

Inspector's Report PL04.248376

Development Change of use of use from mixed use premises to use as

2no. dwellings, alterations to elevations, demolition of rear

single-storey rear extension, provision of 4no. parking

spaces and all associated works.

Location Formerly Barry's Shop, Main Street, Poulacurry South,

Glanmire, Co. Cork.

Planning Authority Cork County Council

Planning Authority Reg. Ref. 16/7214

Applicant(s) Lisa McCarthy

Type of Application Permission

Planning Authority Decision Grant subject to 13no. conditions

Type of Appeal Third Party

Appellant(s) Maria Hodder

Observer(s) Maureen Cherry

Date of Site Inspection 22/07/17

Inspector John Desmond

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1.0 Site Location and Description

- 1.1. The application relates to a 2-storey building of c.300-sq.m on a site of 0.0423ha stated area, located in Glanmire village on the outskirts of Cork City. The 6-bay fronted building, which would appear to date from around the turn of the 19th / 20th century, is in longstanding commercial use at ground floor level, with residential accommodation above. The building directly abuts the public footpath, with a traditional shop front extending most of its c.15.3m length. There is a single-storey rear extension of c.90-sq.m of late 20th century construction. The area to the rear of the original building measures c.262-sq.m, inclusive of the later extension.
- 1.2. The site abuts the Glashaboy River estuary to the south. The wider landscape is steeply sloping and heavily wooded, with the historic village hemmed in along the narrow strip of low lying land adjacent the river.

2.0 **Proposed Development**

- 2.1. The proposed development comprises:
 - Subdivision and change of use of existing part-commercial / part residential premises to create two 2-storey residential dwellinghouses, with all associated elevation alterations to accommodate same;
 - Demolition of existing rear extension to provide 40-sq.m rear gardens each per residential unit and surface car parking (4no. indicated) to the rear

3.0 Planning Authority Decision

3.1. Decision

GRANT permission subject to a 13 no. conditions. The following conditions are not standard:

No.10:No right turning vehicular movements shall take place at the junction east towards Glanmire village. A suitable sign shall be erected on site informing drivers of this ban upon exiting the site. REASON: In the interest of traffic safety.

No.11:a) The earthen berm along the entire southern boundary of the site shall be installed prior to the commencement of any demolition works. b) The sump shall be inspected and maintained throughout the construction phases. REASON: To protect water quality.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of 20/02/17 principle of development was acceptable and, noting Board refusal (to PA Reg.Ref.04/7644), considered the revised proposal to overcome the reason for same. The report recommended **FURTHER INFORMATION** be sought concerning carrying out of a traffic survey as per the Area Engineer's report.

The report of the Senior Planner of 28/03/17 (and the report of the Area Planner of the same date) recommended that permission be granted subject to 13no. conditions, including a condition restricting right turn movements from the site having regard to the Area Engineer's report.

3.2.2. Other Technical Reports

The report of the Heritage Unit of 28/03/17 considered the proposed development would not have significant impacts on Cork Harbour Special Protection Area and recommended the attachment of 3no. conditions (including concerning provision of earthen berm) in the event that permission in granted. The initial report held its assessment and recommendation back pending the receipt of further information on traffic issues.

The report of the Area Engineer of 28/03/17 recommended that permission be granted subject to 7no. standard conditions in addition to a condition restricting right turn movements (the said condition is phrased as a request and is not accompanied by a reason). The initial report of 20/02/17 recommended that further information be sought concerning the carrying out of a traffic survey and consideration of traffic lights within the proposed development.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

Observations were received from two third parties, Maureen Cherry of Glanmire Village and Maria Hodder of Riverview, Glanmire Village. The main issues raised related as follows:

- Vehicular access will constitute a major traffic hazard to road users and pedestrians.
- Parking on site is impractical due to nature and size of site.
- Questions the suitability of site access via a narrow laneway historically provided as pedestrian access.
- Inadequate sightlines at entrance and conflict with volumes of traffic using the public road – safety risk.
- Difficulties of accessing site due to narrowness of entrance and location on busy road and need to cross traffic, resulting in tailbacks and putting other road users in danger.

4.0 Planning History

PL04.246770 (Reg.ref.16/4242) – Permission REFUSED by the Board (17/10/16), overturning the decision of the Planning Authority to permit a change of use from mixed use (retail/residential) to 3 No dwellings Formerly Barry's Shop, Main Street, Glanmire. The single reason for refusal stated:

1. The Board considered, given the limited areas of rear gardens provided with the three proposed dwellings, together with inadequate room sizes within the proposed houses, that the proposal constituted over development of the site and would lead to a poor level of residential amenity for future residents. The board also considered that the proposed layout of the rear area provided excessive road and car park area and inadequate private amenity space and that the proposal would therefore be seriously injurious to residential amenity and would not be in accordance with the proper planning and sustainable development of the area.

PL04.204979 (Reg.ref.03/4226) – Permission REFUSED by the Board, upholding the decision of the Planning Authority to refuse permission for the retention of demolition of stores, retention of change of use from residential to retail (30 square metres) and retention of extension to retail shop (161 square metres) and all associated site works and services at Barry's premises, Poulacurry South, Glanmire, County Cork. The 2no. reasons for refusal stated as follows:

- The submitted plans and particulars do not accurately describe the development as it has been constructed. Accordingly, the Board is precluded from granting permission for the retention of the development.
- 2. The public notices refer to retention of "extension to supermarket/convenience store". The submitted plans and particulars indicate that the retail use has been extended into an area which was formerly in residential use. As the public notices do not comply with the requirements of the Planning and Development Regulations, 2001, the Board is precluded from granting permission for the retention of the development. Furthermore, as no permission has been granted for the conversion from residential to commercial use on the ground floor, the development which it is proposed to retain would facilitate the consolidation and intensification of an unauthorised use and it is considered that it would be inappropriate to grant permission for the retention of the development in such circumstances.

PL04.210328 (PA ref 04/7644): permission was refused for the retention of demolition of stores, change of use from residential to retail (30m²) and extension to retail shop (161m²) and associated works. The Board upheld the decision to refuse permission for reasons relating to traffic hazard and injurious impacts to residential amenities of surrounding properties.

1. The site and location of the development lacks facilities for deliveries and on site car parking and is close to a busy junction on a heavily trafficked route. Having regard to the scale of development sought to be retained and to the consequent additional traffic movements, including service vehicles, generated by the extended shop, it is

considered that, notwithstanding the provisions of the draft traffic management scheme for Glanmire village, the development proposed to be retained would interfere with the safety and free flow of traffic leading to serious traffic congestion. The development proposed for retention would, therefore, endanger public safety by reason of traffic hazard and obstruction of road users.

2. The road serving the development and the adjoining properties is narrow in width with the houses along it opening straight onto a footpath. The development which it is proposed to retain seriously injures the amenities of the area and of residential property in the vicinity by reason of general disturbance and noise nuisance especially haphazard parking on the footpaths and carriageway. The development proposed for retention is, therefore, contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. **Development Plan**

Cork County Development Plan 2014-2020

Objective ZU 3-1 provides that it is the policy of the council to 'Normally encourage through the Local Area Plan's development that supports in general the primary land use of the surrounding existing built up area. Development that does not support, or threatens the vitality or integrity of, the primary use of these existing built up areas will be resisted.'

Blarney Electoral Area Local Area Plan 2015

Identified as 'existing built-up area' on the current zoning map.

Cobh Municipal Local Area Plan 2017 (comes into effect August 21st, 2017)

Making Places: A Design Guide for Residential Estate Development (Cork County Council, 2011)

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the appeal submitted by **Maria Hodder of 'Riverview', Glanmire Village** (24/04/17) may be summarised as follows:

Traffic issues

- difficulties of vehicular circulation on site and access via narrow laneway which is a bottleneck:
- inadequate sightlines at entrance to public road at location of busy junction served by traffic lights and pedestrian crossing, in the vicinity of schools, necessitating encroachment on road and pedestrian footpath;
- access to the laneway is problematic due to the angles involved and made hazardous due to crossing of lanes, adding to congestion and endangering road users:
- traffic concerns were also raised by the Area Engineer;
- the restriction by condition on turning right is insufficient to ensure road users safety and would be difficult to enforce;
- the site access and signal controlled junction adjacent make the site
 unsuitable to mixed use, but the number of parking spaces should be reduced
 to the lowest number possible for practical purposes and in the interest of
 safety;

Public footpath - how will pedestrians be accommodated (public footpath and pedestrian crossing pole) during works

Residential amenity – Having regard to Board decision PL04.246770, the parking still disproportionate to the garden area, undermining residential amenity and an indication of the unsuitability of the site for more than one dwelling.

Flood risk – The site is within the Glashaboy River (Glanmire / Sallybrook) Flood Relief Scheme. Having regard to The Planning System and Flood Risk Management Guidelines for Planning Authorities (p.9), garden space should be maximised, not curtailed to facilitate parking in order to provide permeable surfacing.

Viability – The applicant's reliance on provision of two dwellings to make the scheme viable is not a relevant consideration for the Planning Authority and is disputed by the appellant.

6.2. Planning Authority Response

None.

6.3. First Party Response

The main points of the applicant's response (15/05/17) may be summarised as follows:

- The grounds of appeal have already been considered and adjudicated upon by both the Planning Authority and the Board in relation to reg.ref.16/04242 and are without substance or foundation.
- The proposal is in the best interest of urban renewal and consistent with established planning policy concerning village renewal.
- The proposal represents a de-intensification of a non-abandoned use, with a substantial reduction in site coverage.
- It is possible that a change of use from small commercial premises to residential will constitute exempted development in the near future under proposed changes to the law by DHPC&LG. The proposed development would be far superior than a change of use retaining the entire structure.

6.4. Observations

The main points of the observation from **Maureen Cherry of Glanmire Village** (03/05/17) may be summarised as follows:

Over-intensification of site -

 Does not meet the DoEHLG's Best Practice Guidelines of 13-sq.m for bedrooms or provide for ease of access and circulation or the changing needs of residents.

- Gardens do not meet the 48-sq.m minimum under Cork County Council Planning Guidelines Standard Series no.2 (May 2011).
- 2.78m wide laneway is well below Planning Guidance width of 4.5m for shared private driveways.
- No wheelchair access facilitated to either dwelling.
- Due to restricted site access, parking and circulation the site is suited to only one dwelling.

Access / egress, sightlines -

- In addition to those issues raised in the grounds appeal, drivers cannot see
 the traffic lights from the laneway and the site is close to a number of schools.
- Sightline distance of 50m from 2.0m setback were required at a site 150m to the west under Reg.ref.14/5388. These are not possible at this site.
- To ensure the safety of all road users it is critical that the traffic survey requested a further information stage is carried out.
- There is no room for opposing vehicles to pass on the lane.
- The development will constitute a traffic hazard and endanger public safety.

Car parking – Cork County Council's Planning Guidance Standard Series no.2 (1st Ed, May 2011) requires minimum 4.8m X 2.4m with at least 6m circulation width.

Laneway ownership – The laneway provided access to a public toilet via a public right of way that was not extinguished. Proof of ownership is required.

Culverted stream – This is located under the lane and may not be able to support access and construction, risking severe flooding of the village and preventing local residents from insuring their homes. No CCTV survey is proposed as under PL04.246770 – this would be insufficient to protect the structure from the weight of construction traffic.

Architecture – The unsymmetrical treatment of the front elevation will detract from the visual setting of the historic heart of Glanmire village.

6.5. Further Responses

None received.

7.0 Assessment

- 7.1 Policy / principle
- 7.2 Impact on neighbouring amenities
- 7.3 Visual and streetscape impact
- 7.4 Roads and traffic issues
- 7.5 Development standards
- 7.6 Flood risk
- 7.7 Appropriate Assessment

7.1. Policy / principle

- 7.1.1 The application site is located within the boundary of the settlement of Glanmire under the Blarney Electoral Area Local Area Plan 2015, which is the operative plan until August 21st, 2017, when the Cobh Municipal LAP 2017 comes into effect.
- 7.1.2 The site is identified as 'existing built-up area' on the current zoning map. Within 'Existing Built Up Areas', it is the policy of Cork County Development Plan 2014, under Objective ZU 3-1 to 'Normally encourage through the Local Area Plan's development that supports in general the primary land use of the surrounding existing built up area. Development that does not support, or threatens the vitality or integrity of, the primary use of these existing built up areas will be resisted'. I consider the proposed development to support the primary land use and the principle of the proposed development to be acceptable.
- 7.1.3 The existing building, which is an older, vernacular style building within a quite well preserved traditional village streetscape, is not a Protected Structure and is not located within an Architectural Conservation Area defined under the plan and therefore there are no policy restrictions that would specifically limit the redevelopment or the site over and above standard considerations within its streetscape context.

7.1.4 The proposed adopted LAP is not available at time of writing, but the draft of May 2017 would indicate that there are no proposed policy changes likely to affect the planning considerations pertaining to the application site and I would advise the Board that it would be reasonable to make its decision on the basis of my report, although it may decide to await the publishing and coming into effect of the adopted LAP 2017.

7.2. Impact on neighbouring residential amenities

7.2.1 The proposed development will not seriously injure the amenities of neighbouring residential property by way of overlooking, overshadowing or visual intrusion. The bringing of this site and building back into an active use, particularly residential use, will generally have a positive impact on neighbouring properties.

7.3. Visual and streetscape impact

- 7.3.1 The existing building comprises a 2-storey, 6-bay vernacular style building with a traditional shopfront running almost its full length. Having regard to its traditional streetscape context, the site's location at a pivotal junction within Glanmire and given the apparent significant age of the shopfront (estimated as late 19th or early 20th C), in my professional opinion it would be preferable to retain the majority of the original shopfront (excluding the later floating fascia erected there-above) and integrate it with the proposed development. A review of the floor plans suggest that this would be compatible with same, except that the doors at the end would need to be blocked up, or possibly be replaced by sympathetic fenestration. However, as the building is not a Protected Structure and is not within an Architectural Conservation Area the Board may consider it reasonable to allow the applicant the latitude to remove the shopfront in its entirety.
- 7.3.2 The dimensions of the existing first floor fenestrations to the front elevation should be maintained. In this regard the existing vertical dimensions are not fully shown on the front elevation drawings as they are partly obscured by the floating fascia erected above the original shopfront. The proposed vertical dimensions match the restricted existing dimensions shown on the existing plans. This issue can be addressed by condition.

7.3.3 The alterations to the rear elevation are visually acceptable

7.4. Roads and traffic issues

- 7.4.1 The proposed development would gain vehicular access to the public road via a narrow vehicular entrance on the east side of the existing building. The site and entrance are located adjacent a relatively heavily trafficked junction between the R639 (Glanmire Road) onto which the site gains access, and a local road to the north.
- 7.4.2 The existing entrance, which it is not proposed to alter other than to erect a gate, is indicated as 2.91m in width. It is setback from the vehicular carriageway behind the public footpath (c.1.5m width). The sightlines at the exit are virtually non-existent in either direction and would necessitate exiting vehicles to project out onto the vehicular carriageway pending sufficient headway to become available between passing vehicles to facilitate egress. It is not feasible for the applicant to improve sightline as the land to the east is outside her ownership. The third parties submit that the entrance has never been used for vehicles but existed as an access to a public convenience. The existing layout to the rear, including delivery bay, would suggest that the lane has been used in the past as vehicular access and there is nothing to prevent such access currently except for the obvious difficulties of manoeuvring the car into the entrance given the narrow width, difficult angles and the unfavourable located within signal controlled junction.
- 7.4.3 Four car parking spaces are annotated on the site plans, but the parking and circulation area is not clearly demarcated in plan. It is apparent that the proposed layout would accommodate 5no. spaces, but the generous space available for circulation could possibly accommodate another two or three. This is not desirable on this site, not only due to the substandard entrance.
- 7.4.4 The appropriate car parking standards are set out under the Cork County

 Development Plan 2014 (Appendix D, Table 1a) and are stated as maximum standards, except for residential development which is stated (note 2) to be a minimum standard. Two spaces are required per dwelling in all areas.
- 7.4.5 Given the site location within the historic built up area of Glanmire and the difficulties associated with the site entrance, I consider it desirable to accept a lower car parking

standard on this site. In this regard it is also pertinent that the Council intends rezoning industrial lands to the east as a new town centre, increasing the range of facilities within walking distance of this site. This would also enable the provision of a higher level of residential amenity for the two residential units with larger south-facing gardens with riverside amenity value. One parking space per dwelling would suffice, with minimum turning area provided to ensure that vehicles can egress the site entrance in a forward gear would be appropriate. According to the Design Manual for Urban Roads and Streets, the provision of wider car parking spaces can improve manoeuvrability to/from the spaces without requiring excessive width of the access lane. The balance of the site to the rear should be subdivided as rear gardens to serve the proposed dwellings. This can be addressed by condition.

- 7.4.6 As the proposed residential units directly front onto the public road, there should be no issue with access by fire tender.
- 7.4.7 The Council's Area Engineer had no objection subject to 7no. standard conditions and also requested that no right hand turning movement take place at the junction east towards Glanmire village. The Area Engineer did not state a reason for this non-standard condition which was rephrased as a condition and the reason indicated as 'in the interest of traffic safety'. I do not consider this condition to be enforceable and therefore it is contrary to the basic criteria for attaching a condition under the Development Management Guidelines (2007). The Planner's Report to previous application reg.ref.0442/16 also considered such a condition to be unenforceable and noted that the Area Engineer verbally indicated that that development would be acceptable in the absence of attaching that condition.
- 7.4.8 I note that the junction onto which the site has access contains a yellow-hatched box, which should be sufficient to enable traffic entering and exiting the property to safely undertake such manoeuvres within the 50kph speed limit. I would agree with the third party that left turning access from the east would be very difficult impossible, however I see no reason to limit same by condition on a long established entrance that is not proposed to be altered. By restricting the number of permissible parking spaces on site to 2no., the number of vehicular access/egress movements to the site will necessarily be limited, thereby reducing potential for traffic conflict.

- 7.4.9 Prior to the commencement of development a revised car parking layout accommodating 2no. off street parking spaces only (1 each per proposed residential dwelling), including minimum turning hammer head or similar, compliant with the standards and principles set out in the DMURS (in particular provision of wider car parking space to facilitate manoeuvrability, with restricted access lane width), shall be agreed with the planning authority. This can be addressed by condition.
- 7.4.10 The layout plans indicate provision of a vehicular entrance gate at the site entrance. The operation of such a gate, whether manual or remotely operated would impede site access at a busy junction, which would reduce the capacity of the junction and increase traffic safety risk. The setting back of any such gate at least 6m from the site entrance, with any such gate being inward opening only, would overcome this issue. This issue can be suitably addressed by condition.

7.5. **Development standards**

- 7.5.1. It is a key principle (Principle 3) under the Council's Housing Strategy under the Development Plan (Appendix C): To promote high quality and sustainable communities in the Urban and Rural Environment, through the implementation of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas published in May 2000. It is the policy of the Council (Objective SC 5-8: Private Open Space Provision) to 'Apply the standards for private open space provision contained in the Guidelines on Sustainable Residential Development in Urban Areas and the Urban Design Manual (DoEHLG 2009) and Cork County Council's Design Guidelines for Residential Estate Development. [1]"
- 7.5.2. There are no advised minimum standards under the SRDUA or its accompanying Design Manual. Cork County Council's Design Guidelines advise that the minimum garden size required for a 3-bedroom dwellings is 60-sq.m. The current design proposal provides for only 40-sq.m for each of the proposed 3-bedroom dwellings. I note the Board's previous decision (PL04.246770) to refuse permission for a similar proposal for three residential units on this site for a single reason related to inadequate amenity space and excessive road and car park area. I am satisfied that this reason has not been overcome by the proposed scheme, notwithstanding the decrease from three to two units.

- 7.5.3. As noted elsewhere in this report, it would be feasible to increase private open space to exceed the minimum standard through a reduction of car parking to 1no. space per dwelling and a reduction in vehicular access over the site. The amenity value of the private open spaces benefits from a southerly aspect and may be further increased through use of the riverside views and increased privacy afforded by absence of developable land immediately to the rear. The amenity value of the private open space to the rear is of increased importance given that the proposed residential units will directly abut the public pavement fronting onto a heavily traffic route.
- 7.5.4. Prior to the commencement of development, the applicant shall agree with the Planning Authority a new site layout to the rear to accommodate increased private open space for each dwelling, with no more than 1no. parking space per dwelling, with vehicular access space and turning minimised having regard to the standards and principles under the DMURS. The remaining space should be divided approximately equally between the two dwellings, with both extending to the riverside boundary to maximise amenity.

7.6. Flood risk

- 7.6.1. The application site is located directly adjacent to the flood risk area indicated in the Local Area Plans for the area. The Glashaboy River appear to be strongly tidal at this location and the site is elevated well above the level of same. As the application relates to a structure that was erected possibly in the late 19th century and entails development that would reduce the area of impermeable surfaces on the site and has the potential to reduce site runoff (subject to implementation of the SuDS), the proposed development would not be expected to increase flood risk to the wider area. The Area Engineer raised no concern regarding flooding or site drainage and advised only on standard type drainage conditions being attached.
- 7.6.2. A third party submits that there is a culvert beneath the site following the line and beneath the access laneway. On inspecting site, I observed the outfall from the rear of the site to the river and there is a manhole centred on this lane, which would support the third party's contention.

7.6.3. I do not consider the presence of the culvert to be reason to refuse the proposed development. No works are proposed to the lane or culvert.

7.7. Appropriate Assessment

- 7.5.1 Appropriate Assessment Screening was carried out by the Planning Authority, which ruled out any potential for significant impacts on the SPA.
- 7.5.2 Having regard to the small scale nature of the proposed development, comprising alterations to an existing building in a built up area to facilitate change of use from part commercial to use as two dwellings, it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on any European site, including Cork Harbour SPA (site no.004030) from which the application site is c.100m. No direct impacts would occur. I consider no Appropriate Assessment issues to arise.

8.0 Conclusion and Recommendation

8.1. I recommend that permission be **GRANTED** subject to the conditions attached under section 10.0

9.0 Reasons and Considerations

Having regard to the scale and nature of the development proposed, the zoning objective 'ZU 3-1 Existing Built Up Areas', the nature and scale of development on site and the primarily residential character of the surrounding built up area, it is considered that the proposed development would not seriously injure the amenities of property in the vicinity, would not be out of character and would be consistent with the provisions of the Cork County Development Plan 2014 and the Blarney Electoral District Local Area Plan (2015) and with the proper planning and sustainable development of the area, subject to the following conditions.

10.0 Conditions

1. The development shall be carried out and completed in accordance with

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

Reason: In the interest of clarity.

- 2. The applicant shall submit revised site layout plans for the agreement of then planning authority illustrating the following amendments:
 - (a) No more than two (2no.) car parking spaces shall be provided within the site.
 - (b) The vehicular access to parking shall be limited to the minimum required to facilitate access and egress to and from the parking spaces in a forward gear and shall be consistent with the standards and principles of the Design Manual for Urban Roads and Streets (2013).
 - (c) The balance of the space to the rear of the proposed residential units shall be set out as private open space divided between the two proposed residences, with both rear gardens extending to the riverside boundary.

Reason: In the interest of providing adequate residential amenity to the proposed development and in the interest of limiting traffic conflict at the site entrance.

 Any vehicular entrance gates shall be erected no less than 6m from the entrance to the public road and shall only open inward (southwards) towards the site.

Reason: To facilitate ease of vehicular access to the site and prevent congestion at the adjacent traffic junction in the interest of traffic safety.

4. The first floor fenestration openings on the front elevation shall be

maintained with their current dimensions.

Reason: In the interest of visual amenity.

5. Water supply and 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.

6. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

John Desmond Senior Planning Inspector

28th July 2017