details have been provided in the application documentation with respect to proposal of compliance with the Part V social and affordable housing obligations. It is recommended that in the event of a grant of permission that the Board attach a condition to ensure compliance with the requirements of Part V of the Planning and Development Act 2000 unless an exemption certificate has been granted under section 97 of the Act.

##### *Development contributions*

- 7.5.3. As per my summary of the planner’s report, see section 3.2, I note that it was considered that financial contributions were not applicable in this case. Having reviewed Cork County Council’s Adopted Development Contribution Scheme I am of the view that there is no exemption for the proposed change of use from commercial to residential units. In the event of a grant of permission it is recommended that the Board attach a condition enabling the agreement of a financial contribution with the planning authority.

## 8.0 AA Screening

- 8.1. Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)
- 8.2. I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.
- 8.3. The subject site is not located within or adjacent to any European Site. The closest European Site, part of the Natura 2000 Network, is the Blackwater River (Cork/Waterford) Special Area of Conservation (SAC) Site Code: 002170, 300m from the proposed development.
- 8.4. The proposed development is located within the town centre area of Mallow and comprises the conversion of an existing office at second floor level into two residential apartments, minor alterations to the internal staircase and landing is proposed.
- 8.5. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site.
- 8.6. The reason for this conclusion is as follows:
  - Small scale and domestic nature of the development
  - The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats, absence of ecological pathways to any European Site.
- 8.7. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

## 9.0 Recommendation

I recommend that permission be granted for the following reasons and considerations set out below:

## 10.0 Reasons and Considerations

Having regard to the Town Centre/Neighbourhood Centre' (TC) land use zoning in which mixed residential use is considered an acceptable use and Objectives ZU 18-17 and PL 3-2 of the Cork County Development Plan 2022-2028 which seek to deliver compact growth and contribute to the delivery of residential development to help ensure activity levels in town centres stretch beyond normal business through the use of upper floors in town centres for residential use, it is considered that, subject to compliance with conditions set out below the proposed development would provide an appropriate level of residential amenity for future residents, positively contribute to the mix of uses within the building and would not seriously injure the amenities of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. The proposed development shall be amended as follows:
  - a) The storage area provided shall be in the form of individual storage rooms and/or additional storage provided in the kitchen or bedroom of no greater than 3.5 sqm each to allow for adequate storage of household utility functions and storage of bulky items. If partly provided in rooms the storage areas, of no greater than 3.5 sqm, must be in addition to the minimum aggregate living/dining/kitchen or bedroom floor areas.

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 interest of residential amenity

3. Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility including access ways and communal refuse/bin storage, 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.

4. Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

5. 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 transfer of 20% of the land in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on the land in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall 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 for the area.

6. 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Claire McVeigh  
Planning Inspector

18 October 2024



## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	318919-24		
<b>Proposed Development Summary</b>	Change of use of office space to residential, 2 no. apartments and material alteration to internal stairwell together with associated site works.		
<b>Development Address</b>	2 <sup>nd</sup> Floor, Unit 1, Market Square, William O'Brien Street, Mallow, Co. Cork.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	√
		<b>No</b>	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			
<b>No</b>	√		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>			
<b>Yes</b>	√	Class/Threshold: Part 2 Class 10 (b) Construction of more than 500 dwelling units.	Change of use but includes some works.

**4. Has Schedule 7A information been submitted?**

<b>No</b>	√	<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix 2: Form 2

### EIA Preliminary Examination

An Bord Pleanála Case Reference	318919-24	
Proposed Development Summary	Change of use of office space to residential, 2 no. apartments and material alteration to internal stairwell together with associated site works.	
Development Address	2nd Floor, Unit 1, Market Square, William O'Brien Street, Mallow, Co. Cork.	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The proposed development is for the change of use of office space to residential (2 no. apartments) with material alterations to the stairwell and associated site works.</p> <p>No significant waste, emissions or pollutants are likely.</p>	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>The size of the proposed development is notably below the mandatory thresholds in respect of a Class 10 Infrastructure Projects of the Planning and Development Regulations 2001 as amended.</p> <p>There is no real likelihood of significant cumulative considerations having regard to other existing and/or permitted projects in the adjoining area.</p>	No
Location of the	The application site is located approximately 300m	

<p>Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p>	<p>from the European Site – Blackwater River (Cork/Waterford) Special Area of Conservation (SAC) Site Code: 002170.</p>	
<p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>It is considered that, having regard to the limited nature and scale of the development, there is no real likelihood of significant effect on other significant environmental sensitivities in the area.</p>	
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment in terms of the nature, size and location of the proposed development and having specific regard to the criteria set out in Schedule 7 of the P&amp;D Regs 2001 (as amended).</p> <p>EIA not required.</p>		

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)