



An  
Bord  
Pleanála

## Inspector's Report ABP 303795-19

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<b>Development</b>	15 no. 1 and 2 bedroom apartments.
<b>Location</b>	Cloghmacsimon, Bandon, Co.Cork.
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	18/5639
<b>Applicant</b>	Walsh Construction Group
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	1 <sup>st</sup> Party v. Condition
<b>Appellant</b>	Walsh Construction Group
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	25/04/19
<b>Inspector</b>	Pauline Fitzpatrick

## 1.0 Site Location and Description

The site, which has a stated area of 0.083 hectares, is on the north side of Oliver Plunkett Street opposite the junction with Well Road immediately to the east of Bandon town centre. Oliver Plunkett Street comprises a mix of two and three storey terraced buildings in commercial and residential use. On street parking in front of the site is subject to pay and display with unrestricted on street parking noted further to the east.

The site is roughly triangular in shape. It incorporates the footprint of a railway embankment and those of the demolished properties of numbers 12 and 14. The site is on the route of the 19<sup>th</sup> century railway embankment that carried, via a metal bridge over Oliver Plunkett Street, the westbound line of the Cork, Bandon and South Coast Railway through the town. The freestanding stone abutment remains.

The site is cleared and secured from the road. The property to the west is a three storey terraced building in use as a doctor's surgery at ground floor level. The two storey with dormer terraced building to the east is in residential use. The site is bounded by a telephone exchange to the north with a retaining wall delineating the boundary. A surface car park accessed from Brady's Lane bounds the site to the north-west. The lands to the north-east are characterised by mature planting.

## 2.0 Proposed Development

The application was lodged with the planning authority on the 26/06/18 with revised plans and details submitted 02/01/19 following a further information request dated 17/08/18. Unsolicited information was previously submitted 25/10/18 with correspondence from Irish Water regarding a pre-connection enquiry received 09/01/19.

The development will involve the removal of the railway abutment that delineates part of the street frontage and construction of 15 no. apartments in 2 no. three storey blocks with a central pedestrian entrance.

9 no. two beds and 6 no. one bed units are proposed.

As amended by way of further information the external finishes comprise render with stone, cladding and timber detailing.

Two communal open space areas are proposed with that to the rear to have a children's play area.

A 10 year permission is being sought

The application is accompanied by:-

- Architectural Heritage Impact Assessment
- Flood Risk Assessment
- Building Lifecycle Report

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Grant subject to 18 conditions including:

Condition 2: Omission of apartments 4, 5, 9, 10,14 and 15 in Block B and provision of 5 parking spaces.

Condition 12: Details of vehicular access to be submitted

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

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

The 1<sup>st</sup> Assistant Planner's report dated 17/08/18 notes that some apartments are north facing with the majority not having any private open space. No car parking is provided on site. Given the scale of the proposal there are concerns that it may be overdevelopment and may impact on adjoining residential amenities. It would result in a substandard quality of residential amenity for future residents. Further information recommended seeking redesign, building lifecycle report, extent of areas that will remain with a management company, site access, parking, flood risk assessment and site services. The 2<sup>nd</sup> report dated 29/01/19 considers that the proposed revisions address some of the issues raised. Notwithstanding, the set back of the northern part of Block B remains a concern regarding the impact of this part of the scheme on the adjoining property by reason of being overbearing and issues of overlooking and overshadowing, noise and general disturbance. The

scheme could potentially constitute over development on this restricted confined site. There is also an issue regarding the reduction in open space. The quality of the space is questionable due to its position at the northern corner and its size. There is also an issue in terms of absence of car parking. The omission of 6 apartments and provision of 5 parking spaces recommended. A grant of permission subject to conditions recommended.

### 3.2.2. Other Technical Reports

Area Engineer in a report dated 14/08/18 recommends further information on the sight distances at the entrance, parking provision, site services and submission of a flood risk assessment. The 2<sup>nd</sup> report dated 28/01/19 following further information notes that on street parking in the vicinity of the application is at capacity. Car parking should be provided. Clarification of further information recommended.

Estates Section in a report dated 26/07/18 recommends further information including details on area to be retained by management company, access by emergency and service vehicles, parking provision and site services. The 2<sup>nd</sup> report dated 21/01/19 recommends clarification of further information.

Public Lighting in a report dated 18/07/18 recommends further information. The 2<sup>nd</sup> report dated 07/01/19 following further information recommends clarification of further information.

Housing Officer in a report dated 01/08/18 has no objection to the Part V proposals.

Conservation Officer in a report dated 15/08/18 states that while the abutment has significance by association, it is a ruined element which now stands out of context to its surroundings. Due to its location front of centre in terms of the streetscape, it is difficult to incorporate into a new development. On balance, preservation by record is acceptable to allow for a more complete and comprehensive infill development that will enhance and improve the overall quality of the built environment. There are serious concerns in relation to the proposed design. The use of brick is not acceptable. Further information recommended.

### 3.3. **Prescribed Bodies**

Irish Water in a report dated 30/07/18 recommends further information regarding a pre-connection enquiry.

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

None

## 4.0 **Planning History**

08/8972 – permission granted for demolition of a dwelling and a public house and construction of 11 no. apartments.

## 5.0 **Policy and Context**

### 5.1. **Development Plan**

#### 5.1.1. Bandon and Kinsale Municipal District Local Area Plan, 2017

The site is within the built up area of the town and is within regeneration area BN-RA-02.

#### 5.1.2. Cork County Development Plan

The site is within the Architectural Conservation Area for the Irishtown area of the town.

Objective HE 4-5 – ACAs

Conserve and enhance the special character of the ACAs 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) Promoting high quality architectural design within ACAs.
- (h) Protect structures from demolition, non-sympathetic alterations and the securing of appropriate in-fill developments.

The site straddles the Zone of Archaeological Potential for Bandon historic town

## 5.2. Natural Heritage Designations

The site is over 10km from the nearest point of Courtmacsherry Bay SPA to the south.

## 5.3. Environmental Impact Assessment

Having regard to the nature and extent of the proposed development within Bandon town centre there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The submission by Edge Architecture on behalf of the 1<sup>st</sup> Party against condition 2, which reduces the number of units from 15 to 9 and requires provision of on site parking, can be summarised as follows:

- The loss of 6 no. units makes the development economically unviable.
- The site can be classified as a central and/or accessible urban location which can provide for a sustainable higher density.
- Should a reduction of units be required the omission of the 2<sup>nd</sup> floor to the rear of Block B omitting apartment nos. 14 and 15 would be more appropriate.

The block has been set back from the adjoining property to the east ensuring that the bedroom and living spaces do not overlook the adjoining property's garden.

- The planning authority did not indicate reservations regarding density or parking provision in the pre-planning meeting or following unsolicited information consequent to a further information request.
- Permission was granted for 11 apartments on the site under ref. 08/8972. Parking was not provided for.
- Sections 10.4.14 and 10.5.14 of the County Development Plan provide for a relaxation in car parking provision in such town centre sites.
- The planning authority failed to acknowledge the precedent set by the previous grant of permission requiring no on site parking and failed to take into account the provision of previous on street parking associated with the now demolished public house (with accommodation) and dwelling house.
- The provision of a vehicular access opposite an existing public road/junction into a tight inner urban infill site over a narrow public footpath, should be considered to be a safety concern to pedestrians and vehicular traffic.
- The provision of car parking will give rise to safety concerns for the building users and will reduce the quality of the open space provision. This small infill site will become car parking dominant.
- Should parking provision be required it is suggested that ground floor apartment nos. 4 and 5 in block B be omitted and allowing the units overhead as designed.

## **6.2. Planning Authority Response**

None

## **6.3. Observations**

None

#### 6.4. **Section 131 Notice**

On the basis that the site is within the Irishtown Architectural Conservation Area certain prescribed bodies were invited to make a submission.

No responses received.

#### 7.0 **Assessment**

I consider that the issues arising in the case can be assessed under the following headings:

- Policy Provisions
- Suitability of Design and Amenities of Prospective Applicants
- Access and Parking
- Other Issues

I note that the applicant is appealing condition 2 which requires a reduction in the number of apartments to be provided on the site from 15 to 9 and the provision of parking. In view of the nature and extent of the proposal I consider that it is appropriate to assess it in its totality as if the application had been made to the Board in the first instance.

#### 7.1. **Policy Provisions**

The site, on the north side of Oliver Plunkett Street, comprises what would be classified as a brownfield site within Bandon Town Centre. The street maintains its strong streetscape of predominantly three storey terraced units, largely in residential use with a commercial presence at ground floor level interspersed throughout. As per the current LAP it is within the development boundary of the town and is within regeneration area BD-RA-02 wherein it forms part of a larger plot. The LAP seeks that redevelopment proposals need to be compatible with the town centre zoning and that the design, massing and rhythm of new proposals should reference the town's historic character.

The proposed development accords with national policy/guidance which seek to secure compact growth in urban areas, deliver higher densities in suitable locations and ensure that apartment type living is an increasingly attractive option to meet



housing demand. The proposal is compliant with NPO 35 of the National Planning Framework, the objective of which to increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, and increased building heights.

In view of the above policy context the redevelopment of the site for residential purposes is acceptable in principle.

The proposal for 15 units on a 0.087 hectare site would equate to a density of 172 units per hectare. Whilst high there is no impediment in terms of maximum densities on such a town centre site. Notwithstanding, the acceptability or otherwise of the proposal is predicated on other planning considerations being met including the acceptability of the design solution within the ACA, impact on amenities of adjoining property, the securing of adequate amenities for prospective occupants and access and traffic.

## **7.2. Suitability of Design and Amenities of Prospective Applicants**

The site is within the Irishtown Architectural Conservation Area with the immediate environs of the site along Oliver Plunkett Street characterised by a defined 2 and 3 storey terraced frontage on both sides. The overarching development plan objective for ACAs is to conserve and enhance their special character by ensuring new development within or adjacent to same respects the established character of the area and contributes positively in terms of design, scale, setting and materials and the securing of appropriate infill development.

Obviously, any development of the site will bring about a change in the streetscape and character of the immediate area and I accept that the site strictures are notable in terms of limited size, shape and context. I submit that the challenge is to be sure that the design complements and does not detract from the ACA designation, provides for an appropriate form of development and ensures an acceptable level of residential amenity for prospective occupants whilst protecting those of adjoining properties.

The site is unique in that it retains the freestanding north stone abutment associated with the 19<sup>th</sup> century rail embankment that carried, via a metal bridge over Oliver Plunkett Street, the westbound line of the Cork, Bandon and South Coast Railway through the town. I would concur with the Council's Conservation Officer that whilst

the abutment has significance by association it is a ruined element which now stands out of context to its surroundings. Due to its location front of centre in terms of the streetscape it would be extremely difficult to incorporate into a new development. On balance preservation by record is acceptable to allow for a more complete and comprehensive infill development that will enhance and improve the overall quality of the built environment.

The proposal, as amended by way of further information, entails an infill scheme comprising of two blocks, each three storeys in height with a central pedestrian access from the street. The overall height, albeit with a flat roof design, is comparable to that of the properties to either side and is generally acceptable.

I consider that on such a site with such constraints the provision of the minimum standards as set out in guidelines for design standards for apartments and ensuring a development which complements and adds to the ACA streetscape at this location is a difficult exercise. The need for compromise, thereby allowing for a level of relaxation on such an infill site of less than 0.25 hectares as provided for in the guidelines, is reasonable.

Following on from the planning authority's concerns regarding absence of private amenity space for units within the scheme the amended design submitted by way of further information entails the setback of Block A from the footpath in order to provide for the said private amenity space both at ground and upper levels. In view of the limited site frontage I do not consider this arrangement to be successful on a streetscape defined by a strong and largely intact street frontage. This dichotomy, in my opinion, is exacerbated by the horizontal emphasis of the balconies which is at odds with the vertical emphasis in the traditional streetscape. I would also have reservations as to the actual amenity value of the terraces/patios especially at ground floor level which would be directly onto the footpath.

Block B along the eastern boundary is somewhat more successful but again, the dominant corner fenestration feature serving the main living spaces does not, in my opinion, integrate with the traditional streetscape. Also, of concern is the proposed treatment to the northern section of the building with the potential for overlooking to the property to the north-east.

In view of the above concerns it is noteworthy that whilst an Architectural Impact Assessment accompanies the application it is solely concerned with the embankment on the site and does not address the impact of the proposal on the streetscape of the ACA at this location.

In terms of the level of amenity that would be afforded to future residents of the scheme due regard is had to the requirements of the said Guidelines on Design Standards for New Apartments issued in 2018. In terms of their application I note that the guidelines do provide for scope of exercising discretion on a case by case basis having regard to the overall quality of a proposed development.

In terms of the unit type the guidelines allows for two bedroom apartments to accommodate 3 persons with a minimum floor area of 63 sq.m. The caveat is that such units should not displace the current two bedroom four person apartment, and on this basis, there is a cap of 10% on this category of 2 bedroom unit. All 9 no. two bedroom units proposed are classified as such 3 person occupancy types. Therefore the 10% cap is materially exceeded.

In terms of the unit sizes, whilst it is asserted in the detail accompanying the application that 12 out of the 15 apartments exceed the minimum floor areas set out in Specific Planning Policy Requirement 2 of the guidelines by in excess of 10%, this ignores the fact that the 2 bedroom 3 person occupancy units materially exceed the above stated cap. Taking into consideration the 73 sq.m. minimum area requirement for 2 bed apartments for 4 persons, the floor area in only three apartments exceeds 10% of the minimum requirement.

In general, the requirements in terms of dual aspect ratios is met (33% in central and accessible urban locations) although I note that at ground level floor to ceiling heights at 2.6 metres falls marginally short of the 2.7 metre minimum. In addition, the internal storage facilities generally fall short of the requirements set out in Appendix 1 but external storage is provided for each unit and is considered a reasonable compromise on this small infill urban site.

Communal open spaces are proposed via two small areas to the west (39 sq.m.) and north (31sq.m.) of Block B. The latter is to provide for a children's play area. In view of the restricted sizes of the spaces and the aspect of that proposed to be positioned in the top northern corner, the actual amenity value of same is queried.

I consider that the proposed design solution, as seen in totality, is not of an acceptable standard in this street frontage within the ACA and this, in my opinion, is evident from the contextual drawings submitted (drawing: site section A-A). The design solution does not appear to take cognisance of its context and in my opinion would introduce a visually discordant feature into the streetscape. Whilst the relaxation of standards as set out in the guidelines will be required to ensure the development potential of the site I consider that a reasonable compromise in terms of this relaxation must not be at the expense of the amenities of prospective applicants. I also submit that a stronger elevational treatment to the street which may require the reconsideration of private open space amenity for certain units could be offset by ensuring the internal space provision is of a reasonable standard.

Therefore, I consider that the proposed development would be inappropriate in design terms and would not make a positive contribution nor integrate successfully within the existing streetscape of Oliver Plunkett Street and the ACA. The amenities for prospective occupants are also considered to be inadequate and would result in a substandard development. In my opinion these shortcomings would not be addressed by omitting 6 apartments to the rear of Block B and provision of car parking as per the planning authority's decision. I recommend a fundamental reconsideration of the entire scheme. This may require the reduction in residential units. Consideration should also be given to the increase in the floor space in each in line with Special Planning Policy Requirement 3 of the guidelines.

### **7.3. Access and Parking**

No parking is proposed within the scheme. As noted above the site is within what is considered to be the centre of the town with on street parking prevalent along Oliver Plunkett Street, some of which is subject to pay and display. In addition, a surface car park is noted immediately to the north-west accessed from Brady's Lane although the potential redevelopment of this site into the future cannot be discounted.

I submit that in terms of relaxation of standards which may be considered in order to allow for the suitable development of the site, the forfeiting of parking is entirely appropriate at this town centre location and would accord with the provisions as allowed for in section 10.4.14 and 10.5.14 of the County Development Plan. I

therefore would not concur with the planning authority's requirements as per condition 2 of its decision.

#### **7.4. Other Issues**

##### **7.4.1. Flood Risk**

The site is classified as being within Flood Zone A and part Flood Zone B. From OPW CFRAMS mapping the site is within a mapped 0.1% (1 in 1000 year) fluvial flood zone. In accordance with Guidelines on the Planning System and Flood Risk Management the proposal would classify as a highly vulnerable development and would be subject to a justification test. In that context and the matters to be considered as set out in Box 5.1 I note the following:

- The site is within Zone Regeneration Area BN-RO-02 and part of the town centre.
- Tidal/coastal flooding is considered to be the primary flood risk to the development. Given the vast volume of a tidal event, tidal flood water that may be displaced by the development as to be so small in context of the overall Clonakilty Bay tidal volumes. I also note that the current flood defence measures being put in place and which are nearing completion in the town will benefit the subject site. On this basis it is reasonable to conclude that the development will not increase flood risk elsewhere
- Mitigation measures have been proposed to ensure that the residual risks to the proposed development can be managed to an acceptable level.
- The development of a brownfield town centre site, subject to appropriate design, will be compatible with the achievement of wider planning objectives.

I consider that sufficient detail has been provided to support the view that the proposed development would not be liable to flooding nor give rise to downstream impacts and I have no objection on this basis.

##### **7.4.2. Appropriate Assessment**

Having regard to the location of the site within Bandon town centre on a zoned and serviced site it is my opinion that no appropriate assessment issues arise and that

the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or project, on any Natura 2000 site.

## **8.0 Recommendation**

8.1. Having regard to the above I recommend that permission for the above described development be refused for the following reasons and considerations:

## **9.0 Reasons and Considerations**

1. It is considered that the proposed development, by reason of its building line, massing and design would be out of character with the pattern of development in the vicinity and would constitute a visually discordant feature that would be detrimental to the distinctive architectural and historic character of this Architectural Conservation Area, which it is appropriate to preserve. The proposed development would, therefore, contravene materially objective HE 4-5 of the current Cork County Development Plan which seeks to conserve and enhance the special character of the Architectural Conservation Area and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the quantum and mix of apartment types, their layout and design, it is considered that the proposed development would result in a substandard level of residential amenity for prospective occupants and would seriously injure the amenities of property in the vicinity by reason of overlooking and loss of privacy. The proposed development would therefore be contrary to the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government March 2018 and would be contrary to the proper planning and sustainable development of the area.

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**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**May, 2019**