



An  
Bord  
Pleanála

## Inspector's Report ABP-305683-19

---

<b>Development</b>	Demolition of existing building and the construction of a new building containing retail unit, café and off-license at ground floor and 12 no. apartments at upper floors and all other associated site development works
<b>Location</b>	No's. 12/13 Pearse Street, Sleveen, Kinsale, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	19/5930
<b>Applicant(s)</b>	I & G Stores Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party V. Refusal
<b>Appellant(s)</b>	I & G Stores Limited
<b>Observer(s)</b>	None

**Date of Site Inspection**

2<sup>nd</sup> January 2019

**Inspector**

Elaine Power

## 1.0 Site Location and Description

- 1.1. The appeal site is located on the northern side of Pearse Street, within the town centre of Kinsale. Kinsale is a historic town, characterised by a variety of building types and styles and is located approx. 25km south of Cork city centre.
- 1.2. The site occupies a prominent location with the town and currently accommodates a 9-bay, 3-storey mid terrace building. The ground floor of the building contains a 'Centra' convenience store. The first and second floor levels are generally derelict with limited office and storage use associated with the ground floor shop use. It is bound to the west by a 4-storey 'Old Bank House' building and to the east by a single storey commercial unit. To the rear the site is bound by an area of overgrown open space, which is significant elevated from the appeal site and also with the applicants ownership.
- 1.3. The site is located within the Kinsale Architectural Conservation Area and the existing building is listed on the NIAH (ref. 20851033) as being a store / warehouse of Regional Significance. The site is also located within a Zone of Archaeological potential.

## 2.0 Proposed Development

- 2.1. It is proposed to demolish the existing building with a gross floor area of 1,185sqm and construct a new 5-storey building with a gross floor area of 1,854sqm. The new development comprises a retail unit with ancillary café and off-licence at ground floor level and 12 no. apartments (9 no. 2-beds and 3 no. 1-beds) at first to fourth floor level.
- 2.2. The design approach is contemporary. The external materials and finishes used result in a development that represents 3 no. individual elements, which are reflective of the historic plots. The variety of materials and differing building heights onto Pearse Street break up the mass and bulk of the building. The western portion is 4-storeys in height with a set-back feature at 4th floor level. It has a dark grey brick finish and traditional window features. The central portion of the building is 5-storeys in height with a white rendered finish with large sections of glazing and the

eastern portion of the building is 4-storeys in height with grey cladding and large sections of glazing.

- 2.3. Private open space for each residential unit has been provided in the form of a balcony with an additional 186sqm of communal open space provided to the rear of the development. An approx. 98 sqm roof terrace is also proposed above the 4-storey element of the building located in the eastern portion of the site.
- 2.4. A bicycle storage area is provided a first-floor level to the rear of the site.
- 2.5. A Preliminary Demolition and Construction Plan, a Services Report, an Archaeological Assessment, an Architectural Heritage Impact Assessment and a Planning Statement were submitted with the application.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Permission was refused for the following reasons: -

1. Having regard to the justification and argument made for demolition and the regional significance of the structure on the National Inventory of Architectural Heritage (NIAH: 20851033) together with its position in the core of the Architectural Conservation Area, the complete demolition of the heritage structure(s) would conflict with the provisions of the Kinsale Town Development Plan 2009 which encourages that older buildings, such as which are not listed but have some architectural heritage are rehabilitated (Policy Objective RPS 3) especially ones which are an inherent part of the streetscape within an Architectural Conservation Area (Policy Objective ACA 1). The proposed development would adversely affect an Architectural Conservation Area and would therefore be contrary to the proper planning and sustainable development of an area.
2. The proposed design in terms of scale, mass, and insensitive design which is lacking in local context would have a serious detrimental impact on the overall character of the Architectural Conservation Area and therefore conflicts with Policy objective ACA 2 in the Kinsale Town Development Plan 2009, which

seeks to ensure development will conserve or enhance the character or appearance of the Architectural Conservation Area. The proposed development would adversely affect an Architectural Conservation Area and would therefore be contrary to the proper planning and sustainable development of the area.

3. The plans and particulars submitted do not provide for adequate off road parking facilities to serve the development. The on-road parking and the traffic movements likely to be generated by the development would interfere with the free flow of traffic and endanger public safety by reason of obstruction of road users.

## 3.2. Planning Authority Reports

### 3.2.1. *Planning Reports*

The reports by the Area Planner, the Senior Executive Planner and the Senior Planner raised serious concerns regarding the proposed development and recommended that permission be refused for the reasons outlined above.

### 3.2.2. *Other Technical Reports*

**Archaeologist's** report recommends that permission be refused as the proposed development would result in the loss of an important historic building which is listed on the NIAH and adds to the character of Kinsale. The development would also be contrary to policies and objectives of the Kinsale Town Development Plan, 2009.

**Area Engineer's** report recommends that permission be refused as the proposed development does not provide adequate off-street car parking and would generate vehicular movements on the public road that endanger public safety by reason of obstruction of road users.

**Housing Officers** report: No objection.

### 3.3. Prescribed Bodies

**An Taisce:** No objection to the demolition of the building, however, raises serious concerns regarding the design and scale of the proposed building and considers that it does not integrate with the historic streetscape.

**Inland Fisheries Ireland:** No objection subject to the agreement of Irish Water, regarding the capacity of the wastewater treatment plant.

### 3.4. Third Party Observations

A third-party submission was received from Ciaran Fitzgerald who generally welcomes the redevelopment of the site, however, raised some concerns regarding the following: -

- the impact of the development on the historical streetscape of Kinsale;
- Kinsale has an oversupply of short-term rental accommodation. The proposed apartments should be for long term rental only; and
- the potential for overlooking and overshadowing of adjoining properties.

## 4.0 Planning History

**Reg. Ref. 16/6672:** Permission was refused for the partial demolition, refurbishment, alterations, change of use and extensions to the existing 3-storey building to create a part 4 / part 6 storey building, comprising ground floor retail unit with 16 no. apartments above and all associated works. The reasons for refusal related to (1) the lack of communal open space and the poor quality design would be contrary to objectives of the Kinsale Town Development Plan and Sustainable Urban Housing: Design Standards for New Apartments (2007); (2) the height, scale, bulk, mass and insensitive design would have a negative impact on the character of the ACA and adjoining protected structure and would be contrary to objectives of the Kinsale Town Development Plan; and (3) the lack of on-site car parking and traffic movements generated by the development would endanger public safety.

## 5.0 Policy Context

### 5.1. Kinsale Town Development Plan, 2009

The appeal site is zoned TC2 - Town Centre with the associated land use objective *'to incorporate mixed use development i.e. retail at ground floor, offices and residential at upper floors...'* The plan also seeks to regenerate town centre sites, which are currently derelict or not used to their full potential, to develop a compact urban form within Kinsale.

The site is located within the Kinsale Architectural Conservation Area. The following policies are considered relevant:-

**ACA 1:** - *To protect all buildings, structures and sites which are inherent part of the streetscape and which contribute to the Plan area's heritage, diversity and history. According to Section 81 of the Planning and Development Act, 2000, Architectural Conservation Areas (ACA's) are places, areas, groups of structures or a townscape which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest or contribute to the appreciate of protected structures.*

**ACA 2:** - *Proposed development within or adjacent to conservation areas will only be permitted if it would conserve or enhance the character or appearance of the area. the demolition of non-listed buildings will be granted within the ACA if they do not contribute positively to the character or appearance of the ACA.*

**RPS 3:** *To encourage the appropriate reuse, renovation and rehabilitation of older buildings, which are not listed, but have some architectural, historical or heritage merit, subject to development standards.*

### 5.2. Cork County Development Plan, 2014

The appeal site is located within the Kinsale Architectural Conservation Area. Objective HE 4-5 (a – e): Architectural Conservation Areas states: -

*Conserve and enhance the special character of the Architectural Conservation Areas included in this plan. The special character of an area includes its traditional building*

*stock and material finishes, spaces, streetscape, shop fronts, landscape and setting. This will be achieved by;*

*a) Protecting all buildings, structures, groups of structures, sites, landscapes and all 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.*

*e) Seek the repair and reuse of traditional shopfronts and where appropriate, encourage new shopfronts of a high-quality architectural design*

Relevant policies of the plan are noted below: -

- HOU 3-1: Sustainable Residential Communities
- HOU 3-2: Urban Design
- HOU 3-3: Housing Mix
- HOU 4-1: Housing Density on Zoned Land.
- HE 4-6: Design and Landscaping of New Buildings
- TCR 8-1: Convenience Approach – Non-Metropolitan
- TCR 9-1: Vacancy and Regeneration
- TCR 12-1: Design and Innovation in Retail
- TCR 13-1: Shopfronts
- ZU 3-1: Existing Built up Areas
- ZU 3-8: Appropriate Uses in Town Centres / Neighbourhood Centres

### **5.3. National Guidance**

- Architectural Heritage Protection – Guidelines for Planning Authorities (2011)
- National Planning Framework



- Design Standards for New Apartments - Guidelines for Planning Authorities (2018)
- Urban Design Manual, A Best Practice (DOEHLG, 2009)

#### **5.4. Natural Heritage Designations**

There are no designated areas in the immediate vicinity of the site.

#### **5.5. EIA Screening**

Having regard to the nature and small scale of the proposed development and the location of the site, it is concluded that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### **6.0 The Appeal**

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

A first party appeal against the Planning Authority's decision to refuse permission was submitted. The appeal addresses the 3 no. reasons for refusal and is summarised below: -

- The proposed development is in accordance with national and local planning policies. The Kinsale Town Plan was adopted in 2009 and has little or no relevance to the current national policy context for town centre mixed use developments.
- The planning authority's approach to the redevelopment of the site is inconsistent as the proposed development addresses all the reasons for refusal relating to the previous application for the redevelopment of the site, reg. ref. 16/6672. The potential positive benefits of the redevelopment of the site have not been considered. The design solution balances the requirement to respect the historical character of the ACA and streetscape as it reinstates

the original form of the historical buildings on site and provides modern development within the town centre location.

- The demolition of the existing building and the provision of the proposed development would not negatively affect the character of the ACA. The development would redevelop an under-utilised site in the town centre and provide a modern convenience store and residential units above.
- An Taisce made no objection to the demolition of the existing building and there was no objection to its demolition under reg. ref. 16/6672.
- While the planning authority's archaeologist recommended refusal of permission, due to the irreversible loss of historic fabric, the applicants Archaeological and Architectural Assessments show that there is very limited architectural quality and merit in the existing building. Many of the original features and materials have been replaced and the existing form of the building bears no resemblance to the original 5-storey warehouse and 3-storey town house which originally stood on the site. Having regard to the criteria set out in the Architectural Heritage Protection – Guidelines for Planning Authorities, 2004 the demolition of the building is justified.
- The proposed development would not result in a parking or traffic hazard as it would be a predominantly car free development. Car free developments in urban locations should be welcomed as they force residents to seek alternatives modes of transport. The planning authority did not have regard to the National Planning Framework or the Design Standards for New Apartments - Guidelines for Planning Authorities when assessing the application. The site is located adjacent to a bus terminus which provides a link with Cork city and is accessible from within the town by foot and bicycle.

## 6.2. Planning Authority Response

None

## 7.0 Assessment

The main issues in this appeal relates to the reasons for refusal, in this regard the principle of the development, the design approach and car parking and traffic. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Principle of Development
- Design Approach
- Car Parking and Traffic
- Appropriate Assessment

### 7.1. *Principle of Development*

- 7.1.1. The subject site is located within the Kinsale Architectural Conservation Area (ACA) and occupies a prominent location within the town. The existing building is a 9-bay, 3-storey mid terrace building. The ground floor of the building accommodates a 'Centra' convenience store. The first and second floor levels are generally derelict with limited office and storage use associated with the ground floor shop use. It is bound to the west by a 4-storey 'Old Bank House' building and to the east by a single storey commercial unit.
- 7.1.2. The planning authority refused permission on the basis that the demolition of a regionally significant structure, listed on the NIAH and located within an ACA would conflict with local policy objectives and would adversely effect the character of the ACA.
- 7.1.3. The site originally comprised two separate buildings, in this regard a three-storey, three-bay townhouse / shop and a 5-storey, 5-bay warehouse with a laneway between the two which provided access to a rear courtyard associated with the buildings. The buildings have evolved over time and numerous alterations have occurred. The laneway was incorporated into the townhouse, with rooms added above and the buildings were later amalgamated. The Architectural Heritage Impact

Assessment submitted with the application notes that the slate hanging treatment on the front elevation was added at the end of the twentieth century, to create a unified treatment following the removal of the upper levels of the warehouse. The assessment considers that the cladding has a negative impact on the original appearance of the buildings on site.

- 7.1.4. Objective HE 4-5: Architectural Conservation Areas aims to conserve and enhance the special character of the ACA's. It notes that the special character of an area includes its traditional building stock and material finishes, spaces, streetscape, shop fronts, landscape and setting. The Planning Authority's Conservation Architect did not comment on the current proposal. However, the report from the previous application reg. ref. 16/6672 states that the primary objective for an development within an ACA is to conserve and enhance the character of the area. The report also states that *'Long Lane / Pearse Street is a very intact historic streetscape and the building in question is very significant in terms of visual connectivity from Main Street, through Emmet Place to Long Quay... a reinstatement of the historic character of the streetscape could, if carried out correctly, be considered a reasonable option'*.
- 7.1.5. It is noted that the Planning Authorities Archaeology report provides an assessment of the Architectural Heritage which notes that notwithstanding the modern cladding, the buildings are an important part of the historic streetscape and are of architectural merit. The report recommends that permission be refused as the proposed development would result in the irreversible loss of an important and significant historic building, which is listed on the NIAH as regionally important.
- 7.1.6. Section 12.4.16 of the development plan states that the *'special character of urban areas generally stems from its collection of buildings and their setting as a whole rather than the presence of individual buildings in isolation'*. It is acknowledged that no. 12/13 Pearse Street is not a protected structure and that An Taisce raised no objection to the demolition of the building. However, it is listed on the NIAH as a regionally important building. In my view the existing building, in conjunction with the adjoining properties, provides a valuable contribution to the distinct historic character of Kinsale and to the ACA. The Architectural Heritage Guidelines for Planning Authorities (2004) note that *'Historic structures are a unique resource. Once lost,*

*they cannot be replaced*'. Of particular relevance to the proposed development, Section 7.9.1 of the Guidelines states:- *"It should be the aim of good conservation practice to preserve the authentic fabric which contributes to the special interest of the structure... Where a damaged or deteriorated feature could reasonably be repaired, its replacement should not be permitted"*.

7.1.7. The applicants Architectural Heritage Impact Assessment states that many of the original features of the buildings have been lost. While it is acknowledged that the original ground floor of the former townhouse has been lost and numerous internal alterations have occurred, the photographic survey shows that panelled doors, staircase, moulded architraves, floors, fireplaces, moulded cornices, have been retained. Having regard to location of the site within the Kinsale ACA, its listing on the NIAH as regionally important and its contribution to the special character of the town I consider that, in this instance, the refurbishment of the existing building, is both feasible and appropriate.

7.1.8. While I have no objection in principle to the re-development of the site with a high-quality mixed-use scheme, I would have serious concerns regarding the demolition of historical buildings listed as regionally important on the NIAH and located within an ACA. In conclusion, it is my opinion that the demolition of the existing buildings would materially and adversely affect the special character of the town and recommend that permission be refused on this basis.

## **7.2. Design Approach**

7.2.1. The planning authority considered that the scale, mass and insensitive design of the proposed development would have a detrimental impact on the character of the ACA and refused permission on this basis.

7.2.2. The proposed development comprises the demolition of an existing mid terrace structure and the construction of a mixed-use development comprising approx. 615sqm of commercial space at ground floor level with 12 no. apartments above, within the town centre of Kinsale. It is an objective of the National Planning Framework to increase residential densities in appropriate locations to avoid the trend towards predominantly low-density commuter-driven developments. The scheme has a density of approx. 80 units per hectare. However, higher density is not

a stand-alone objective, it must be delivered in tandem with high quality urban places and attractive neighbourhoods. Plot ratio is a tool to help control the bulk and mass of buildings and site coverage can prevent the adverse effects of overdevelopment. The development has a 100% site coverage. It is noted that there an area of overgrown open space to the north of the site, which is also within the applicants ownership. The site has a plot ratio of 2.1, in my opinion having regard to the urban nature of the site this is considered acceptable. It is noted that the floor areas of the apartments reach and exceed the minimum requirements as set out in the The Design Standards for New Apartments - Guidelines for Planning Authorities (March 2018). As the appeal site is located within the town centre, it is my view that a high-density development is acceptable in principle

7.2.3. The design approach is contemporary. The external materials and finishes used result in a development that represents 3 no. individual elements, which are reflective of the historic plots of the town centre. The western portion of the building is 4-storeys in height with a set-back feature at 4th floor level. It has a dark grey brick finish and traditional window features. This section of the building has a ridge height of approx. 13.5m, which is approx. 3m lower than the adjoining 4-storey 'Old Bank House' building. The central portion of the building is 5-storeys in height with a white rendered finish with large sections of glazing. The ridge height of the building is similar that of the 'Old Bank House' Building. The eastern portion of the building is 4-storeys in height with grey cladding and large sections of glazing. It is bound to the east by a single storey commercial unit. In my opinion the variety of materials and differing building heights onto Pearse Street break up the mass and bulk of the building.

7.2.4. Architectural Heritage Guidelines for Planning Authorities (2011) note that where there are an existing mixture of styles, a high standard of contemporary design that respects and reinforces the character of the area should be encouraged with an ACA. Having regard to the high quality contemporary design and layout of the development and the proposed finishes, it is my view that, the scale of the development is appropriate at this location having regard to the variety of building types and scales within Kinsale town and would not have a detrimental impact on the character of the ACA.

7.2.5. While I have no objection to the provision of a high-quality contemporary designed development within the ACA, as noted above I would have serious concerns regarding the demolition of an existing historic building listed on the NIAH and located within the ACA. It is, therefore, my opinion that the refurbishment of the existing buildings on site and their incorporation into the redevelopment of the site would be a more appropriate design solution.

### 7.3. ***Car Parking and Traffic***

7.3.1. Permission was refused on the basis that vehicular movements generated by the development would interfere with the free flow of traffic and would endanger public safety by reason of a traffic hazard.

7.3.2. The proposed development does not provide for any on-site car parking. It is noted that there is a large surface car parking located within Kinsale town centre and a number of on-street spaces located on Pearse Street, adjacent to the development site. The Design Standards for New Apartments - Guidelines for Planning Authorities (March 2018) states for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha , car parking provision may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and location. Having regard to the limited number and size of the apartments proposed, the location of the site within the town centre and the proximity to the bus link to Cork city, I have no objection to the lack of designated car parking on site.

7.3.3. While there is no dedicated loading area for the retail unit and associated café and off-licence it is my view that having regard to the existing convenience store on site and the sites location with a town centre, the proposed development would not generate any additional servicing / delivery requirements and would not result in an unacceptable level of service vehicles.

7.3.4. In conclusion, it is my view that the proposed development would not generate a significant number of additional vehicular movements onto the local road network or result in an unacceptable level of parking congestion. Therefore, it is considered that the proposed development would not result in a traffic hazard and should not form a reason for refusal.

7.3.5. With regard to bicycle parking it is noted that a bike store is provided at first floor level. The drawings submitted indicate the provision of 14 no. bicycle storage spaces. Having regard to the limited size of the store, approx. 22sqm I would have some concerns that 14 no. accessible and secure bicycle storage spaces could not be accommodated. I would also have concerns regarding the accessibility of the store, as it appears from the drawings submitted to be accessed from internal stairs or the lift associated with the apartment development.

#### 7.4. ***Appropriate Assessment***

Having regard to the nature and small scale of the proposed development within a serviced urban area and the distance from the nearest European site, no Appropriate Assessment issues arise, and 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 a European site.

### 8.0 **Recommendation**

1. The demolition of an existing historic building which is listed on the NIAH (reference number) would fail to have due regard for the intrinsic historic character of Kinsale town centre. The proposed development would materially affect the character of the Kinsale Architectural Conservation Area and would thereby seriously injure the visual amenities of the area. The proposed development would be contrary to the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities, which promotes the rehabilitation of historic buildings in preference to their replacement, to Objective HE 4-5 of the Development which aims to conserve and enhance the special character of the ACA's and to policies RPS 3, ACA 1 and ACA 2 of the Kinsale Town Development Plan, 2009. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



---

Elaine Power

Planning Inspector

22<sup>nd</sup> January 2020