



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321289-24

#### Development

Protected structures: Change of use of ground floor retail shop to betting shop; demolition of walls; new signage; change of use of first and second floors from storage to residential use comprising 10 apartments and all associated site works

#### Location

9A, 10, 11, 12 and 13 Castle Street and 1-7 Paradise Place, The Catholic Young Men's Society, South Main Street, Cork.

#### Planning Authority

Cork City Council

#### Planning Authority Reg. Ref.

2443220

#### Applicant(s)

Holren Properties Limited.

#### Type of Application

Permission.

#### Planning Authority Decision

Refuse

#### Type of Appeal

First Party

#### Appellant(s)

Holren Properties Limited.

**Observer(s)**

None

**Date of Site Inspection**

16<sup>th</sup> January 2025.

**Inspector**

Jennifer McQuaid

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## **1.0 Site Location and Description**

- 1.1. The subject site is a unique corner building formerly “The Catholic Young Men’s Society” which wraps around the corner of Castle Street and South Main Street/Paradise Place.
- 1.2. The proposed works include the retail units at ground floor level, units 10,11,12 & 13. Two of the units are currently vacant and the other units consist of a bookmaker. The entire site comprises of an area of 0.044ha.
- 1.3. The subject building is a Protected Structure: No. 1 – 7 Paradise Place, PS 1011. And 9A to 13 Castle Street, PS 1039. The subject site is located in North Main Street Architectural Conservation Area.
- 1.4. The subject site is located within both Flood Zones A and B

## **2.0 Proposed Development**

- 2.1. The proposed development consists of:
  - Change of use of ground floor retail shop to betting shop at No’s 11 & 12 Castle Street.
  - Demolition of ground floor internal walls between units 10, 11, 12 and 13 Castle Street.
  - New illuminated projecting and fascia signage and renovation of existing ones or replacement with identical ones.
  - External glazed windows
  - Change of use of first and second floors 9A to 13 Castle Street and 1-7 South Main Street from storage to residential use (6no. 1 bedroom apartments, 1 studio apartment & 3no. 1 bedroom apartments with mezzanine).

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

#### **3.2. Refused for 2 reasons:**

1. Having regard to the submitted details in the application for the amalgamation of 4 former individual retail units to an enlarged extended betting office, the proposed development would injure the vitality and viability of the city centre by virtue of the loss of these historic shopfronts on the streetscape and the negative visual impact of its setting of the Protected Structure within a designated Architectural Conservation Area. It is considered that the proposed development would be contrary to paragraph 11.189 of the City Development Plan 2022-2028 with regard to safeguarding the vitality and viability of mixed-use centres in the city and maintaining a suitable mix of retail and other uses. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development by reason of its proposed interventions would seriously injure the physical and visual architectural integrity of 9A-13 Castle Street (ref. PS1039) and 1-7 Paradise Place (ref PS1011), both of which are included in the Record of Protected Structures and are located in a designated Architectural Conservation Area. The proposed development would materially contravene Policy Objective SO7, 8.17-8.19, 8.22 and 8.23 of the Cork City Development Plan 2022-2028 and would therefore be contrary to the proper planning and sustainable development of the area.

#### **3.3. Planning Authority Reports**

##### **3.3.1. Planning Reports**

- The Planning Authority have serious concerns regarding the amalgamation of former 4 units into one super betting office as it will significantly adversely affect the vitality and viability of the streetscape and visually adversely affect the existing streetscape due to the loss of active street frontage.

- Given the nature of the use, it is considered that the resulting streetscape would detract from the streetscape and be contrary to safeguarding the vitality and viability of mixed-use centres in the city and maintaining suitable mix of retail and other uses. This could set a highly undesirable precedence within the City Centre.
- The building is a Protected Structure PS1039 (9a to 13 Castle Street), this building has an important and long history within Cork City. It is acknowledged that there may be scope for some apartments on the upper floors of the corner sections on the first floor and 2nd floors of the “Catholic Young Men’s Society” building, the change of use of the vast halls to residential will constitute a significant loss of historic social and community use. An Taisce also raised these concerns.
- The proposed apartments generally meet the minimum requirements, storage space has not been designed. The minimum requirements are capable of being met by considering reducing the number of units or redesigning to ensure adequate storage space.
- The 4 no. units proposed at first and second floor level of Paradise Place could be supported subject to meeting the minimum requirements.
- No details of material, finishes or lighting provided for the proposed new shopfronts, the drawings submitted are not adequate.
- The loss of legibility of the individual units is not supported and there is a significant concern that the shopfronts will merely become dead street frontage with associated betting shop decals as per the existing Boyle Sports units which forms part of the scheme.
- Drawings showed a number of inaccuracies. Only one cross section submitted showing the internal stairs. Further cross sections are required to understand the existing interior and proposed works.
- Elevation details required for internal courtyard to the rear of no. 11 & 12. External elevation drawings are incorrect and do not represent the floor plan layout for windows and doors.
- Drawings do not contain the advice from Conservation Architect.

- The Planning Authority have concerns that when the building works are carried out will not sufficiently protect and maintain this protected structure and listed building of Regional Importance on the NIAH and its features within this designated ACA.
- The Catholic Young Men's Society Hall, 9A – 13 Castle Street is recorded on the National Inventory of Architectural Heritage (NIAH) Ref. No. 20512647 and is of the regional significance for its architectural interest. It is also within the North Main Street Architectural Conservation Area.
- Agent advised at numerous preplanning meetings to engage a Grade 2 Conservation Architect and that a meeting could be arranged with the City Conservation Officer to advise the appropriate and necessary works. The advice could have incorporated the recommendations and advice into the planning drawings and to present a scheme for assessment which showed how the significant conservation issues were to be dealt with.
- A report was submitted from an architect technician, which makes some good conservation recommendations, but these have not been incorporated into the scheme and the drawings as submitted do not take any conservation elements into account.
- The drawings and specifications submitted lack sufficient conservation detail and it is not known what it to be retained, where, or how.
- The amalgamation of 4no. former separate retail units will result in the loss of the internal historic footprint of same and the proposed shop frontages will also result in a loss of the defined 4 units.
- Given the protected status of the building, its listing as being of regional importance on the NIAH and its location within a designated ACA, the Planning Authority is not supportive of the scheme as presented.

### 3.3.2. Other Technical Reports

- Drainage: Requests further information in relation to flood risk assessment
- Contributions: Not applicable

- Environment: Requests further information in relation to construction environmental management, operational waste management and energy statement.
- Housing: Exempt from Part V
- Archaeology: Requests further information in relation to a detailed building report by a conservation grade architect and structural engineer.
- Conservation: Recommends Refusal: the scheme lacks the appropriate detail in relation to both the existing buildings, and in particular to the proposed scheme, and is not considered to be of a standard which reflects the significance of the two protected structures on the site.

### 3.4. Prescribed Bodies

- Inland Fisheries Ireland: Ensure there is sufficient capacity in the public system for wastewater & sewerage.
- An Taisce:
  - The Conservation Report needs to be carried out in practice within planning adjustments to these buildings, in order to ensure a fully satisfactory restoration.
  - Not clear whether the existing roof will be retained.
  - The conversion of two parts of the complex, No's 1-7 Paradise Place and the building at the rear of the complex to residential use is a realistic change of use subject to retaining and restoring all existing historic internal features.
  - With regard to the planned change of use of the ground floor retail shops, it seems unnecessary to demolish entirely the pre 1850 internal walls (which has) an importance as evidence of earlier structures.
  - Regrettable that the fine hall should be divided at this stage given its long history: Consider an alternative use.
  - Additional information as to how the conversion would interact with the existing features in the hall, including possible adjustment of south facing windows and any impact on the fine internal roof structures.

### 3.5. Third Party Observations

- None

## 4.0 Planning History

**TP07/32569:** Permission granted for change of use from retail to betting offices at ground floor with entrances located on both North Main Street and Castle Street, Cork.

### **Adjoining Sites:**

**TP24/43018:** Permission granted for the amalgamation of the ground floor of No. 9 and No. 9A Castle Street, the proposed development consists of the change of use from retail “The Gold Reserve” to restaurant use to facilitate the expansion of “Sonflour” Restaurant, this involves the demolition of some internal elements, the existing façade (including shopfront) is proposed to be retained, the proposed development also includes the provision of signage to match No. 9, and all associated site works.

**TP22/41218:** Permission granted for provision of hoist from the ground floor kitchen to serve the second floor, alterations to the Second floor to extend the existing rooftop terrace, along with the provision of toilets and alterations to internal layouts at the second floor.

**ABP-312570-22 (PA. Ref. TP21/40406):** Permission granted for change of use of the existing structure and construction of a mixed-use office and retail development.

**ABP: PL28.247905: (PA. Ref. TP16/37128):** Permission granted for change of use of No. 6 Paradise Place from café to a seating area serving existing takeaway restaurant. Interconnection of 4, 5 and 6 forming oneself contained fast floor take away.

## 5.0 Policy Context

### 5.1. Development Plan

**Cork City Development Plan 2022-2028**

ZO 5: City Centre. The zoning objective is to consolidate and facilitate the development of the central area and to promote its role as a dynamic mixed used centre for community, economic, civic, cultural and residential growth.

The site is also zoned as Core Retail Area. The objective is to support the function of the Core Retail Area as the primary location for comparison shopping in the region.

Chapter 3 relates to Delivering Homes and Communities.

Objective 3.5 Residential Density

Section 3.45 & 3.46 relate to Adaption of Existing Homes, Infill Development and Conversion of Upper Floors.

Objective 3.9 Adaption of Existing Homes, Infill Development and Conversion of Upper Floors.

Chapter 11 relates to Placemaking and Managing Development

Section 11.71 & 11.72 relates to Residential Density.

Section 11.67 relates to Design Quality

Section 11.90 relates to Apartment Design

Section 11.91 relates to Quantitative Standards

Section 11.92 relates to Quantitative Considerations in the Design of Apartment Schemes

Section 11.93 & 11.94 relates to Planning Applications for Apartment Schemes.

Objective 11.4 relates to Daylight, Sunlight and Overshadowing (DSO)

Section 11.100 & 11.105 relates to Separation, Overlooking and Overbearance

Section 11.189 relates to Betting Offices

The City Council will seek to protect residential amenity and the provision of viable mix of uses within designated centres by ensuring that the quantum of betting shops – particularly within smaller centres – is not disproportionate to the overall size and character of the area. It is an objective to prevent a concentration of betting offices, thereby ensuring the number of units in the City Centre, District or Neighbourhood/Local Centres is not disproportionate to the overall number of shops,

community and other uses. The provision of betting offices will be controlled having regard to the following, where appropriate:

1. The need to safeguard the vitality and viability of mixed-use centres in the city and to maintain a suitable mix of retail and other uses;
2. The number /frequency of such facilities in the area;
3. The existing proliferation of similar retail offices, hot-food takeaways, amusement arcades, off-licenses etc. in the area;
4. The effect on the amenities of the area by reason of noise, hours of operation and litter;
5. The external appearance and design of the betting office (including any satellite dishes advertising and TV screens displayed) shall not detract from the streetscape.

Section 11.193 relates to Shop Fronts and Commercial Facades

Section 11.194 relates to Advertising on Buildings

Section 11.195 relates to Fascia Signage & Illuminative & Projecting Signs.

Volume 3 relates to Built Heritage Objectives

The subject site is located in the North Mall/The Marsh ACA.

Section 1.151 states, the area is of architectural, historical and adjacent to the South Channel, of industrial archaeological significance. It is structured as a series of linear spaces running generally east-west parallel with the river channels. On the north edge of the area, the mid-Georgian space centred on the North Channel contains large Georgian terraced houses, and in the centre, the in-filled former waterways of Henry St. and Sheare's St. are lined with a mix of smaller 18<sup>th</sup> and early 19<sup>th</sup> Century Houses.

Section 1.154 relates to issues such as commercial viability, vacancy and dereliction, flooding and traffic passing through the area and visiting the hospital.

Objective 8.19 relates to Record of Protected Structures

To maintain a Record of Protected Structures (RPS) which shall include structures or parts of structures which are of special architectural, historical, archaeological,

artistic, cultural, scientific, social or technical interest, and which it is an objective to protect.

Objective 8.21 relates to Enabling Development

Section 8.29 & 8.30 relates to National Inventory of Architectural Heritage (NIAH)

Objective 8.22 relates to National Inventory of Architectural Heritage (NIAH)

## **5.2. National Policy**

- Architectural Heritage Protection Guidelines for Planning Authorities (revised 2011)
- The Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009.
- Sustainable Residential Development and Compact Settlement Guidelines for Local Authorities, 2024
- Sustainable Urban Housing: Design Standards for New Apartments 2023

## **5.3. Natural Heritage Designations**

The subject site is not located within a designated area. The most relevant are:

- Cork Lough pNHA (site code: 001081) is located approximately 1.2km southwest of the subject site.
- Lee Valley pNHA (site code: 000094) is located approximately 3km west of the subject site.
- Douglas River Estuary pNHA (site code: 001046) is located approximately 3km southeast of the site.
- Cork Harbour SPA (Site Code: 004030) is located approximately 3km southeast of the site.
- Dunkettle Shore pNHA (site code: 001082) is located approximately 5km east of the subject site.
- Great Island Channell SAC & pNHA (Site Code: 001058) located approximately 9.5km east of the subject site.

## **5.4. EIA Screening**

- 5.4.1. The proposal relates to the change of use of ground floor retail shop to betting shop and change of use of first and second floors from storage to residential use comprising 10 apartments within the development boundary of Cork City. The site is located on zoned lands and not within a designated area. Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity 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. Please refer to Form 1 and Form 2 as per Appendix 1 below.

## **6.0 The Appeal**

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

The grounds of appeal have been received from the applicant. The following comments were made:

- The proposal will provide active commercial and residential uses at ground and first floor levels and will replace vacant floorspace only. This will improve and not injure the vitality and viability of Castle Street.
- The shopfronts on to Castle Street have been subject to radical alterations and currently have a very negative visual impact on the streetscape/ACA. The development proposes positive “interventions” to refurbish and/or reinstate the fabric and grain of these historic shopfronts – this will have a positive visual impact on the protected structures, streetscape and Architectural Conservation Area (ACA).
- Unit nos. 11 and 12 have already been amalgamated and currently have a negative impact on the streetscape. The proposal will provide a more traditional and sympathetic shopfront design. In relation to No’s 10 and 13 no major changes are proposed.
- An Taisce is supportive of the application.

- The overall building requires substantial works as it is in a poor and deteriorating state.
- 12 of the 25 existing commercial units on Castle Street are currently vacant and most have been vacant for a long period of time.
- The ground floor comprises of less than 30% of the overall site and significant portion involves the upper floors (70%) for residential use. This is supported in the CDP.
- The proposed development is fully supported by and in accordance with the Cork City Development Plan 2022-2028 and does not materially contravene the plan. In particular section 11.189, ZO 5.1 and section 11.19.
- The planner has highlighted, the apartments generally provide the requisite accommodation in accordance with the 2023 Apartment Guidelines, however, non-compliance with amenity and storage space. Section 6.9 of the Guidelines allow for departures from the guidelines for refurbishment scheme. Section 5 declaration for living over the shop residential units have been permitted by CCC and no amenity space provided. This site is beside numerous amenity spaces such as Bishop Lucey Park (250 metres), Cork City Library (200 metres), Mardyke Walk/Fitzgerald Park (500 metres and 1km respectively). However, the applicant can provide 26sqm of communal amenity space at first floor level to further improve the amenity value.
- The Council's Decision is completely at odds with other decisions for similar development proposal in the City Centre. For example, ABP-313756-22 (PA: 2140435), the Board supported the proposal as it would reduce vacancy in the area and stated the proposal would not adversely impact on the built and cultural heritage of the area.

## **6.2. Applicant Response**

- As per first party appeal response.

## **6.3. Planning Authority Response**

- None

#### **6.4. Observations**

- None

#### **6.5. Further Responses**

- None

### **7.0 Assessment**

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

- Principle of Development.
- Protected Structure & ACA.
- Compliance with Apartment Guidelines
- Flooding
- Appropriate Assessment

#### **7.2. Principle of Development/Zoning**

7.3. The subject site consists of amalgamation of ground floor shop units 10, 11, 12 & 13 (no changes are proposed for Units 9a on Castle Street and Units 1-7 on South Main Street) for use as a betting shop and change of use of former Catholic Young Men's Society Hall (CYMS) first and second floors to 10 no. apartments. The ground floor has a floor area of 379sqm and the first and second floor are 934sqm. The subject site is zoned as ZO 05 City Centre and Core Retail Area. The site is adjacent to the historic spine of Cork City Centre.

7.4. The Planning Authority refused permission as the proposal would injure the vitality and viability of the city centre and maintaining a suitable mix of retail and other uses.

7.5. The grounds of appeal from the applicant state the proposal will provide active commercial and residential uses at ground and first floor levels and will replace vacant floorspace only. This will improve and not injure the vitality and viability of

Castle Street. Unit No's. 11 and 12 have already been amalgamated and currently don't have a negative impact on the streetscape. The proposal will provide a more traditional and sympathetic shopfront design. In relation to No's 10 and 13 no major changes are proposed. 12 of the 25 existing commercial units on Castle Street are currently vacant and most have been vacant for a long period of time. The ground floor comprises of less than 30% of the overall site and significant portion involves the upper floors (70%) for residential use. This is supported in the Cork City Development Plan (CDP).

- 7.6. During my site visit, I noted unit 10 is vacant, units 11 & 12 were formerly a jewellery shop and unit 13 is used as a betting shop, this betting shop also has an entrance at unit 7 Paradise Place and is amalgamated with unit 13 (both operating as Boyle Sports). Unit 1 Paradise Place is also vacant, and this appears to be part of the amalgamation with units 10, 11, 12 & 13. However, the drawing submitted are substandard and the dividing walls are not clearly drawn or annotated. I also note that no change of use has been sought for unit no. 10 to betting shop although it has been included on the floor plans. The proposed overall floor area for the enlarged betting office will increase from 194sqm to 379sqm. The proposed amalgamation will consist of essentially 4 units, 2 of which are currently used as a betting office. The applicant has stated that units 11 & 12 have already been amalgamated, and the proposal will not significantly increase the amalgamation of the ground floor units, I would disagree with this statement, as the floor area will almost double in size.
- 7.7. Section 11.189 specifically relates to Betting Offices of the CDP, a proposal for a betting shop shall have regard to the safeguarding of the vitality and viability of mixed-use centres in the City and to maintain a suitable mix of retail and other uses. A proposal shall also consider the number /frequency of such facilities in the area, the existing proliferation of similar retail offices, hot-food takeaways, amusement arcades, off-licenses etc. in the area, and the effect on the amenities of the area by reason of noise, hours of operation and litter and the external appearance and design of the betting office. In this regard, I have concerns regarding the significant amalgamation of essentially 4 no. former units and the change to a large betting shop.

Having examined the types of uses in the area, I note a number of hot-food takeaways in the area, the amalgamation of 4 no. former units to a single large

betting shop will not safeguard the vitality and viability of mixed uses in a city centre location zoned as ZO 05 City Centre and Core Retail Area. Whereby the objective is to promote its role as a dynamic mixed used centre for community, economic, civic, cultural and residential growth. In addition, the subject site is located in Core Retail Areas where this is the preferred locations for significant new retail development within the city. Therefore, I consider the proposed amalgamation and change of use to betting office will detract from the streetscape and be contrary to the safeguarding of the vitality and viability of mixed uses in the city centre.

7.8. Having regard to the location of the subject site and the zoning as per Cork City Development Plan 2022-2028 and in particular section 11.189 of the CDP, the proposal will contravene the objectives to protect the vitality and viability of mixed uses in Cork City Centre.

**7.9. Architectural Conservation**

7.10. The subject buildings are listed Protected Structure: No. 1 – 7 Paradise Place, PS 1011. And 9A to 13 Castle Street, PS 1039 (the buildings have multiple civic uses from the 1830s and is associated with Sir Thomas Deane, architect). The subject site is located in North Main Street Architectural Conservation Area (ACA). And lies within the Zone of Archaeological Notification (CO074-034-001).

7.11. The Planning Authority refused permission as the proposal would seriously injure the physical and visual architectural integrity of the Protected Structures and lead to the loss of the historic shopfronts on the streetscape within an ACA.

7.12. The grounds of appeal have stated the shopfronts onto Castle Street have been subject to radical alterations and currently have a very negative visual impact on the streetscape/ACA. The development proposes positive “interventions” to refurbish and/or reinstate the fabric and grain of these historic shopfronts and this will have a positive visual impact on the protected structures, streetscape and Architectural Conservation Area (ACA).

7.13. From the information submitted as part of the planning application, an Architectural Impact Assessment has been submitted and carried out by a qualified Conservation Architectural Consultant. The report discusses No’s 10-13 Castle Street and No’s 2-3 & 7 Paradise Place but excludes the ground floor units at No. 9A Castle Street and No’s 1, 4, 5 & 6 Paradise Place. Having reviewed the assessment, I have a number

of concerns in particular that no archaeologist was appointed to carry out archaeological testing, given the location of the subject site in a zone of archaeological notification and no assessment of the archaeological fabric or features on site has been carried out. In addition, ground works maybe required due to the condition of the building at ground level.

- 7.14. I also have concerns that the details submitted in the Architectural Impact Assessment (AIA) and Conservation Method Statement have not been reflected in the plans and particulars submitted. The drawings and elevations submitted lack detail and do not appear to result from the conservation studies. No details submitted regarding the proposed new illuminated lighting and signage, the shopfronts and signage are vitally important given the location of building in an ACA and status of the building as a protected structure. In addition, the drawings submitted illustrate different treatments to the existing shopfronts including the amalgamation of units 11-13 on one drawing and another indicating that only units 11 & 12 to be amalgamated with a new shopfront, it is unclear whether no. 13 will be altered, and it is unclear whether No. 10 will be retained/restored/removed.
- 7.15. I note the demolition of ground floor walls, however, no structural engineer's report submitted and as such the extent of any interventions required such as reinforcement of floors. The assessment acknowledges that any works should be undertaken with archaeological supervision, involving full photographic record. I have concerns the demolition of internal walls may impact the entire building.
- 7.16. I have reviewed the floors plans and note the existing windows to the south side of the CYMS hall will be closed up in order to accommodate the construction of apartment no. 6. I have concerns this change will impact on the lighting for the double height hall (Castle Street) from the courtyard and impact the integrity of the protected structure, no elevation plans have been submitted for this façade and no elevation drawing submitted for north and south elevation which overlook the courtyard. The AIA report does state that care should be taken to avoid the impact on these windows and any changes to the fenestration should be pre-approved by the City Conservation Officer, this has not occurred. The report does highlight the windows are not visible from either Castle Street or Paradise Place and closing them will not significantly affect the external visual character of the building. However, I

have concerns it will affect the internal visual impact of the building, and this hasn't been assessed in the AIA.

- 7.17. Having regard to the other windows in the building, no information has been submitted on the drawings to specify the works proposed to windows. Although it is mentioned in the method statement, it also refers to replica windows and in the absence of sufficient details or annotated drawings it is not possible to assess the extent of replacement proposed.
- 7.18. The proposal involves the subdivision of the spaces of the People's Hall/CYMS Hall to the first floor (apartments 3-5) and as well as the billiards room to the first floor of the southeast section of the building (apartments 9 & 10), I have concerns this would result in a visual impact on the space of these large rooms. The assessment submitted states this is acceptable due to the dereliction of the property and "reasonable to allow this reversible impact to enable its future preservation". The applicant has failed to submit any further details or possible alternatives for this rooms.
- 7.19. The applicant has submitted demolition drawings indicating the removal of the ground floor walls between No's. 10 and 13, it also indicates the removal of structures to the rear yard (with the potential to possibly incorporate earlier fabric). The drawings indicate the existing staircases; however, it is not indicated if these will be retained or removed and the AIA states works may be required to necessitate the replacement of the stairs. The drawings do not sufficiently indicate if the existing fabric such as historic doors, fireplaces, panelling etc will be retained/removed/demolished.
- 7.20. I have serious concerns regarding the proposed change of use of these historic buildings, as outlined above, my concerns not only relate the external historic fabric and appearance but also to the interior of the building. The reports and drawings submitted lack details in regard to the retention or preservation of architectural features. The proposed internal layout does not take into account the existing layout of the building and therefore will require a number of changes which will be detrimental to the historic fabric of the building and the visual amenity of the protected structures in an ACA.

7.21. Having regard to the proposed internal and external changes to protected structures in an ACA and the lack of details submitted in the drawings and assessments submitted, it is my opinion that the proposed development as presented will have a negative impact on the setting, appearance and integrity of the protected structures

**7.22. Compliance with Apartment Guidelines**

7.23. The applicant is proposing to change the first and second floors of an existing building in Cork City Centre and provide 10 number apartments. The apartments will consist of 9 no. 1 bed and 1no. studio.

7.24. The grounds of appeal highlight that the Planning Authority stated the apartments generally provide the requisite accommodation in accordance with the 2023 Apartment Guidelines, however, non-compliance with amenity and storage space. Section 6.9 of the Guidelines allow for departures from the guidelines for refurbishment scheme. This site is beside numerous amenity spaces such as Bishop Lucey Park (250 metres), Cork City Library (200 metres), Mardyke Walk/Fitzgerald Park (500 metres and 1km respectively). However, the applicant can provide 26sqm of communal amenity space at first floor level to further improve the amenity value.

7.25. I note the planning report highlights concerns in relation to storage requirements and in relation to private amenity spaces and communal amenity space. The storage requirements are not met for 5 of the 10 apartments. As I have outlined in the previous section, I have concerns regarding the proposed layout of the apartments in relation to the blocking of existing windows and the layout of the units in the large hall space. In this regard, the applicant could meet the minimum standards by reducing or amending the layout of the proposed apartments to ensure adequate storage.

7.26. I have examined the layout of the proposed apartments in relation to daylight, I note apartment no. 6 only has 2 windows serving a bedroom on the eastern elevation. Apartments 3, 4 & 6 only have windows on the northern elevation serving the living space and at a distance to the mezzanine bedrooms. The applicant has not carried out a daylight/shadow analysis and therefore it is my opinion, that there will not be sufficient daylight entering the apartments.

- 7.27. In terms of car parking, the applicant has not provided any car parking spaces, however, I consider this is acceptable, as the site is located in an urban area and close to public transport and the city centre.
- 7.28. Bin storage and bicycle storage have not been provided. The applicant should consider bin storage and bicycle storage on the ground floor to accommodate the apartments and the retail units. In this regard I do not consider it is acceptable not to provide bin or bicycle storage and a revised layout/design should incorporate this issue.
- 7.29. I note the appellants comments in relation to communal space, as highlighted in section 4.12 of the apartment guidelines; “for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, communal amenity space may be relaxed in part or whole, on a case-by-case basis, subject to the overall design quality”. In my opinion, that due to the confined nature of the site (0.044ha), proximity of the city centre and conversion of an existing building, that communal space is not required. However, the applicant has submitted in their appeal a communal space of 26sqm at first floor level can be accommodated. This would be welcomed, and I consider this would improve the overall scheme, subject to the internal changes as noted above.
- 7.30. Having regard to the apartment guidelines and compact settlement guidelines, the design and layout of the proposed development, the size of the site, I consider in general the proposed development is in compliance with the apartment guidelines. However, I have concerns regarding the internal layout of the units in relation to the historic fabric of the buildings, the lack of natural daylight to 4 number apartments and the lack of bin or bicycle storage.
- 7.31. **Flooding**
- 7.32. Although flooding was not raised as a refusal reason or raised by the appellant in the grounds of appeal, it is my opinion that this issue should be highlighted to the Board in the event that the Board are mindful to grant or seek further information.
- 7.33. The site is located in Flood Zone A as per Lee CFRAMS Report. A Flood Risk Assessment was not submitted. Given the proposal for change of use for retail and residential use, the applicant should have submitted a Site-Specific Flood Risk Assessment in accordance with the DEHLG Guidelines, “The Planning System and

Flood Risk Management”. A flood risk assessment should detail how flood risk to occupants, users and elsewhere will be managed and mitigated. This shall include egress from the building in the event of a flood. The assessment should also include measures to protect the building through flood resilience and mitigate flooding within the property.

- 7.34. I do not consider that flooding issues shall be attached as a refusal reason, as the building is existing, and the applicant is proposing a change of use rather than a new structure. However, further information would be required in relation to flooding potential and the potential impact on the building and occupants and appropriate mitigation measures should be incorporated into any new proposal, should the Board consider a grant of permission is warranted.

## **8.0 AA Screening**

- 8.1. Having regard to the change of use of ground floor retail shop to betting shop and change of use of first and second floors from storage to residential use comprising 10 apartments within the development boundary of Cork City with existing connection to public sewer and public water and discharge of surface water to the existing public storm water network. The nearest European site is Cork Harbour SPA (Site Code: 004030) is located approximately 3km southeast of the site. It is considered that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant impact individually or in combination with other plans or projects on a European site.

## **9.0 Recommendation**

I recommend that permission should be refused for the reasons and considerations as set out below.

## **10.0 Reasons and Considerations**

1. Having regard to the zoning of the subject site as ZO 05 City Centre and Core Retail Area and to section 11.189 of Cork City Development Plan 2022-2028, it is considered that the amalgamation of 4 former individual retail units to an

enlarged betting office, would seriously injure the vitality and viability of the city centre and maintaining a suitable mix of retail and other uses and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development by reason of works to the interior, which would result in the loss of original fixtures and features, and the works proposed to the exterior of this structure, would result in the loss of a historic streetscape and shopfronts. It is considered that the proposed development by reason of its proposed works would seriously injure the physical and visual architectural integrity of 9A-13 Castle Street (ref. PS1039) and 1-7 Paradise Place (ref PS1011), both of which are included in the Record of Protected Structures and are located in a designated Architectural Conservation Area. The proposed development would materially contravene Policy Objective SO7 of the Cork City Development Plan 2022-2028 and would therefore be contrary to the proper planning and sustainable development of the area.

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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Jennifer McQuaid  
Planning Inspector

18<sup>th</sup> February 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-321289-24		
<b>Proposed Development Summary</b>	Protected structures: Change of use of ground floor retail shop to betting shop; demolition of walls; new signage; change of use of first and second floors from storage to residential use comprising 10 apartments and all associated site works.		
<b>Development Address</b>	9A, 10, 11, 12 and 13 Castle Street and 1-7 Paradise Place, The Catholic Young Men's Society, South Main Street, 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>	X
		<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)?</b>			
<b>Yes</b>	X	Class 10(b)(iv) Infrastructure projects,  Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.	Proceed to Q3.
<b>No</b>			
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			

<b>No</b>	X		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	X	<p>Class 10 Infrastructure Projects:</p> <p>(b) (i) Construction of more than 500 dwelling units.</p> <p>(b) (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p> <p>(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial uses.)</p> <p>The site consists of change of use of ground floor retail shop to betting shop; demolition of walls; new signage; change of use of first and second floors from storage to residential use comprising 10 apartments on a site area of 0.044ha.</p>	Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>		
<b>Yes</b>	X	<b>Screening Determination required</b>

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

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP-321289-24</b>
<b>Proposed Development Summary</b>	Protected structures: Change of use of ground floor retail shop to betting shop; demolition of walls; new signage; change of use of first and second floors from storage to residential use comprising 10 apartments and all associated site works.
<b>Development Address</b>	9A, 10, 11, 12 and 13 Castle Street and 1-7 Paradise Place, The Catholic Young Men's Society, South Main Street, Cork
<p><b>The Board carried 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.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<p><b>Characteristics of proposed development</b></p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<ul style="list-style-type: none"> <li>The development is located on zoned lands within Cork City Centre.</li> <li>The development has a modest footprint and utilises an existing building, the proposal comes forward as a standalone project, requires internal demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate</li> </ul>

	<p>change. It presents no risks to human health.</p> <ul style="list-style-type: none"> <li>• Surface water will be discharged to public sewer or public drain.</li> <li>• Wastewater to be discharged to public sewer.</li> </ul>
<p><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The subject site is not located within any designated site. The nearest sites are:</p> <ul style="list-style-type: none"> <li>• Cork Lough pNHA (site code: 001081) is located approximately 1.2km southwest of the subject site.</li> <li>• Lee Valley pNHA (site code: 000094) is located approximately 3km west of the subject site.</li> <li>• Douglas River Estuary pNHA (site code: 001046) is located approximately 3km southeast of the site.</li> <li>• Cork Harbour SPA (Site Code: 004030) is located approximately 3km southeast of the site.</li> <li>• Dunkettle Shore pNHA (site code: 001082) is located approximately 5km east of the subject site.</li> <li>• Great Island Channell SAC &amp;pNHA (Site Code:</li> </ul>

		<p>001058) located approximately 9.5km east of the subject site.</p> <ul style="list-style-type: none"> <li>- My Appropriate Assessment screening undertaken concludes that the proposed development would not likely have a significant effect on any European Site.</li> </ul> <p>The subject site located within Flood Zone A, no flood risk assessment has been submitted, however, the building is existing, and it is considered that appropriate mitigation measures could be incorporated into any design without impacting the surrounding environment.</p>
<p><b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>		<p>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extend of effects, and absence of in combination effects, there is not potential for significant effects on the environment factors listed in Section 171A of the Act.</p>
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	

**Inspector:**

**Date:**

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

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

(only where Schedule 7A information or EIAR required)