



Development

Convert existing public house to three residential units, demolish part of the ground floor of the public house, provide a central arched pedestrian entrance to access a central courtyard, raise the ridgeline of the existing roof to allow for habitable accommodation, demolish existing outbuildings to the rear of the site, and construct a 4 storey building with two apartments on each floor, and all associated site works.

Location

The Meeting Place, 8, 9, and 10 Connolly Street, Townparks, Midleton, Co. Cork.

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

24/5565

Applicant(s)

Pandj Trading (Midleton) Limited

Type of Application

Permission

Planning Authority Decision

Split Decision

Type of Appeal	First Party
Appellant(s)	Pandj Trading (Midleton) Limited
Observer(s)	None
Date of Site Inspection	12 th December 2025
Inspector	Phillippa Joyce

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1.0 Site Location and Description

- 1.1. The appeal site is located at No.s 8-10 Connolly Street, Midleton, Co. Cork. The site is rectangular in configuration, with an area indicated as measuring 0.0435ha.
- 1.2. The site accommodates three terrace structures which front onto Connolly Street. No.s 8 and 9 have rear returns, and to the rear of No. 8, in the western corner of the site, is a detached store structure. To the rear of No.s 9 and 10 are overgrown lands. The northern and western site boundaries comprise stonewalls which incorporate the walls of the store structure.
- 1.3. No.s 8 and 9 Connolly Street form a public house premises, and No. 10 is a dwelling. The structures are 2.5 storeys in height with dormer windows in the front roof plane and No.s 8 and 9 feature traditional shopfronts. All structures are presently vacant and in varying states of disrepair.
- 1.4. Adjacent to the north of the site is Granary Court, a mixed-use scheme which includes apartments in converted mill buildings. Granary Court is accessed via a gated entrance from between No.s 5 and 6 Connolly Street to the west of the site. To the north of the site is a 2.5 storey apartment building, which is separated from the site by a laneway serving the scheme, c.2.5m in width. To the west and east of the site are No.s 7 and 11 Connolly Street which accommodate 2/ 2.5 storey commercial properties. No. 11 extends the length of the site, forming the site's eastern boundary.
- 1.5. Connolly Street is a historic street within Midleton's townscape. The site is located within the Architectural Conservation Area designation for the town. No.s 8-10 Connolly Street are included in the National Inventory of Architectural Heritage.

2.0 Proposed Development

- 2.1. The proposed development comprises the following elements:
 - Conversion of the existing vacant public house to three residential units, each with own door access to the street.

- Demolition of part of the ground floor of the public house and provision of a central arched entrance (via the existing shopfront and front doorway at No. 9 Connolly Street) to allow access to a central courtyard.
- Construction works to raise the ridgeline of the existing roof (at the rear) to provide for habitable accommodation.
- Demolition of the existing extensions and outbuildings to the rear of the site.
- Construction of a four-storey building with eight residential units, and all associated site works.

2.2. The floorspace of the existing buildings is indicated as c.438sqm, the floorspace to be demolished as c.128sqm, and the new floorspace as c.521sqm. The proposed development comprised a total of 11 residential units, three in structures at No.s 8-10 Connolly Street (two 2-bedroom units and one 1-bedroom unit) and eight units in the new apartment block (all 1-bedroom units).

2.3. During the assessment of the application, Further Information (FI) was requested by the planning authority (see Section 3.0 below for details). In response to the FI request, the applicant revised the proposed development. Key revisions to the proposed development included those to the apartment block (reduction in the building height from 4 storeys to 2.5 storeys, decrease in floorspace from eight residential units to five, changed design of elevations, and increased setbacks from the northern and western site boundaries), and a reduction in the size of the pedestrian archway access at No. 9 Connolly Street (via shopfront ope with existing doorway retained).

2.4. I consider there to be planning merit in the revisions made to the proposed development at FI response stage and recommend to the Commission that regard is had to same in the assessment of this appeal.

3.0 Planning Authority Decision

3.1. Summary of the Decision

3.1.1. The application was lodged to the planning authority on 19th August 2024. The proposed development was subject of a further information (FI) request on 11th

October 2024, the response to which was received by the planning authority on 18th July 2025 (the application had been approved a time extension).

3.1.2. The planning authority issued a split decision on the proposed development on 14th August 2025. Permission was granted for the conversion of the public house to residential use and the works to No.s 8-10 Connolly Street subject to 12 conditions. Permission was refused for the demolition of the existing rear extensions and out-building, and the construction of the new apartment block, for one reason as follows:

1. The proposed development involves the construction of an apartment block on a confined site within an architectural conservation area (ACA). Objective HE 16-18 of the County Development Plan 2022 requires (inter alia) the protection of the ACA and preservation and re-use of existing buildings/structures therein. The proposed development will involve the demolition of a historic outbuilding that contributes to the character of this ACA and its replacement with a new structure which is considered unsympathetic to the character of the ACA. In addition, and based on the documentation received to date, the Planning Authority cannot say with certainty that the proposal would not result in an unacceptable diminution of the residential amenity of neighbouring properties to the North both in terms of overshadowing and overbearance. Accordingly, to grant permission would contravene objective HE 16-18 of the current County Development Plan and would seriously injure the amenities of neighbouring properties.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial Assessment

- Proposed development assessed under the following headed items:
 - Policy Context
 - General Layout and Design
 - ACA/ Heritage

- Compatibility with Apartment Guidelines
- Connectivity
- Residential Amenity
- Servicing
- Flood Risk
- Roads/ Parking
- Part V
- All items were found to be satisfactory except for the design of the apartment block and the impacts on heritage and existing residential amenity.
- Requirements for AA and EIA screened out.
- Further information was requested on design, heritage, construction management, surface water design details, and cycle parking details.

Further Information Assessment

- The revised design of the apartment block is noted, including the reduction in building height, amended elevations, and repositioning from boundaries.
- The apartment block is described as remaining problematic, being a generic solution somewhat crudely inserted to the rear of this historic site.
- The loss of a 1.5 storey stone outbuilding is considered to be significant.
- The retention/ reuse of the stone outbuilding is described as contributing hugely to the preservation of the character of the site/ ACA.
- The impact on the residential amenity of the existing dwellings in Granary Court is described as serious, particularly in respect of overshadowing/ overbearance.
- The design solution in relation to the rear of the site is found to remain unresolved.
- The reduction in the size of the pedestrian archway and the retention of more of the existing shopfront is positively noted.

- Other items of the FI request are found to be acceptable save for details on waste management arrangements.

Recommendation

- A split decision is made granting permission for the conversion to residential use and renovation of the main structures at No.s 8-10 Connolly Street, and refusing permission for the demolition of the rear returns, store structure and apartment block.

3.2.2. Other Technical Reports

Conservation Officer: initial report requests FI. Subsequent FI report recommends split decision, refusal of apartment block due to it adversely impacting on the architectural heritage of the area and being contrary to CDP Objectives HE 16-15 and HE 16-18.

Area Engineer: initial report requests FI. Subsequent FI report has no objection subject to condition.

Archaeologist: recommends FI. No subsequent report on case file.

Architect: recommends a revised design. No subsequent report on case file.

Coastal and Flood Projects: no objection subject to condition.

Estates: no objection subject to condition.

Environment: no objection subject to condition.

Public Lighting: no objection subject to condition.

Housing: no objection, no condition.

3.2.3. Conditions

12 conditions are attached to the grant of permission. These include bespoke conditions relating to flood risk (Conditions 4 and 5) and to architectural heritage (Conditions 9, 10, and 11).

The remaining conditions are standard in nature relating to construction phase works and public lighting.

Conditions relating to Part V and a development contribution were not applicable to the grant of permission.

3.3. **Prescribed Bodies**

Transport Infrastructure Ireland: requests regard is given to official policy for proposals impacting national roads.

Health and Safety Authority: does not advise against the granting of permission in the context of Major Accidents Hazards.

Inland Fisheries Ireland: requests relevant bodies to signify whether there is sufficient capacity in the public wastewater treatment system.

Uisce Eireann: no report on the case file (note: applicant's Engineering and Drainage Impact Assessment Report includes copies of pre-connection agreement/ confirmation of feasibility correspondence with Uisce Eireann).

3.4. **Third Party Observations**

3.4.1. The planning authority indicates ten third-party submissions were received during the assessment of the application, and summarises the key issues raised. I have reviewed the submissions and consider the summary reflects the issues raised therein. The basis of the planning authority's refusal reason aligns with issues raised in the submissions.

4.0 **Planning History**

Appeal Site

PA Ref. 07/56054

Permission granted to G. and F. Coyne for new ground floor public bar with toilets and keg room at basement level, fast food outlet, 7 no. apartments accommodated on three floors over the public bar and ancillary works including retention of existing front walls and eaves details to Connolly Street elevation, demolition of the remainder of the existing structures, provision of roof garden, bin stores and air conditioning/ extraction units.

Not implemented, since expired.

5.0 **Policy Context**

5.1. **Section 28 Ministerial Planning Guidelines**

5.1.1. Certain national planning guidelines are applicable to the proposed development (a residential scheme comprising apartments in an area of architectural heritage). The guidelines include Specific Planning Policy Requirements (SPPRs), the achievement of which is mandatory for residential developments.

5.1.2. Relevant guidelines include the following (my abbreviation in brackets):

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024, (Compact Settlement Guidelines).
 - Section 3.3 requires that densities in the range of 50dph-250dph should be applied for new residential developments in 'City – Urban Neighbourhood' sites in Cork City and suburbs (i.e., the MASP area which Midleton is located within).
 - Section 5.3 requires the achievement of residential standards:
 - SPPR 1 – Separation Distances requires a minimum of 16m between opposing windows serving habitable rooms at the rear or side of apartments above ground floor level.
 - SPPR 3 – Car Parking specifies that in City – Urban Neighbourhood locations car parking provision should be minimised, substantially reduced or wholly eliminated.
 - SPPR 4 – Cycle Parking and Storage requires a general minimum standard of 1 no. cycle storage space per bedroom (plus visitor spaces), a mix of cycle parking types, and cycle storage facilities in a dedicated facility of permanent construction (within or adjoining the residences).
 - Section 5.3.7 – Daylight indicates that a detailed technical assessment is not required in all cases, regard should be had to standards in the BRE 209 2022, a balance is required between poor performance and wider planning gains, and that compensatory design solutions are not required.
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2023 (Apartment Guidelines).

- Section 3.0: Apartment Design Standards includes several SPPRs and design criteria for apartment units as follows:
 - SPPR 2: restrictions relating to residential unit mix.
 - SPPR 3: minimum floor areas and, by reference to Appendix 1, minimum storage, private open space areas for 1 and 2 bedroom units.
 - SPPR 4: 33% to be dual aspect units in central locations.
 - SPPR 5: minimum 2.7m requirement for ground level floor to ceiling height.
- SPPR requirements relating to unit mix, private open space, internal storage, dual aspect, and floor to ceiling heights may be relaxed for refurbishment schemes or on urban infill sites of less than 0.25ha.
- Requirements for the provision of on-site communal open space and car parking may be relaxed in refurbishment schemes or on urban infill of sites less than 0.25ha.
- Architectural Heritage Protection, Guidelines for Planning Authorities, 2011 (Architectural Heritage Guidelines).
 - Section 3.10 Criteria for Assessing Proposals within an Architectural Conservation Area – guidance on proposals for new development and proposals for demolition.

5.2. Cork County Development Plan 2022-2028

5.2.1. The applicable development plan for the appeal case is the Cork County Development Plan 2022-2028 (CDP). The CDP contains map-based designations and written based policy which establish the context for the proposed development.

5.2.2. The relevant CDP map-based/ mapped designations include:

- The site is zoned as Town Centres/ Neighbourhood Centres (TC) which seeks to: *(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...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....

- The site contains three structures, 8-10 Connolly Street, that are included in the National Inventory of Architectural Heritage (NIAH Ref. No.s: 20830027, 28, and 29 respectively, listed as being of regional importance, original use as houses, dating from 1850-1870).
- The site is located within the Architectural Conservation Area (ACA) for Midleton town.
- The site is located within Flood Zone A associated with the Owenacurra River (c.235m to the west of the site) and Dungourney River (c.265m to the southeast).
- The site is located within the Residential Protection Zone of MD-SP-02: Connolly Street/ McDermott Street/ Casement Place.
- To the west of the site is the archaeological Sites and Monuments Record (SMR) and associated SMR zone of CO076-063005-, Historic Town.

5.2.3. The relevant CDP policy and objectives include:

- Chapter 4: Housing (Volume 1)
 - Policy in Section 4.9.11: Brownfield Sites and Regeneration

The use of the existing building stock is also a key element of urban regeneration. The Plan supports the reutilisation of vacant mixed use premises in town centres as solely residential or renewed mixed use premises, encourages infill development and will prioritise the development of regeneration and/ or opportunity sites within the heart of our towns and villages.
 - Policy in Section 4.10.8: Building Height and Mix

All proposals for residential development, particularly apartment developments and those over three storeys high, shall provide for acceptable separation distances between blocks to avoid negative effects such as excessive overlooking, overbearing and overshadowing effects and provide sustainable residential amenity conditions and open spaces.

A minimum clearance distance of 22 metres, in general, is required, between opposing windows in the case of apartments up to three storeys in height...In certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable. In all instances where the minimum separation distances are not met, the applicant will submit a daylight availability analysis for the proposed development.

- Objective HOU 4-8: Building Height and Amenity

Support the provision of increased building height and densities in appropriate locations within the County, subject to the avoidance of undue impacts on the existing residential amenities...

- Chapter 16: Built and Cultural Heritage (Volume 1)

- Objective HE 16-15: Protection of Structures on the NIAH

Protect where possible all structures which are included in the NIAH for County Cork, that are not currently included in the Record of Protected Structures, from adverse impacts as part of the development management functions of the County.

- Objective HE 16-16: Protection of Non-Structural Elements of Built Heritage

Protect non-structural elements of the built heritage. These can include designed gardens/ garden features, masonry walls, railings, follies, gates, bridges, shopfronts and street furniture. The Council will promote awareness and best practice in relation to these elements.

- Objective HE 16-18: Architectural Conservation Areas

Conserve and enhance the special character of the Architectural Conservation Areas included in this Plan. The special character of an area includes its traditional building stock, material finishes, spaces, streetscape, shopfronts, landscape and setting. This will be achieved by;

(a) Protecting all buildings, structures, groups of structures, sites, landscapes and all other features considered to be intrinsic elements to

the special character of the ACA from demolition and non-sympathetic alterations.

- (b) Promoting appropriate and sensitive reuse and rehabilitation of buildings and sites within the ACA and securing appropriate infill development.*
- (c) Ensure new development within or adjacent to an ACA respects the established character of the area and contributes positively in terms of design, scale, setting and material finishes to the ACA.*
- (d) Protect structures from demolition and non-sympathetic alterations.*
- (e) Promoting high quality architectural design within ACAs.*
- (f) Seek the repair and re-use of traditional shopfronts and where appropriate, encourage new shopfronts of a high quality architectural design.*
- (g) Ensure all new signage, lighting advertising and utilities to buildings within ACAs are designed, constructed and located in such a manner they do not detract from the character of the ACA.*
- (h) Protect and enhance the character and quality of the public realm within ACAs. All projects which involve works within the public realm of an ACA shall undertake a character assessment of the said area which will inform a sensitive and appropriate approach to any proposed project in terms of design and material specifications. All projects shall provide for the use of suitably qualified conservation architects/ designers.*
- (i) Protect and enhance the character of the ACA and the open spaces contained therein. This shall be achieved through the careful and considered strategic management of all signage, lighting, utilities, art works/pieces/paintings, facilities etc to protect the integrity and quality of the structures and spaces within each ACA.*
- (j) Ensure the protection and reuse of historic street finishes, furniture and features which contribute to the character of the ACA.*

- Chapter 3: East Cork Municipal District (Volume 4)

- Policy in 3.3.21: Residential Protection Zones

CDP designates three Residential Protection Zones in Midleton where change of use will not be permitted except in exceptional circumstances.

The CDP encourages the conservation and protection of the historical residential element of the character of Midleton.

- Objective MD-GO-01

Plan for development to enable Midleton to achieve its target population of 19,423...

- Objective MD-GO-09

Protect and enhance the attractive landscape character setting of the town. Conserve and enhance the character of the town centre (including the special character of Architectural Conservation Areas) by protecting historic buildings, groups of buildings, the existing street pattern, historic laneways, zones of archaeological potential, plot size and scale while encouraging appropriate development in the town, including the development of regeneration areas and improving the public realm.

5.3. Natural Heritage Designations

5.3.1. The appeal site is not located in or immediately adjacent to a European Site, a Natural Heritage Area (NHA) or a proposed NHA (pNHA).

5.3.2. The pNHA designations in proximity to the appeal site include:

- Great Island Channel pNHA (001058) is c.500m to the southeast.
- Carrigshane Hill pNHA (001042) is c.1.67km to the southeast.

5.3.3. The European site designations in proximity to the appeal site include (measured at closest proximity):

- Great Island Channel SAC (001058) is c.500m to the southeast.
- Cork Harbour SPA (004030) is c.500m to the southeast.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. This is a first party appeal against the decision of the planning authority to refuse permission for the demolition of the rear returns, store structure and apartment block. The appeal grounds include the following:

Planning History

- Highlights the relevancy of the planning history at the site (PA Ref. 07/56054) when the property was similarly recorded on the National Inventory of Architectural Heritage (NIAH) and within the Architectural Conservation Area (ACA).
- Permission was granted for a more extensive demolition of the existing buildings and construction of a more extensive scheme.

Architectural Heritage Designations

- The site comprises No.s 8-10 Connolly Street (three mid-terrace buildings), a rear rear-return to No. 8 and a detached stone built shed.
- The buildings are located within an ACA but are not protected structures.
- The street-front buildings are included on the NIAH. The NIAH only records the street-front aspect of the buildings and makes no reference to the interior of the buildings or out-buildings to rear of same.
- There was no suggestion at further information stage that the rear return to No. 8 or the out-building to the rear of same should be retained (no mention of same in the reports of the planner or conservation officer).
- The works to the main street-front buildings, including raising of the roof, have been adjudged to be appropriate to the ACA designation.
- The applicant is happy to comply with the conservation conditions relating to same.
- Planning authority reports do not comment on the external appearance of the existing rear return or out-building. The reports are primarily concerned with the impact of the development on the interior to the existing buildings.
- The ACA designation affects the exterior of buildings only and is not concerned with interiors.

- The planning authority is applying a higher standard to the proposal that might normally be appropriate when dealing with protected structure.
- References section 82(2) of the Planning and development Act 2000 as amended which states a planning authority *‘..shall take into account the material effect {if any} that the proposed development would be likely to have on the character of the architectural conservation area.’*

Proposed Demolition of Structures

- The existing rear return to No. 8 is not visible from the public realm and as such makes little or no contribution to the ACA.
- The existing outbuilding to rear of No. 8 is also not visible from the public realm. It is only visible from the adjoining private apartment development.
- It is a pleasant coach-house type structure but makes little or no contribution to the ACA (has been altered, re-roofed, modern materials and insertions).
- The outbuilding cannot be converted to even a one-bedroom apartment by today's standards.
- It is of limited potential for integration with any redevelopment scheme.
- Requests that permission be granted for the demolition of the rear-return and outbuilding to allow for the reasonable development of the property.
- Available space to the rear of the buildings is limited and some judicious demolition of structures of limited historical value is necessary.
- Site clearance can provide a footprint for new development which has been designed and can be constructed in a manner that will have limited if any negative impact on the ACA designation.

Revised Design at Further Information

- Proposed development was revised from 4 storeys to 2.5 storeys at the further information stage (reduction in eight to five residential units).
- Revised scheme is consistent with the scale of development on and around the site, will not be visible from the street-front or any other public area, and will have no negative bearing on the ACA designation.

Impact on Adjoining Properties

- Adjoining development to the rear of the site comprises 2.5 storeys converted mill buildings arranged either side of a narrow laneway.
- Proposal will be set back an additional 1.1m-1.9m from the existing laneway thereby having a far lesser impact on adjoining properties than the previously permitted scheme (PA Ref. 07/56054) or indeed the existing adjoining development.

6.2. Planning Authority Response

6.2.1. A response has been received from the planning authority on the appeal. The key issues raised can be summarised as follows:

- Original and FI reports set out concerns regarding the development sufficiently.
- Key heritage considerations include:
 - Changes to the street frontage which include modifications to the shop front façade.
 - Interior alteration of a NIAH site that retained historic fabric.
 - Demolition of a rare building of heritage interest.

6.3. Third Party Observations

6.3.1. None.

6.4. Prescribed Bodies

6.4.1. Submissions were received by the Commission from two prescribed bodies.

An Taisce: it is desirable that the three street frontage buildings be brought back to use. The street front ACA design issues can be resolved by conditions. The appeal issues relate primarily to the scale of the rear building in relation to adjacent properties.

Development Applications Unit, Department of Housing, Local Government and Heritage: refers to applicable CDP policy, outlines the FI request and changes in design at FI response stage, identifies shortcomings in the level of detail in the applicant's AHIA, opines that the outbuilding has architectural character, and guides

that proposals involving the demolition of structures in ACAs should minimise adverse impacts on the character of the ACA. The loss of the outbuilding would affect the historic reading of the principal building, its loss would affect the character of the area, maybe minor in effect but should be assessed. Concurs with the decision of the planning authority.

7.0 Planning Assessment

7.1. Introduction

7.1.1. Having reviewed the appeal, examined the documentation on the case file, inspected the site, and had regard to the relevant policy context and planning guidance, I consider that the main issues in the appeal to be as follows:

- Principle of Development
- Design, Height and Layout
- Architectural Heritage
- Residential Amenity
- Access and Traffic
- Water Services and Flood Risk

I propose to address each item in turn below.

7.1.2. As outlined in section 2.0 above of this report, the proposed development was revised in response to the Further Information (FI) request. I consider there to be planning merit in the revised scheme, and the following assessment is based on same.

7.2. Principle of Development

Zoning Objective

7.2.1. In the CDP, the appeal site is zoned as Town Centres/ Neighbourhood Centres (TC) which, of relevance to the proposed development, seeks to '(a) Promote the development of town centres...as the primary locations for retail and other uses that provide goods or services principally to visiting members of the public...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...’.

- 7.2.2. Residential is identified as an appropriate use in TC zoned lands (as per CDP Objective ZU 18-17: Town Centres/ Neighbourhood Centres).
- 7.2.3. I consider the proposed development, which includes for the conversion of a vacant public house premises to residential use, the renovation of the premises into residential units, and the construction of a new apartment block, to comply with the TC zoning objective.

Other Objectives

- 7.2.4. I consider the proposed development aligns with stated CDP policy in Section 4.9.11 Brownfield Site and Regeneration which supports the reutilisation of vacant mixed-use premises in town centres as solely residential use and encourages infill development. The provision of new additional residential units will also contribute to the achievement of CDP Objective MD-GO-01 relating to Midleton’s target population.
- 7.2.5. Further, I consider the proposed development aligns with stated CDP Policy in Section 3.3.21 (Volume 4) relating to residential protection zones whereby a change of residential use will only be permitted in exceptional circumstances. The site is located within MD-SP-02: Connolly Street/ McDermott Street/ Casement Place.

7.3. Design, Height and Layout

- 7.3.1. The proposed development constitutes an infill development in a brownfield site at a town centre location. The proposed development involves demolition, renovation, and construction works.
- 7.3.2. Presently, the site accommodates three mid-terrace properties fronting onto Connolly Street (structures at No.s 8-10), with rear returns (No.s 8-9) and a detached store structure (to the rear of No. 8, western corner of the site). The structures are in varying states of disrepair and poor condition (exterior/ cosmetic and internal/ structural). The remainder of the site is overgrown with vegetation.

Design

- 7.3.3. The proposed development seeks the renovation of the structures at No.s 8-10 Connolly Street and their conversion to three own-door residential units. The plans

and particulars indicate the retention of the majority of the front (southern) elevations of the structures, in particular the existing shopfront (No. 8) and southern slate roof plane. This is positively noted.

- 7.3.4. Notable design interventions to these structures include the insertion of a new archway in the shopfront (No. 9) for pedestrian access into the rear of the site, the modification of the roof profile (ridgeline raised to the rear), and the demolition of the rear returns.
- 7.3.5. The pedestrian archway is discrete (notably reduced in size in the FI response), corresponding in position and scale to an existing shopfront window with side-columns and the main doorway remaining. The design of the new rear (northern) elevation of No.s 8-10 Connolly Street is simple and streamlined in terms of external finishes and elevational treatment. The modified-rear roof profile is that of a mansard roof/ box dormer with an aluminium clad finish. I consider the design of these elements to be acceptable.
- 7.3.6. To the rear (north) of the site is proposed the detached apartment block. While the planning authority is critical of the design of the block, I do not concur. I find that, in similarity with the design approach taken for the new rear elevation of No.s 8-10 Connolly Street, the apartment block features simple external finishes, streamlined elevational features (door and window opes), and complementary dormer roof profile. I consider the design of the block to be acceptable.

Height

- 7.3.7. The principal height of the structures at No.s 8-10 Connolly Street, as modified with the new raised roof, is indicated as c.8.5m. The principal height of the apartment block is indicated as c.10.11m. The cross-section and elevation drawings indicate the apex of the roof of the apartment block as being marginally higher (I calculate c.0.3m) than that of the opposing Granary Court apartments.
- 7.3.8. In terms of scale and massing, I consider the new build to the structures at No.s 8-10 Connolly Street to be modest and consistent with that of the original buildings. Similarly, the apartment block is modest in scale and massing, comprising 2.5 storeys and a simple rectangular building footprint. I positively note the latter was markedly revised in height, scale and massing in the FI response.

Layout

- 7.3.9. In terms of layout, as referred to above, a new pedestrian archway is proposed in the front elevation of the structure at No.9 Connolly Street to facilitate access to the rear of the site. The proposed residential units in structures at No.s 8-10 Connolly Street have own door access from the public road.
- 7.3.10. The apartment block is positioned to the north of the site, and its front elevation opposes the rear elevation of the structures at No.s 8-10 Connolly Street (separation distance of c.5.7m). The apartment block is set off the site's northern boundary by c.1.13m–c.1.91m, and from the western boundary by c.0.86m. Between the buildings is a landscaped area (hard and soft) with a pedestrian pathway. Bin stores and cycle parking are indicated to the west of the landscaped area.

Conclusion

- 7.3.11. In conclusion, I consider the design of both the renovated structures at No.s 8-10 Connolly Street and the new apartment block to be acceptable in terms of proposed elevational treatment, roof profile, and external finishes. Similarly, I consider the height, scale and massing of the components to be acceptable in terms of context, site suitability, and degree of impact. I also find the proposed layout and arrangement of the components within the site to be appropriate having regard to the restrictive site conditions and character of the receiving built environment.

7.4. Architectural Heritage

- 7.4.1. I identify the key architectural heritage issues in the appeal case as those relating to the architectural heritage value of the structures within the appeal site, the demolition of the rear returns and store structure, and the impact of the proposed development on the Midleton Architectural Conservation Area. I propose to address each in turn.

Architectural Heritage Value

- 7.4.2. The appeal site accommodates three structures at No.s 8-10 Connolly Street, with rear returns (No.s 8-9) and a detached store structure (rear of No. 8). The store structure (1.5 storeys, rectangular building footprint) is located in the western corner of the site. The western gable and the rear (northern) wall of the store form part of the site's boundary walls with adjacent properties, No. 7 Connolly Street to the west and the pedestrian laneway serving Granary Court to the north.

7.4.3. The site is located within the Midleton Architectural Conservation Area (ACA). There are no CDP designated protected structures at the site. No.s 8-10 Connolly Street are included in the National Inventory of Architectural Heritage (NIAH Ref. No.s: 20830027, 28, and 29 respectively).

7.4.4. I have reviewed the NIAH entries and (correct as of the date of this report) note that the structures are listed as being of regional importance and dating from between 1850-1870. In respect of No.s 8-9 Connolly Street, these are stated as being in original use as houses and in current use as a public house (NIAH survey dates from 2007).

7.4.5. The NIAH entries include a description and appraisal of each structure. I note these are focused entirely on the front elevations (architectural design, decorative details, external finishes) on the structures. The entries do not refer to the interiors of the structures, the rear returns, nor the rear elevations. In the entry for No. 8, there is no reference to the store structure at the rear of the site. I question whether the detached store structure can reasonably be considered to be included in the NIAH entry for No. 8, as there is potential for the structure to have been unknown.

7.4.6. The Conservation Officer places a strong emphasis on the properties within the appeal site being included on the NIAH. It is evident that the Conservation Officer considers that, by association, the store structure is included in the NIAH even though the NIAH entry does not refer to same.

7.4.7. It is established practice that a CDP designation of a building as a protected structure affords the same protection to the curtilage of that building (i.e., to ancillary structures, site boundaries etc). However, this is not the case for entries in the NIAH. For assessment purposes, the level of protection afforded to same comes from an applicable CDP objective.

7.4.8. In considering the architectural value of the structures within the appeal site, I have had regard to the provisions of applicable CDP Objectives HE 16-15: Protection of Structures on the NIAH, HE 16-16 Protection of Non- Structural Elements of Built Heritage and HE 16-18 Architectural Conservation Areas (cited in section 5.0 of this report above).

7.4.9. Due to the nature, description and appraisal of the NIAH entries for No.s 8-10 Connolly Street, I consider that the architectural heritage value identified for these

structures relates to their front elevations and the contribution these make to the streetscape along Connolly Street. I consider that such architectural heritage value corresponds with that afforded to the structures through their inclusion in the CDP designated Midleton ACA.

7.4.10. That being, for the purposes of assessing the appeal case, I consider that the architectural heritage value of the structures within the site relates to the front elevations of No.s 8-10 Connolly Street, in particular to features such as the two shopfronts. Had the structures been designated as protected structures in the CDP, there would be a material difference in the architectural heritage value assigned to the structures (i.e., inclusion of the structures' interiors, rear elevations, ancillary structures, site boundaries etc).

Demolition of the Rear Returns and Store Structure

7.4.11. The key architectural heritage documentation on the case file includes the reports of the planning authority's Conservation Officer, the applicant's Architectural Heritage Impact Assessment (AHIA) and Architectural Conservation Area Character Assessment (ACACA) (the latter documents were submitted in the FI response), and the planning authority's appeal response.

7.4.12. The Conservation Officer's FI report includes an assessment of the AHIA and ACACA, finding the former to be somewhat lacking in detail and requiring additional information. Particularly, several interior features are identified as being of historical value. Method statements are identified as being necessary in respect of sash windows on site. A lack of detail in the plans is identified in respect of external finishes. The continued proposal to demolish the store outbuilding is opposed due to its heritage significance and its contribution to the 'character of the NIAH'.

7.4.13. The applicant's AHIA and ACACA indicate the structures at No.s 8-10 Connolly Street are of earlier provenance than indicated in the NIAH, evident in ordnance survey maps dating from c.1829. The AHIA includes a photographic record of the exterior and interior of the structures within the site including the store structure.

7.4.14. The AHIA concludes that the removal of the rear return of No. 8 and the store structure will result in the loss of some historic fabric but the extent and location of which will not be visible from the public realm nor negatively affect the historic reading of the group of buildings.

7.4.15. In the appeal grounds, the applicant describes the store structure as a pleasant coach-house type structure but one which has undergone modern alterations and insertions. The applicant submits there is limited potential for the store structure to be integrated into a redevelopment scheme (restricted, not possible to achieve modern standards) and requests its demolition (limited historical value) to allow for the reasonable development of the site. The planning authority's response to the appeal refutes same.

7.4.16. Having reviewed the documentation on the case file and undertaken my site inspection (in which I gained entry to Nos. 8-10 Connolly Street including the rear returns, the store structure, and overgrown area in the eastern portion of the site), I confirm the nature and condition of the structures as described and indicated in the photographic record of the AHIA. The store structure has been notably altered with modern interventions (ground floor level toilets and upper-level storage of items associated with the public house use).

7.4.17. While I acknowledge the position of the Conservation Officer, on balance, I concur with that of the applicant. I consider the proposed demolition of the rear returns and the store structure to be reasonable so as to facilitate the redevelopment of the site. I consider there are notable planning gains to be achieved including a coordinated regeneration of the site, much-needed restoration of the facades of No.s 8-10, improvements to streetscape of Connolly Street, and the more efficient use of the centrally located infill site. I consider these planning gains are sufficient justification for the demolition of the rear returns and store structure.

7.4.18. In the interests of clarity for the Commission, I highlight a procedural matter I consider to be of relevance in an assessment of the demolition of the rear returns. In the planning authority's split decision, permission was granted for the conversion to residential use and renovation of the main structures at No.s 8-10 Connolly Street but refused for the demolition of the rear returns, store structure and apartment block (I direct the Commission to the CE Order for wording).

7.4.19. The plans and particulars on the case file clearly indicate the renovation of the structures at No.s 8-10 Connolly Street omitting the existing rear returns. The conditions attached to the grant of permission require implementation in accordance

with the plans and particulars submitted (Condition 1) and do not require the applicant to submit revised plans and particulars incorporating the rear returns.

7.4.20. As such, I consider these decisions to be contradictory in nature and unimplementable in effect. Were the Commission minded to make a similar split decision, I consider clarity would be required on the incorporation of the rear returns into any renovation plans.

Impact on the Midleton Architectural Conservation Area

7.4.21. The adverse impact of the proposed development on the Midleton ACA is cited in the planning authority's refusal reason, which states that the proposed development contravenes CDP Objective HE 16-18 Architectural Conservation Areas (see section 5.0 of this report).

7.4.22. Specifically, the contravention relates to the demolition of the store structure which is considered to contribute to the character of the ACA, and its replacement with the apartment block which is considered to be unsympathetic to the character of the ACA.

7.4.23. In respect of the store structure, the appeal grounds include that as the store structure is not visible from the public realm, it therefore fails to contribute to the character of the ACA. The Conservation Officer is critical of the applicant's reasoning. While I acknowledge the store structure is not visible from adjacent public streets, I note the structure is visible from within Granary Court and is incorporated into the site's boundary walls (western and northern). Also, while I acknowledge the Granary Court is a privately managed development, it too is within the Midleton ACA designation.

7.4.24. Following review of the AHIA and ACACA and having undertaken my site inspection in which I gained entry to Granary Court and viewed the rear and side of the store structure, I consider the manner in which the structure is incorporated into the site's boundary walls to be of historical value, architecturally distinctive and to contribute to the character of the ACA.

7.4.25. Previously, I have outlined why I consider the demolition of the store structure to be acceptable. However, having regard to the positions of the Conservation officer and comments made by the prescribed bodies, I consider that the impact of the loss of

the store structure on the character of the ACA can be ameliorated. I consider that the walls of the store (northern and western) should be retained as part of the site's boundary walls.

- 7.4.26. In the interests of clarity and to avoid any potential ambiguity (e.g., in case the proposed demolition of the store structure is intended to result in the partial or full demolition of the site's boundary walls), I recommend the retention, stabilisation and restoration of the existing site boundary walls and those of the store structure's western and northern walls be subject to condition.
- 7.4.27. In respect of the apartment block, as outlined in subsection 7.3 above, I consider the building to be acceptable in terms of design, height, and layout. I concur with the applicant's AHIA and find that as the apartment block is positioned to the rear of the site, accessed via a pedestrian scaled archway, and not overtly visible from Connolly Street, the block would have a negligible effect on the character of the ACA.
- 7.4.28. Similarly, with regard to the proposed works to the structures at No.s 8-10 Connolly Street, while the raised roof to the rear of these structures will be visible, I consider the height, scale and external finish to be acceptable and not to cause an adverse impact on the character of the ACA.

Conditions

- 7.4.29. To accord with best conservation practice, CDP and planning guidelines requirements, in the event of a grant of permission, I consider that An Coimisiún Pleanála conditions should be attached to manage the demolition and construction process.
- 7.4.30. These are applicable to developments within ACAs and include preparation and approval of a specification and method statement, survey of the buildings and elements of buildings proposed for demolition, employment of suitably qualified and experienced personnel to monitor and undertake the works, agreement on external finishes with the planning authority, prohibition of any PVC in the exteriors of structures on public streets within the ACA.
- 7.4.31. I have reviewed the Conservation Officer's recommended conditions. These form the basis for Conditions 9, 10, and 11 of the planning authority's grant of permission. I consider the standard ACP conditions will address the items included, ensure the

written agreement of the planning authority, and also formalise the mitigation measures included in the applicant's AHIA.

7.4.32. Finally, to reflect the heritage value of the site, I recommend a condition be attached requiring the naming of the proposed development be based on local historical or topographical features.

Conclusion

7.4.33. In conclusion, I consider that the architectural heritage value of the site relates primarily to the front elevations of structures at No.s 8-10 Connolly Street, the nature and extent of the demolition works proposed are reasonable and justified, and, subject to conditions, the proposed development would not adversely impact on the character of the Midleton ACA. Accordingly, I conclude that the proposed development complies with the requirements of CDP Objectives HE 16-15, HE 16-16, HE 16-18 and MD-GO-09 as the structures at No.s 8-10 Connolly Street will be protected from adverse impacts, appropriately reused, sensitively rehabilitated, and will conserve and enhance the character of the Midleton ACA.

7.5. Residential Amenity

7.5.1. I identify the key residential amenity issues in the appeal case as those relating to the existing amenity of adjacent properties, and that of future residents in the proposed development (including compliance with the Compact Settlement Guidelines and the Apartment Guidelines). I propose to address each in turn.

Existing Residential Amenity

7.5.2. Concerns regarding the impact of the proposed development on the residential amenity of neighbouring properties to the north of the site form the basis of the planning authority's refusal reason. In particular, concerns relating to overshadowing and overbearance are cited.

7.5.3. In the appeal grounds, the applicant refers to the revisions made at FI response stage to reduce impact on the northern properties in Granary Court including the increased setback of the proposed apartment block from the site boundary. Reference is also made to the extent of impact between existing developments in Granary Court (2.5 storey buildings oppose each other) and the previously permitted development, PA Ref. 07/56054.

7.5.4. Other factors which can have a bearing on existing residential amenity include overlooking and nuisance associated with construction activities.

Receiving Environment

7.5.5. The residential properties to the north of the appeal site, referred to in the planning authority's refusal reason, are in Granary Court. This scheme comprises mixed-use development with apartments overhead (No.s 5-6 Connolly Street) and converted mill buildings to the rear. The buildings are 2.5 storeys in height (all feature dormer windows), and those within the scheme are long and narrow.

7.5.6. The buildings within Granary Court are separated by an internal laneway, .c.2.5m in width. The buildings front onto this laneway. The building on the opposite side of the appeal site is c.56.5m in length. The western end of this building (for a length of c.9.5m) addresses the 2.5 storey building at No.s 5-6 Connolly Street and the eastern end of this building (length of c.22.5m) addresses another 2.5 storey converted mill building. Part of this building (length of c.6.5m) addresses No. 11 Connolly Street (blank rear elevation, but 2.5 storeys in height). The remaining part of this building (length of c.18m) fronts onto the appeal site, which presently includes the rear of the store structure (1.5 storeys in height) and overgrown lands at the rear of Nos. 9-10 Connolly Street.

7.5.7. That being, c.68% of the building adjacent to the north of the appeal site (and the residential properties therein) directly address a 2.5 storey building featuring windows and dormer windows.

Overshadowing

7.5.8. In respect of potential overshadowing, I note that the appeal site is located to the south of the Granary Court building described above. Development within the appeal site will impact on the availability of daylight and sunlight to the opposite properties (i.e., those properties with windows in the length of c.18m opposite the appeal site).

7.5.9. However, I positively note that in terms building height, the cross-section and elevation drawings indicate the apex of the roof of the apartment block as being marginally higher (c.0.3m) than that of the opposing Granary Court building. The

separation distance between the Granary Court building and the proposed apartment block is c.5.5m.

- 7.5.10. While I accept that the proposed development will constitute a notable change for these adjacent properties, a fundamental issue in considering the impact on existing residential amenity is the nature of the appeal site and lack of activity therein as currently enjoyed by these properties. The site contains low rise, low scale, vacant properties in an underutilised town centre site.
- 7.5.11. I note that the appeal case does not include a daylight and sunlight assessment for the proposed development. Planning guidance and best practice require that any such assessment would have regard to the standards in the BRE 209 2022.
- 7.5.12. Accordingly, I highlight relevant guidance for this appeal case relating firstly to the scope of the BRE Guidelines and secondly on assessing daylight and sunlight impact. Firstly, the BRE Guidelines state that ‘...The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer.’ That being, the BRE Guidelines are not a statutory binding document.
- 7.5.13. Secondly, of relevance from the Compact Settlement Guidelines are SPPR 1 relating to separation distances and policy in Section 5.3.7 relating to daylight. SPPR 1 requires a minimum separation distance of 16m between opposing windows however that is for side and rear windows above ground floor level. Reasonably, there is no minimum separation distance indicated for the front of residential buildings. Properties in the relevant length of the Granary Court building will front onto the rear elevation of the apartment block.
- 7.5.14. Policy in Section 5.3.7 accepts the potential for material impacts on neighbouring properties to arise in cases where the buildings are close together and where higher buildings are involved. Importantly, the guidelines advise that planning authorities do not need to undertake a detailed technical assessment in relation to daylight performance in all cases.
- 7.5.15. The guidelines conclude that there is a need to balance an assessment of underperformance or finding of material impact against the desirability of achieving wider planning objectives. Such objectives may include securing comprehensive urban regeneration and/ or an effective urban design and streetscape solution.

7.5.16. I consider that this approach is directly applicable in the appeal case as there are several planning gains arising from the redevelopment of this serviced, zoned, and underutilised site.

7.5.17. In the interests of clarity for the Commission, I highlight CDP policy in Section 4.10.8 Building Height and Mix (see section 5.0 of this report above). This section outlines policy applicable to apartment schemes which relates to separation distances. A minimum separation distance of 22m between opposing windows is stated as being required in general. Reduced separation distances may be acceptable in certain instances, including in built-up areas. The policy states that in all instances where the minimum separation distances are not met, the applicant will submit a daylight availability analysis for the proposed development.

7.5.18. I consider that the 22m separation distance being referred to in the CDP policy is that between opposing windows in rear elevations of apartment buildings. In the proposed development, the front elevation of the Granary Court building and the rear elevation of the apartment block are opposing. As such, while I note the CDP policy, I do not consider it to be applicable to the proposed development.

7.5.19. Should the Commission disagree with my interpretation of the CDP policy, the Commission may determine that the proposed development is an instance where reduced separation distances are acceptable (which I would recommend having regard to the town centre location, infill site, established patterns of development).

7.5.20. Further, should the Commission disagree with my interpretation that CDP Section 4.10.8 does not apply to the proposed development, the Commission may determine that the proposed development is in material contravention of CDP Section 4.10.8 Building Height and Mix. This would be because the appeal case does not include a daylight availability analysis for the proposed development.

7.5.21. For reasons I have outlined above, I consider that a detailed daylight and sunlight assessment is not necessary in this instance.

7.5.22. Should the Commission agree with this position (i.e., CDP Section 4.10.8 applies but that a daylight availability analysis is not necessary), and be of the opinion to grant permission for the proposed development, the Commission may proceed to do so in accordance with section 37(2)(a) of the Planning and Development Act 2000 as

amended (as the planning authority's refusal reason did not state that the proposed development was a material contravention of the CDP).

Overbearance

7.5.23. In respect of overbearance, as outlined in subsection 7.3 above, I consider the proposed apartment block to be acceptable in terms of design, height, and layout. I do not concur with the planning authority's concern regarding serious injury being caused due to overbearance. I consider the apartment block to be acceptable in terms of visual impact being modest in height, scale and massing. The apartment block is consistent with the established pattern of development in the receiving area, and maintains the height, scale and massing of the existing development within Granary Court (as described above).

Overlooking

7.5.24. I identify the potential for overlooking as a relevant consideration for existing residential amenity. The separation distance between the Granary Court building and the proposed apartment block is c.5.5m. While discussed further in the respect of future residential amenity below, to best protect the residential amenity of both existing and future residents, I recommend amendments are made to the fenestration in the rear elevation of the apartment block.

7.5.25. As proposed, there are standard windows indicated in the rear elevation (See Dwg No. 108, Rear (North) Elevation) at each floor level to serve bedrooms (majority), kitchen/ dining rooms, and a utility room. I recommend that the windows at first and second floor levels (having regard to the height of the rear boundary wall) incorporate privacy measures such as obscure glazing and/ or be revised in design as high-level and/ or angled windows.

Disturbance

7.5.26. In respect of disturbance from construction activities, the proposed development comprises renovating three existing structures, small scale demolition works, and the construction of a single building with ancillary site works. The construction phase for such a scale of development will be relatively short-term in duration, and the effects will be temporary in nature.

7.5.27. A preliminary Construction Environmental Management Plan (CEMP) was submitted at the FI response stage. I have reviewed same and note the construction method outlined. I recommend construction phase impacts can be managed by way of a condition requiring agreement on a final CEMP with a number of items specified to be addressed given the restricted nature and town centre location of the site.

Future Residential Amenity

7.5.28. In respect of the amenity of the future residents, I have reviewed the plans and particulars in the case file, including the schedule of accommodation and housing quality assessment details.

7.5.29. I have also considered the density of the proposed development, which at 184dph, is within the density range of 50dph -250dph required by the Compact Settlement Guidelines for sites in 'City – Urban Neighbourhood' locations such as the appeal site.

7.5.30. I consider the proposal accords with CDP policy and applicable SPPR requirements in the Compact Settlement Guidelines and Apartment Guidelines by providing accommodation with adequate dimensions, sizes, dual aspects, storage areas, and private amenity space. I am also satisfied that the proposed development provides an acceptable residential unit mix of 1, 2 and 3 bedroom units (five, two and one respectively) for this town centre location thereby meeting the housing needs of several new households.

7.5.31. I highlight that national policy allows flexibility in the achievement of residential standards for refurbishment schemes or urban infill sites of less than 0.25ha, both of which apply to the proposed development (see section 5.0 of this report above). Due to the planning gains in the developing the site, I consider these to be applicable for the proposed development. Most notable include a relaxation in the requirement to provide on-site communal open space and car parking spaces.

7.5.32. In respect of potential overshadowing and overbearance between the structures at No.s 8-10 Connolly Street and the proposed apartment block, I do not anticipate any undue impact on the amenity of future residents. This is due to the same reasons, as outlined in detail above, that I find the relationship between the Granary Court building and the apartment block to be acceptable.

7.5.33. In respect of overlooking however, I consider there to be potential for adverse impacts. The separation distance between the rear (northern) elevation of the structures at No.s 8-10 Connolly Street and the front (southern) elevation of the apartment block is c.5.7m.

7.5.34. Due to the relatively restricted separation distance and the orientation of the buildings within the site, I recommend that amendments are made to the fenestration in the rear elevation of No.s 8-10 Connolly Street so as to best protect the amenity of future residents.

7.5.35. I consider it more appropriate to amend these windows than those of the front elevation of the apartment block, as the latter has a favourable orientation, with balconies and large windows to optimise the available sunlight and daylight.

7.5.36. As proposed, there are standard windows indicated in the elevation (See Dwg No. 110, Courtyard (North) Elevation) at each floor level to serve bedrooms (majority), kitchen/ dining rooms, and a utility room. I recommend that these incorporate privacy measures such as obscure glazing and/ or be revised in design as high-level and/ or angled windows.

7.5.37. I consider additional improvements can be made to further protect the amenity of future residents in apartment block with open railings on balconies replaced with, opaque glazing. Also, it is unclear if the private amenity spaces at ground floor level are enclosed, and I recommend this should be addressed by condition to avoid any ambiguity.

7.5.38. Finally, to further ensure the amenity of future residents, I recommend the attachment of conditions requiring the establishment of a management company to operate the scheme, and the provision of public lighting in an agreed scheme with the planning authority. Part V and a development contribution for the new residential floorspace are also applicable to the proposed development.

Conclusion

7.5.39. In conclusion, I have considered the residential amenity for existing and future residents. Subject to condition, for existing residents, I consider that the proposed development will not adversely injure the residential amenity of adjacent properties thereby complying with CDP Objective HOU 4-8: Building Height and Amenity. I find

that future residents will be provided with residential accommodation of an acceptable standard, enjoy an acceptable level of residential amenity in a compact, centrally located, and managed scheme.

7.6. **Access and Traffic**

- 7.6.1. The proposed development provides for pedestrian access only into the site. Having regard to the size of the site and the constraints there in, it is appropriate to limit the interventions to the fronts of the structures at No.s 8-10 Connolly Street and to the site's boundary walls.
- 7.6.2. I concur with the planning authority's assessment of car parking and cycle parking provision. Due to the town centre location, accessibility to public transport modes, and the requirements of SPPR 3 of the Compact Settlement Guidelines, I find it acceptable that no on-site parking is provided.
- 7.6.3. In respect of cycle parking, I note the requirements of SPPR 4 of the Compact Settlement Guidelines and calculate a requirement for 15 cycle spaces (four 1-bedroom units, two 2-bedroom units and one 3-bedroom unit. 11 bedrooms, 11 long stay spaces, 4 short stay spaces). I recommend final agreement on the type and location within the site be agreed with the planning authority.
- 7.6.4. In respect of traffic impacts arising during the construction phase, I note the applicant's preliminary CEMP. I recommend that certain traffic items are specified by condition to ensure these are addressed in a final CEMP to the satisfaction of the planning authority and for clarity for third parties. These include items such as on-site car parking facilities for site workers, the timing and routing of construction traffic to and from the construction site, measures to obviate queuing of construction traffic and to prevent the spillage or deposit of clay, rubble or other debris on the public road network, arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath.
- 7.6.5. In conclusion, subject to conditions, I consider the proposed development would be acceptable in terms of pedestrian, cyclist and traffic safety and convenience.

7.7. **Water Services and Flood Risk**

Water Services

- 7.7.1. The proposed development seeks connections to the existing public water services networks. These include for foul water and water supply. The applicant's Engineering and Drainage Impact Assessment Report includes copies of pre-connection agreement/ confirmation of feasibility correspondence with Uisce Eireann. The latter refers to upgrade works being necessary to increase the capacity of the Midleton WWTP, after which the proposed development could be connected and serviced.
- 7.7.2. The proposal includes SuDS measures for on-site stormwater attenuation and discharge connection to the public network. Following clarification of the location of the stormwater network at FI stage, I note these arrangements were acceptable to the planning authority and standard conditions were recommended.

Flood Risk

- 7.7.3. As identified in the CDP, the appeal site is located within a Flood Zone A designation associated with the watercourses which flow through Midleton. The Owenacurra River is c.235m to the west of the site and the Dungourney River is c.265m to the southeast.
- 7.7.4. The applicant prepared a SSFRA for the proposal which indicates the site flooded in an extreme event in 2023, identifies the site is primarily at risk of fluvial flooding, contains preliminary details in relation to a flood evacuation plan, and indicates the use of flood resilient construction methods.
- 7.7.5. The planning authority (Coastal and Flood Projects Dept) identifies a residual risk of flooding at the site and recommends conditions. These form the basis of Conditions 4 and 5 of the planning authority's grant of permission.

Conclusion

- 7.7.6. In conclusion, I recommend that standard An Coimisiún Pleanála conditions apply in respect of water services (i.e., subject to approval by UE) and surface water drainage. I recommend bespoke flood risk related conditions be included in the event of a grant of permission. Accordingly, I do not anticipate any issues relating to access to/ availability of water services or to flood risk to the proposed development.

8.0 Environmental Impact Assessment

- 8.1. The proposal is of a class of development identified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended (2001 Regulations) for the purposes of Environmental Impact Assessment (EIA). Accordingly, I have undertaken a pre-screening exercise and preliminary examination of the proposed development (see Appendix 1 and Appendix 2 respectively of this report below).
- 8.2. By taking into account the nature and scale of the proposed development, the location of the site on zoned and serviced lands within an existing built-up area and outside of any environmentally sensitive and/ or designated location, the existing pattern of development in the vicinity, the information and reports submitted as part of the application and appeal, and the criteria set out in Schedule 7 of the 2001 Regulations, I have concluded that there is no real likelihood of significant effects on the environment arising from the proposed development, and that the need for an EIA and the submission of an EIAR is not required.

9.0 Appropriate Assessment

9.1. Screening Determination for Appropriate Assessment

- 9.1.1. In accordance with section 177U(4) of the Planning and Development Act 2000, as amended (2000 Act), and on the basis of objective information, I conclude that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (Stage 2) under section 177V of the 2000 Act is not required.
- 9.1.2. This conclusion is based on:
 - Nature, scale and location of the proposed development.
 - Qualifying interests and conservation objectives of the European sites.
 - Absence of any meaningful pathways to any European site.
 - Distances from European sites.
 - Standard pollution controls and project design features that would be employed regardless of proximity to a European site and the effectiveness of same.

9.1.3. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

10.0 Water Status Impact Assessment

10.1. Screening Determination for Water Impact Status Assessment

10.1.1. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive (WFD) which seek to protect and, where necessary, restore surface water and ground waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

10.1.2. I conclude that the proposed development will not result in a risk of deterioration on any waterbody (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively, or on a temporary or permanent basis, or otherwise jeopardise any waterbody in reaching its WFD objectives and consequently can be excluded from further assessment.

10.1.3. This conclusion is based on:

- Nature, scale and location of the proposed development.
- Objective information presented in the case file and from verified sources.
- Absence of/ proximity to closest surface watercourses.
- Lack of any meaningful hydrological connection to any waterbody.
- Use of best practice construction practices during construction phase.

11.0 Recommendation

Following from the above assessment, I recommend that permission is GRANTED for the development as proposed due to the following reasons and considerations, and subject to the conditions set out below.

12.0 Reasons and Considerations

The Commission considers that, subject to conditions, the proposed development would be consistent with the applicable Town Centres/ Neighbourhood Centres (TC) zoning objective and other policies and objectives of the Cork County Development Plan 2022-2028, would constitute an appropriate form of infill development at this town centre location, would provide an acceptable quantum and density of residential development, would respect the architectural heritage and character of the area, would not seriously injure the residential or visual amenities of property in the vicinity, would provide acceptable levels of residential amenity for future occupants, and would be acceptable in terms of pedestrian, cyclist and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. a) The development shall be carried out and completed in accordance with the plans and particulars lodged with the application to the planning authority, as amended by the further information plans and particulars received by the planning authority on the 18th day of July 2025, 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.
b) A total number of eight residential units are hereby permitted in this development, comprising five 1-bedroom units, two 2-bedroom units and one 3-bedroom unit.

Reason: In the interest of clarity.

2. The development shall be amended as follows:

- a) Windows in the northern (rear) elevation of structures at Nos 8-10 Connolly Street shall be fitted with obscure glazing, or redesigned as high-level and/ or angled windows.
- b) Windows in the northern (rear) elevation of the apartment block at first and second floor levels shall be fitted with obscure glazing, or redesigned as high-level and/ or angled windows.
- c) Opaque glazed screens shall be erected to enclose the private amenity space of the residential units at ground floor level of the apartment block. Open railings shall be omitted from balconies at first and second floor levels and replaced with opaque glazed screens of a similar height.

Revised drawings showing compliance with these requirements shall be submitted to the planning authority for its written agreement prior to commencement of development.

Reason: In the interest of the protection of residential amenity of future occupants and of property in the vicinity.

3. The following items shall be retained, stabilised, and restored, as necessary, as part of the development:
 - a) the full extent of the site's northern (rear) boundary wall adjacent to the Granary Court laneway.
 - b) the full extent of the walls (northern and western) of the store building as presently incorporated into the site's northern (rear) and western (side) boundary walls.

Details of the procedures to be followed in order to comply with these requirements shall be submitted to the planning authority for its written agreement prior to commencement of development.

Reason: In the interest of clarity and to protect the character of the Midleton Architectural Conservation Area.

4. Prior to the commencement of development, the applicant/ developer shall submit for the written agreement of the planning authority a specification and

method statement covering all works to be carried out to structures (structures at No.s 8-10 Connolly Street including rear returns and the store building) and boundary walls, so as to ensure the development is carried out in accordance with good conservation practice.

Reason: In the interest of the protection of architectural heritage.

5. A full architectural and photographic survey of the building and elements of buildings proposed for demolition shall be completed, and drawings and photographs indicating details of these buildings, to a scale acceptable to the planning authority, shall be submitted to the planning authority for its written agreement prior to the commencement of development.

Reason: To facilitate the preservation by record and/ or recording of the architectural heritage of the site.

6. Prior to the commencement of development, the applicant/ developer shall submit for the written agreement of the planning authority confirmation that:
 - a) the development will be monitored by a suitably qualified architect with conservation expertise and accreditation, and
 - b) competent site supervision, project management and crafts personnel will be engaged, suitably qualified and experienced in conservation works.

Reason: In the interest of the protection of architectural heritage.

7. Prior to the commencement of development, the applicant/ developer shall submit for the written agreement of the planning authority, details, specifications and/ or samples of all external materials proposed for structures at No.s 8-10 Connolly Street and the apartment block. No uPVC/ PVC material shall be used on/ in the southern (front) elevations of structures at No.s 8-10 Connolly Street. All works shall be carried out in accordance with this written agreement.

Reason: In the interest of architectural heritage and to protect the character of the Midleton Architectural Conservation Area.

8. a) Prior to commencement of development, the applicant/ developer shall submit for the written agreement of the planning authority, proposals for a development name and numbering scheme and associated signage. Thereafter, all such name and numbering shall be provided in accordance with the agreed scheme.
- b) The development name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/ marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

9. Prior to the commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's 'Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects' (2021) shall be prepared and submitted to the planning authority for its written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of proper planning and sustainable development.

10. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to the planning authority for its written agreement. This plan shall provide details of the construction practice for the development, including inter alia:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.
- b) Location of areas for construction site offices and staff facilities.
- c) Details of site security fencing and hoardings.
- d) Details of on-site car parking facilities for site workers during the course of construction.
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
- f) Measures to obviate queuing of construction traffic on the adjoining road network.
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.
- k) Off-site disposal of construction/ demolition waste and details of how it is proposed to manage excavated soil.
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

The agreed CEMP shall be implemented in full in the carrying out of the development.

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

11. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: To safeguard the amenities of property in the vicinity.

12. No additional development shall take place above roof level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas, or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

13. The following requirements shall be implemented and/ or complied with:

a) Public lighting shall be provided in accordance with a scheme which shall be submitted to the planning authority for its written agreement prior to the commencement of development. Such lighting shall be provided prior to the making available for occupation of any residential unit.

b) Existing footpath shall be protected, maintained, replaced and/ or repaired if damaged, to the requirements of the planning authority for same.

c) A minimum of 15 cycle parking spaces shall be provided and reserved solely to serve the development. Details in respect of the on-site location and type of cycle parking stands shall be submitted to the planning authority for its written agreement prior to the commencement of development.

All works listed above shall be undertaken at the developer's expense and completed to the satisfaction of the planning authority.

Reason: In the interests of pedestrian and traffic safety, and orderly development.

14. a) The development shall be implemented in accordance with the mitigation measures (flood resistance and flood resilience measures) included in the Site-Specific Flood Risk Assessment submitted with the application, except where otherwise required by conditions attached to this permission.

b) Prior to the making available for occupation of any residential unit, the developer shall have prepared and submitted to the planning authority for its written agreement a Flood Awareness Plan, and a Flood Emergency Response Plan for the development.

Reason: In the interest of protecting the environment, public health, and clarity.

15. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

16. a) The developer shall enter into water and/ or wastewater connection agreement(s) with Uisce Eireann, prior to commencement of development.

b) All development shall be carried out in compliance with Uisce Eireann codes and practices.

Reason: To provide adequate water and wastewater facilities in the interest of public health.

17. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All

existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

18. a) All areas within the development not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

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

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

19. a) An Operational Waste Management Plan (OWMP) containing details for the management of waste within the development, the provision of facilities for the storage, separation, and collection of the waste and for the ongoing operation of these facilities, shall be submitted to the planning authority for its written agreement, not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed OWMP.

b) The OWMP shall provide for screened communal bin stores, the locations and designs of which shall be as indicated in the plans and particulars lodged within the application unless otherwise agreed in writing with the planning authority. Bin stores shall not be stored on the public footpath.

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

20. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an

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

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

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

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

22. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and

Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme 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.

Phillippa Joyce

Senior Planning Inspector

19th December 2025

Appendix 1: Environmental Impact Assessment – Pre-Screening

1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA?	
(“Project” means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
<input checked="" type="checkbox"/> Yes, it is a ‘Project’. Proceed to Q2.	
<input type="checkbox"/> No, no further action required.	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3.	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/ exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/ exceeds the threshold.	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Proceed to Q4.	Class 10(b)(i) and/ or Class 10(b)(iv) Relevant thresholds arising from Class 10(b): - Class 10(b)(i): more than 500 dwelling units. - Class 10(b)(iv): urban development in an area greater than 10ha.
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
<input checked="" type="checkbox"/> No	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Appendix 2: Environmental Impact Assessment – Preliminary Examination

The Commission 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. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.

Characteristics of proposed development (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).	Project comprises the conversion of a vacant public house premises to residential use, the renovation of the premises into residential units, the demolition of rear extensions and a store structure and the construction of an apartment block (5 no. units, 2.5 storeys in height) with associated site works. It does not differ significantly in terms of character or of scale from the surrounding area (i.e., established residential use in the area, characterised by 2-5 storey structures). Project would cause physical changes to the appearance of the site during the construction and operation (occupation) works; these would be within acceptable parameters for the receiving area, a town centre infill site. No significant use of natural resources is anticipated, and the project would connect into the public water supply and drainage services systems which have sufficient capacity to accommodate demands. Construction phase activities would result in the use of potentially harmful materials, and cause noise and dust emissions. These would likely be typical of similar construction sites. Conventional waste produced from construction and operational activities would be managed. Project would not cause risks to human health through water contamination/ air pollution through the design of the scheme, connection to public water services systems, and scale of residential activity arising.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/ capacity of	Project is not located in, on, or adjoining any European site, any designated or proposed Natural Heritage Area, or any other listed area of ecological interest or protection. The site is brownfield and accommodates a number of existing buildings. There is no evidence of the presence

<p>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>of any protected habitats, plants, or fauna species. The Owenacurra River is the closest watercourse, located c.235m to the west of the site. However, there is no direct hydrological connection between the site and any watercourse or surface water body.</p> <p>There are no protected landscape views/ designations pertaining to the site. There are no protected structures or archaeological monuments recorded at or directly adjacent to the site.</p> <p>The site is located within the Midleton ACA, however the design, layout and external finishes of the project are considered to be sympathetic to and appropriate for the character of the ACA.</p>
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<p>Types and characteristics of potential impacts</p> <p>(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>Amelioration of environmental impacts have been incorporated into the project's design.</p> <p>Mitigation measures would include those required by conditions attached in the event of a grant of permission in relation to construction and operation phases.</p> <p>There are no likely significant effects identified or anticipated in terms of cumulative and/ or transboundary effects.</p>
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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.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector: _____ Date: _____

DP/ ADP: _____ Date: _____