



An  
Bord  
Pleanála

## Inspector's Report

### PL28.248464

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<b>Development</b>	Demolition of 3 storey building and house and construction of new house, retail unit medical rooms, 7 apartments, bike and bin store and all ancillary site works.
<b>Location</b>	37, 38, 39, 40 Shandon Street & 36 Dominick Street, Cork.
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	16/36838
<b>Applicant(s)</b>	Dr. Gehad El Bastawisy.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Alex Foley and Timothy McCarthy
<b>Observer(s)</b>	Shandon Area Renewal Association
<b>Date of Site Inspection</b>	11 <sup>th</sup> July 2017
<b>Inspector</b>	Fiona Fair.

## 1.0 Site Location and Description

Shandon is the historic core of Cork City north of the River Lee and characterised by religious/institutional uses, a dense pattern of narrow streets and, usually, two and three storey houses often on narrow plots. Shandon Street is the main artery through the area and rises steeply northwards out of the river valley. Shandon Street is almost exclusively commercial in the vicinity of the proposed site but on the streets which run east and west off Shandon Street (Dominick Street and Old Friary Place) residential uses still predominate.

The appeal site area is stated as 0.0373 ha and encompasses the plots of numbers 37, 38, 39 and 40 Shandon Street and number 36 Dominick Street.

On two of the southern plots on Shandon Street numbers 39 and 40, within the appeal site, lies a partially complete, three storey building, with a projecting dormer at roof level facing onto Shandon Street. No windows are in place and the building is not water tight or plastered. It is only partially complete and in a visually dilapidated condition. The redevelopment of 39 and 40 Shandon Street was permitted under two previous permissions, Reg. Ref. 03/27377 & Reg. Ref. TP04/29090, which have not been carried out and have since lapsed, see section 4.0 of this report below for details of planning history.

Two of the plots 37 and 38 Shandon Street are cleared and are currently vacant. 36 Dominick Street comprises a three storey residential building which is boarded up, vacant but still intact. All four plots are separated by a builders' hoarding from the public footpath.

The site has frontage onto Shandon Street to the west, Dominick Street to the north and for a 18m stretch of Old Friary Place to the south.

The Shandon Street Area forms part of Cork designated walks and a plaque on Shandon Street notes that the area is one of the oldest continuously inhabited parts of Cork City and has been recognised as a distinct area since at least the 13<sup>th</sup>

Century. It notes that Modern Shandon Street combines 19<sup>th</sup> Century buildings with twenty first century shops fronts reflecting the changing nature of the city.

## 2.0 Proposed Development

2.1. The proposal comprises permission for:

- The demolition of existing partially completed three storey building on site,
- Demolition of existing derelict house on Dominick street
- Construction of a new 3 storey bedroom house,
- Construction of Seven apartments comprising five number one bedroom and two number two bedroom as follows:
  - a new ground floor retail unit, (122.76 sq. M)
  - first floor consisting of 5 no. medical consulting rooms (123.69 sq. m) with 1 no. 1 bed apartment,
  - second floor with 1 no. two bed apartment and 2 no. one bed apartments and
  - third floor level consisting of 1 no. two bed apartments and 2 no. one bed apartments,
- A bike store, a bin store and all ancillary site works required.

The application was revised by way of Significant Further Information to provide:

- two no. one bed apartment units
- two no. two bed apartment units
- two no. three bed apartment units
- one three bed dwelling (83 sq. m with 31 sq. m private open space / garden)

## 3.0 Planning Authority Decision

### 3.1. Decision

Subject to additional information being requested with respect to (i) mix of units (applicant to increase the number of two and three bedroom units and decrease the number of one bedroom) (ii) simplify the design treatment of the third floor elevation (iii) timber framed windows required (iv) bike and bin storage revised design required (v) omission of a stub boundary wall (vi) access management via Old Friary Place, permission was Granted subject to 21 number conditions.

Conditions of note include:

Condition 2 External finishes

Condition 3 Treatment of the fenestration of the winter gardens on the southern elevation shall be simplified and redesigned to be coherent with the fenestration of Shandon Street elevation.

Condition 4 Relocation of existing security gates at Old Friary Place, subject to agreement with the p.a.

Condition 5 Archaeology

Conditions 6 – 8 and 10 Waste disposal

Condition 9 Noise during construction works

Condition 14. Any balconies or overhangs shall be 2.5m in height above the finished footpath and not within 5.3m of the finished roadway.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planners Report considers that having regard to the nature, location and context of the site and surrounding area, the policies and objectives of the Cork City Development Plan 2015 – 2021 and the nature and scale of the proposed development that, subject to compliance with conditions, the proposed development would not seriously injure the residential or visual amenities of the area.

Roads Planning: No objection subject to condition.

Drainage Report: No objection subject to condition.

Archaeology: No objection subject to condition.

Conservation Officer: Report Subsequent to F.I considers the developemnt to be acceptable subject to condition.

Environment / Waste: No objection subject to condition.

### 3.2.1. **Other Reports**

Irish Water: No objection subject to condition.

### 3.3. **Prescribed Bodies**

The file was referred by ABP to DAU Arts, Heritage, Regional, Rural and Gaeltacht Affairs, The Heritage Council, An Comhairle Ealaion, Failte Ireland and An Taisce. No response was forthcoming to date.

### 3.4. **Third Party Observations**

A number of objections submitted to the planning authority raise concerns similar to those raised in the 3<sup>rd</sup> party appeal and observation submitted and summarised below.

## 4.0 **Planning History**

4.1. **Reg. Ref. TP15/36356** Permission Refused (May 2015) for the demolition of an existing 3 storey structure, construction of a new ground floor retail unit, first floor medical consulting rooms, 1 no. 1 bed apartment, 4 no. 2 bed apartments at first, second and third floor levels. Demolition of existing derelict house on Dominick Street and construction of a new 3 storey 3 bedroom house, Bike store, bin store and all ancillary site works. Reasons for refusal summarised as follows:

1. It is considered that the proposed development by reason of its palette of materials, the multiplicity of opening sizes and its general excessive mass and bulk, would not be in accordance with the pattern of development in the area, and would not be of sufficient architectural quality in this prominent and

historic location. The development would seriously injure the visual amenities of the area and the ACA.

2. The proposed development would endanger the health and safety of persons occupying or employed in the structure on the event of a fire.

4.2. Permission granted by CCC However Refused by ABP under **PL28.243161 / Reg. Ref. 13/35875** for material alterations and completion of apartment block (ref:03/27377) construct new ground floor retail unit, construct 6 apartments and a two bed house, demolition of a house and all ancillary works.

The two reasons for refusal are as follows:

1. It is considered that the proposed development, by reason of its lack of adequate provision of private and shared open space, storage and waste management arrangements, and by reason of the inadequate sizes of a number of the proposed apartments and the excessive preponderance of one bed roomed apartments and an inadequate proportion of larger apartments (two and three-bedroomed), would be contrary to these Guidelines and to the provisions and criteria set out in this Development Plan, would constitute over-development of a restricted site, and would seriously injure the residential amenities of future occupants of the apartments and the amenities of other residential property in the vicinity.
2. The Board is not satisfied that the proposed development, by reason of its palette of materials, the multiplicity of opening sizes and its general excessive mass and bulk, would be in character with the pattern of development in the area, and would be of sufficient architectural quality in this prominent and historic location. The proposed development would therefore contravene the policy of the planning authority, as set out in the Development Plan, in relation to development within Architectural Conservation Areas, would seriously injure the visual amenities of the area, and would be contrary to the proper planning and sustainable development of the area.

- 4.3. **Reg. Ref. TP06/30781** Permission Refused for refurbishment of no. 37 & 38 Shandon Street into ground floor shop with residential unit over no. 37 Shandon Street and 3 number apartments over number 38.
- 4.4. **Reg. Ref. TP06/30454** Permission Refused for refurbishment of no. 37 & 38 Shandon Street into 6 number one bedroom apartments incl. ground floor shop.
- 4.5. **Reg. Ref. TP05/30131** Permission Refused for demolition of existing building and the construction of a four storey building consisting of a ground floor café and surgery, first floor surgery and 11 no. apartments three floors with ancillary site works. Reasons for refusal are summarised as follows:
- Seriously detract from the visual amenities of the area and diminish the traditional architectural character of the streetscape.
  - Over development by reason of substandard accommodation, inadequate private open space and service facilities.
- 4.6. **Reg. Ref. TP04/29090** Permission Granted for refurbishment and extension of no. 39 Shandon Street to provide a retail unit at ground floor level with 3 number apartments at first, second and third floor levels. Demolition and reconstruction of no. 40 Shandon Street to provide retail unit at ground floor level with 2 number apartments at first and second floor levels.
- 4.7. **Reg. Ref 03/27377** Permission granted for the construction of a three storey building with two retail units at ground floor and 5 apartments overhead at 39 and 40 Dominick Street.

## 5.0 Policy Context

- 5.1.1. The **Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities** (DoEHLG, 2007) provides guidance on minimum private open space standards, internal storage and advice on refuse management, dual aspect, shared open space.
- 5.1.2. **Sustainable Residential Development in Urban Areas**, 2009, make the point that high quality sustainable urban housing is a function of a number of factors including mix of unit sizes, adequate unit sizes, internal storage space, private and shared open space, preferably dual aspect and refuse management.

5.1.3. **Quality Housing for Sustainable Communities**, 2007

5.1.4. **Architectural Heritage Protection Guidelines for Planning Authorities** (DoEHLG, 2011) make the point that design of new buildings in ACAs is of paramount importance.

5.1.5. **Development Plan**

The site is governed by the policies and provisions contained in the Cork City Development Plan 2015-2021.

The site is zoned ZO 2 City Centre Commercial Core Area (CCA) with the objective to support the retention and expansion of a wide range of commercial, cultural, leisure and residential uses in the commercial core area (apart from comparison retail uses).

Chapter 9 refers to Built Heritage and Archaeology

The site is located within an ACA

Objective 9.32 – Development in ACA's

Development in ACAs should take account of the following:

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

Chapter 13 refers to City Centre and Docklands

Objective 13.11 City Centre Living

Objective 13.21 City Centre Design Quality and Context

Chapter 16 refers to Development Management

Objective 16.3 Urban Design

Objective 16.9 Sustainable Residential Development



Table 16.4 Indicative targets for dwelling size and distribution (new housing developments)

Table 16.5 Minimum Apartment Gross Floor Areas

‘Dwelling type Size

One bedroom 55 sq. m.

Two bedroom / 3 persons 80 sq. m.

Two bedroom / 4 persons 90 sq. m.

Three bedroom 100 sq. m.

Four bedroom 115 sq. m’.

Table 16.7 Minimum Private Open Space Standards

Table 16.8 Maximum Parking Standards

Development Objectives on Shandon Street include Strategic Pedestrian Links and Public Realm Improvements

37, 39 & 40 Shandon Street were listed on the National Inventory of Architectural Heritage (NIAH), prior to their demolition and 36 Dominick Street is listed on the NIAH.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

#### **Inappropriate Development within ACA**

- Bulk scale and form as well as palette of materials / finishes are unsympathetic to the surrounding environment
- Range and number of openings on the western elevation weaken this elevation
- Zinc cladding / mansard roof on the third floor of the southern elevation, when viewed ascending Shandon Street, is particularly out of character.
- The proposed development would not blend into the architectural language of the traditional Shandon Area, with its visual impact overwhelming and lacking in original materials and form in contravention of Objective 9.32 of the City Council’s policy.
- Inappropriate and out of character in this historic and ACA.

- Photos of recent developments on Shandon Street and nearby which fit seamlessly into their locations.

### **Refuse Storage and Management**

- Apartment bin storage is fragmented into two areas of 2.04 sq. m and 6.24 sq. m with the former tight space of limited use due to inward opening door.
- The clinical waste storage area is similarly confined.
- Expanded and streamlined storage and management system is necessary to replace the proposed piecemeal effort.

### **Overdevelopment of the Site**

- Traffic congestion is problematic and parking at a premium,
- Disc parking / 2 hour parking limit on Dominick Street and Old Friary Place is largely ignored
- Poor and illegal parking in confined spaces renders access and egress for residents impossible.
- In recent times the problem has been exacerbated by the establishment of a cluster of ethnic retail units adjacent to the site.
- A pharmacy use would further exacerbate the car parking and congestion problems.
- There is no designated storage space proposed within the apartments or house, contrary to national and local standards.
- Amenity and security cost to existing residents
- The proposal in its present form should be rejected.

### **Security / Safety**

- Concern of anti-social behaviour in particular drug use in the area.
- Concern regarding security issues of the overhang created by the winter gardens and the separate entrance.
- Overhangs are notorious for gatherings and loitering areas, refer to a development on John Philpott Curran Street, off Shandon Street. This

development which contained a similar overhang, became a haven for all sorts of antisocial behaviour and the only solution was to rail and gate under the overhang.

**The Appeal is accompanied with:**

- Photographs
- Acknowledgement of receipt of submission to the p.a.

**6.2. Applicant Response**

**Inappropriate Development within ACA**

- Aware of impact of new interventions within an ACA
- Shandon is an area of significant social, economic, cultural and religious importance in Cork City.
- It is a busy shopping street of mainly small narrow – fronted shops and pubs and is diverse in its use with butchers, a mosque, apartments, dental practices and varied culturally diverse shops.
- A feasibility study was undertaken as part of pre planning
  - Photographic survey of the existing pattern of relevant historical buildings on Shandon Street
  - Synopsis of the main architectural features in the street
    - Varied parapet levels
    - Low pitched roofs sitting behind decorative parapets
    - Well-proportioned long windows
    - Bay windows both curved and square
    - Combination of both brick and lime rendered finishes
- Adherence to historical building plot widths, uniform composition of window proportion that reflects in a modern way the existing fenestration of the street.
- Internal Balconies (winter gardens)

- Use of brick on the building reflects the pattern of existing period brick buildings on Shandon Street – a Flemish bond
- The use of a zinc roof has a twofold benefit. Colour can integrate better into the historical area far better than a new slate roof. Zinc allows for a lower roof pitch.
- The pitch of the roof at third floor level matches the existing roofscapes profile
- The design seeks to create a simple modern reinterpretation of existing historical buildings using traditional materials in a modern way.
- Submit that the choice of materials is wholly traditional and contextual in their application (brick, render, timber windows and zinc roof)

### **Refuse Storage and Management**

- Bin storage was revised and increased in size by way of F.I.
- Overall communal external bin store area for both shop and apartments of 14.9 sq. m
- Internal bin store area of 2 sq. m
- Internal clinical store area 3.77 sq. m
- The proposal is in accordance with Cork City Council waste management requirements.

### **Overdevelopment of the Site**

- The existing site is an eyesore and a contributing factor to vagrancy and undesirable drug use in the area
- The Shandon Street Residents Association (SSRA) were consulted on the scheme prior to planning permission being sought.
- The mix of use proposed will ensure night time active use of the site (residential element) hence monitoring and better security.
- The proposal complies with section 11.27 of the Cork City Development Plan in order to encourage a change in the Modal split away from car based commuting

- All residents who are car owners and live in a parking zone are entitled to a residents parking permit.
- The site footprint is too small and economically unviable to provide for underground car parking
- The site is located within the commercial core area zoning that reduces the requirement for designated parking

### **Residential Amenity**

- The apartment sizes proposed are in compliance with Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2007 and in all cases exceed the requirements.

### **Security / Safety**

- No objection to putting a gate and pedestrian gated access to the side of the entrance off Old Friary Place. Welcome a condition in this regard should ABP warrant same appropriate.
- The first party are available to meet with the objectors at any stage to discuss a traffic management plan as required to alleviate any concerns with respect to access to the street.

### **Conclusion**

- Acknowledge the previous decisions made by Cork City Council and ABP but also note that careful consideration was given to the design approach, layout of apartments, mix and scale for this development.
- Have reduced the number of units from previous applications and have had regard to the conservation officer's concerns
- This site, derelict in excess of 10 years, needs to be developed with a high quality sustainable mixed use building.

## **6.3. Planning Authority Response**

Response received. It states 'no further comments to make'.

## 6.4. Observation

6.4.1. An observation was submitted by Shandon Area Renewal Association; it is summarised as follows:

- Proposal is architecturally and visually insensitive to an area that is part of the historic spine of Cork City, an area which attracts visitors to the city and is designated, by Cork City Council, as an ACA.
- The failure to provide bin and other ancillary storage in the development degrades the development and the area in general.
- Provision of adequate facilities on a given site must take precedence over the desire to maximise residential units.
- Failure to address the issue of overhanging and uncertainty over the security of the access areas is of particular concern.
- Development is an invitation to anti-social behaviour and not an acceptable addition to the neighbourhood.

## 7.0 Assessment

7.1. I consider the key issues in determining this appeal are as follows:

- **Development within the ACA**
- **Residential Amenity**
- **Car Parking**
- **Security & Anti-Social Behaviour**
- **Appropriate Assessment**

## 7.2. Development within the ACA

- 7.2.1. The appellants submit that the proposal is architecturally and visually insensitive to an area that is part of the historic spine of Cork City, an area which attracts visitors to the city and is designated, by Cork City Council, as an ACA.
- 7.2.2. There is a long and fairly protracted planning history associated with the appeal site, see section 4.0 of this report above. A substantial portion of the site has the benefit of a previous grant of permission for retail/apartment development, the most recent grant of permission being on foot of Reg. Ref.TP04/29090, having been granted permission in March 2005.
- 7.2.3. This proposal permitted under Reg. Ref.TP04/29090 is essentially similar in building content to that permitted under T.P.03/27377. The major difference between the proposals is that No. 39 Shandon Street was to be retained and extended while No. 40 was to be demolished and reconstructed. Under T.P.03/27377 both properties were to be demolished. As set out in the site description section of this report above, plot numbers 39 and 40 Shandon Street comprise a partially complete three storey building in a derelict state, plots 37 and 38 Shandon Street are cleared and are currently vacant. The applicant has submitted plans, sections and elevations of existing buildings to be demolished, Drg. No. P001. Given the buildings on site are new build, albeit incomplete, it would appear that the permission granted on foot of T.P.03/27377 was partially carried out.
- 7.2.4. The site is located within the Shandon Architectural Conservation Area. The City Plan describes the area as being of significant social, economic, cultural and religious importance to Cork city. The City Council acknowledges the potential of the medieval spine in conjunction with the cultural quarters of Shandon to be expressly marketed and developed for interpretation by the visitor.
- 7.2.5. The Plan states: 'Shandon and the South Parish areas are identified as 'Cultural Quarters' (Map 2 Development Objectives) linked by the medieval spin. The primary objective of the 'Cultural Quarters' is to capitalize on the existing clusters of tourist attractions in both areas to boost their attractiveness to tourists and visitors and to encourage a mix of uses that will draw people into these areas creating areas of vibrancy and dynamism with significant spin-off for the local economy'.

- 7.2.6. It is an objective of the City Development plan (Objective 9.29) 'To seek to preserve and enhance the designated ACA's in the city.' It is the policy of the planning authority that new developments within ACAs should be acceptable in design, scale, materials and finishes. Replacement buildings should always respect their setting.
- 7.2.7. An information plaque located on Shandon Street, to the front of the appeal site, indicates that the area is part of a designated walk of Cork City. It notes the 19<sup>th</sup> Century buildings on the Street and that the area as one of the oldest continuously inhabited parts of Cork City.
- 7.2.8. The Inspector in the case of PL28.243161 / Reg. Ref. 13/35875 and the planning authority in the more recent case of Reg. Ref. TP15/36356 had difficulty with the size and scale of the earlier proposals, in particular as viewed from the south. Ultimately they considered that the architectural language was too diverse and out of character with the surrounding architecture within the ACA.
- 7.2.9. I am of the opinion that the subject scheme, as currently proposed, does not overcome these issues. The first party acknowledges that the Shandon ACA designation and that the Shandon Area is an area of significant social, economic, cultural and religious importance in Cork City and a historical survey of the plot widths on the site was carried out. This included a photographic survey and synopsis of the main architectural features on the street. However, I am of the opinion that the design, bulk, scale, materials and finishes proposed are unsympathetic to the surrounding environment. The subject proposal is essentially a single large apartment block stretched across the four original plots formerly on the site. Also a new house on Dominick Street, which only partially occupies the plot of number 36 which is to be demolished. The monolithic flat roofed architectural treatment to Shandon Street (west) breaks the façade up into three vertical subdivisions, unrelated to the historic plot patterns. The roof profile and the proposed window openings are large numerous and unconventional, very different to the architectural language of the immediate surroundings. Regard being had to the Conservation Officers report which states that he has no objection in principle to the scale and nature of the development, I consider that the replacement buildings would not respect their setting and would not be coherent with their surroundings in terms of form and scale.



- 7.2.10. It has already been pointed out to the applicant that the site is extremely prominent in views of Shandon Street and some of the proposed elements, for example a flat roof behind a parapet, are not reflected in the buildings in the immediate area.
- 7.2.11. The Architectural Conservation Guidelines make the point that where new buildings are being proposed in an ACA that quality of design will be of paramount importance and that there is a presumption in favour of minimising the visual impact of the new structure.
- 7.2.12. While the Inspectors Report and reason for refusal in the case of PL28.243161 refers to the palette of materials, it also refers to multiplicity of opening sizes and general excessive mass and bulk. It states: 'Having regard to the mix of finishes, opening shapes, the bulk which will be created especially when viewed from the south by persons coming north up Shandon Street and the roof/parapet treatment I conclude that the proposed development has not had sufficient regard to its context within the ACA'.
- 7.2.13. The issues raised are still relevant and I consider that the subject proposed development raises new issues with respect to the extensive contemporary overhang along Old Friary Place and the mansard style zinc roof, which given its height and overall prominence would be highly visible and domineering when viewed ascending Shandon Street.
- 7.2.14. Having reviewed the plans and drawings submitted with the two most recent refused planning proposals, in conjunction with the subject application it is my opinion that the subject proposal does not overcome the previous reason two for refusal by the Board in the case of PL28.243161 or reason one of refusal in the case of Reg. Ref. TP15/36356. The general mass, bulk, scale and form in conjunction with the architectural design has not sufficiently changed to warrant a complete U-turn and grant of planning permission in this instance.
- 7.2.15. It is my opinion that should permission be granted for the current scheme it would set an undesirable precedent within the ACA generally, for further demolition and replacement of 19<sup>th</sup> Century buildings with insensitive monolithic redevelopment.

### 7.3. Residential Amenity

- 7.3.1. The first party submit that the apartment sizes proposed are in compliance with Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2007 and in all cases exceed the requirements.
- 7.3.2. The proposed development as revised by way of further information proposes 25% one bedroom, 34% two bedrooms and 41% three bedroom units. This excludes the three-bedroom dwelling house proposed at 36 Dominick Street.
- 7.3.3. The appeal response sets out that the proposed development includes:
- Two no. one bed apartment units (55 sq. m & 58.7 sq. m)
  - Two no. two bed apartment units (80 sq. m each)
  - Two no. three bed apartment units (100 sq. m each)
- 7.3.4. The plans and drawings submitted by way of F.I to the p.a. on the 9<sup>th</sup> March 2017 set out the following:
- |                              |                |             |                           |            |
|------------------------------|----------------|-------------|---------------------------|------------|
| Apartment 1                  | two bedrooms   | 80 sq. m    | Private open space        | 8.22 sq. m |
| Apartment 2                  | two bedrooms   | 78.36 sq. m | Private open space        | 8 sq. m    |
| Apartment 3                  | one bedroom    | 56.16sq. m  | Private open space        | 7.2 sq. m  |
| Apartment 4                  | one bedroom    | 58.7 sq. m  | Private open space        | 6.8 sq. m  |
| Apartment 5                  | three bedrooms | 96.28 sq. m | Private open space        | 10 sq. m   |
| Apartment 6                  | three bedrooms | 97.6 sq. m  | Private open space        | 11.2 sq. m |
| One three bed dwelling house |                | 83 sq. m    | Private open space/garden | 31 sq. m   |
- 7.3.5. Inspectors Note: I note the variation in floor area's as detailed, however, this could be as a result of Gross and Nett floor area calculations.
- 7.3.6. While I can confirm that the apartment sizes proposed, as per the drawings submitted, are indeed in compliance with the standards and do marginally exceed same, the three-bedroom dwelling house proposed at 36 Dominick Street, with a floor area of some 83 sq. m is substandard in terms of the overall floor area proposed. The minimum recommended floor area for a three-bedroom unit as per National Guidelines is 90 sq. m and as per the Cork City Development Plan 100 sq. m. (Note: National Guidelines take precedence).

- 7.3.7. The Design Standards for New Apartments require provision of minimum internal storage space of 3sq. m for 1 bed units, 6sq. m for 2 bed units and 9 sq. m for 3 bed units. And the minimum private open space (terrace, balcony or garden) per units is 5sq. m for 1 bed units, 7sq. m for 2 bed units and 9sq. m for 3 bed units.
- 7.3.8. The City Development Plan (Table 16.7) requires higher provision of private open space as follows; 6sq. m for 1 bed units, 8sq. m for two bed units and 12sq. m for three bed units.
- 7.3.9. Therefore, while the proposed apartments and the three-bedroom dwelling have winter gardens / private open space in accordance with the minimum private open space (terrace, balcony or garden) set out in the Sustainable Urban Design Guidelines, the proposed development falls short of the City Development Plan standards.
- 7.3.10. None of the apartments meet the standards for storage and the application does not follow the advice of the Guidelines in providing alternative storage area for bulky items such as sports equipment.
- 7.3.11. All of the apartments are dual aspect which is in accordance with the design guidelines.
- 7.3.12. The third party appellant submits that a failure to provide bin and other ancillary storage in the development degrades the development and the area in general. Concern is had that the desire to maximise residential units would take precedence over the provision of adequate facilities on the site.
- 7.3.13. The proposal, amended by way of further information, is in accordance with Cork City Council environmental waste management requirements, subject to conditions, 6, 7, 8 and 10 of the notification of decision to grant permission (Reg. Ref. 16/36383) specifically deal with waste disposal.
- 7.3.14. Overall communal external bin store area for both shop and apartments of 14.9 sq. m is proposed, with internal bin store area of 2 sq. m and internal clinical store area of 3.77 sq. m.
- 7.3.15. Given the refuse management proposed and designated, segregated, apartment bin stores and retail bin stores with clinical bin storage I am of the opinion that the proposed development is satisfactory in this regard.

#### **7.4. Car Parking**

- 7.4.1. The appeal site is located within Zone 1, as per Figure 16.1 Car Parking Zones of the City Development Plan
- 7.4.2. The City Development plan states: 'Parking Zone 1 is generally inner Cork City, which includes the City Centre. Zone 1 is currently accessible by public transport and is a walkable environment. It is policy to constrain parking within the City Centre below the maximum level of provision indicated in the table in order to reinforce the pedestrian priority area and to cause a material shift to non-car transportation. Provision of additional commuter parking within this area will not generally be permitted. In exceptional cases a small amount of parking may be allowed on site (subject to mobility management plans) as an incentive to promote renewal/redevelopment of large strategic sites. This will only be feasible where the location and configuration of sites is such as to allow parking without causing undue local congestion or negative impact on pedestrian movements'.
- 7.4.3. The appeal makes the point that there is no car parking provided for in the proposed development and that parking congestion in the area would be exacerbated should the proposed development be permitted. The City Development Plan (Table 16.8) provides for maximum parking requirements for residential, medical clinics and commercial uses.
- 7.4.4. The maximum provision in the present case would be 9 spaces but the Plan recognises that in the city centre with access to the bus station, Kent railway station and walkable entertainment, employment and retail opportunities that such maximum provision may be relaxed in certain circumstances.
- 7.4.5. Having regard to the location of this site in the city centre and its restricted size and having regard to the advice set out in the City Development Plan I do not recommend refusal on the grounds of inadequate car parking provision.

#### **7.5. Security & Anti-social Behaviour**

- 7.5.1. Third party concern is raised with respect to the proposed pharmacy use and its possible impact upon anti-social behaviour, in particular, drug use in the area.

- 7.5.2. I consider the principle of the proposed development which comprise a mixed use residential / commercial development acceptable and in accordance with the 'ZO 2' land use zoning objective and with the policies and objectives as set out in the Cork City Development Plan 2015 - 2021 "to support the retention and expansion of a wide range of commercial, cultural, leisure and residential uses in the commercial core area (apart from comparison retail uses)". It is my opinion that the proposed development, subject to condition, will not generate any significant adverse impacts to amenity in the vicinity.
- 7.5.3. The issue of anti-social behaviour while it cannot be controlled through this planning application may be alleviated through positive planning. The development proposed would give rise to a modern building form with a mix of day time and night time uses, thereby, incorporates passive surveillance and I consider that the synergy it would create may possibly alleviate anti-social behaviour at this location. The site is currently vacant and boarded up, the proposal will enhance its surroundings.
- 7.5.4. Given the uses proposed I consider that the proposed development is likely to attract mainly local and passing business which is unlikely to impact adversely on the amenities of the area.
- 7.5.5. The first party have no objection to putting a pedestrian gated access to the side of the entrance off Old Friary Place. The response to the appeal welcomes a condition in this regard should ABP warrant same appropriate.

## 7.6. **Appropriate Assessment (AA)**

- 7.6.1. The closest European Sites are the Cork Harbour SPA (site code 004030) and the Great Island Chanel cSAC (site code 001058).
- 7.6.2. The planning report on file concludes that appropriate assessment is not required.
- 7.6.3. Overall I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be

likely to have a significant effect individually or in combination with other plans or projects on a European Site.

## **8.0 Recommendation**

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

## **9.0 Reasons and Considerations**

1. It is the policy of the planning authority as set out in the Cork City Development Plan 2009-2015 that new development in Architectural Conservation Areas (ACA's) should be acceptable in terms of design, scale, materials and finishes. The Architectural Conservation Guidelines set out that where new buildings are being proposed in an ACA that quality of design will be of paramount importance and that there is a presumption in favour of minimising the visual impact of the new structure. The proposed development is located within the Shandon Architectural Conservation Area. It is considered that notwithstanding the changes between the present proposal and that refused by the Board under file appeal reference number PL28.243161 that the proposed development would continue to represent significant overdevelopment of this site. It is considered that the proposed development by reason of scale, proportion, form, excessive bulk, multiplicity of opening sizes, overhang along Old Friary Place, flat roof and prominent mansard style zinc roof would be out of character with its setting and the pattern of development in the area and would contravene the policy of the planning authority set out in the City Development Plan in relation to development within architectural conservation areas. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to its overall layout and design, it is considered that the proposed development would represent an unimaginative and inappropriate response to the constraints of this site and to its wider ACA context, including the pattern of existing development in the vicinity, in particular, the character of established roof profiles. It is also considered that the proposed development would provide a limited quality of residential amenity for future residents by reason of lack of storage within apartments and by virtue of substandard dwelling size, for the three-bedroom unit, at 36 Dominick Street. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Fiona Fair  
Planning Inspector  
29/08/2017