



An
Bord
Pleanála

Inspector's Report ABP-306438-20

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| Development | Change of use from retail premises to dwelling, revised street elevation and associated ancillary works |
| Location | 12 Parnell Place, Cork |
| Planning Authority | Cork City Council |
| Planning Authority Reg. Ref. | 19/38815 |
| Applicant(s) | Esperanza Limited |
| Type of Application | Permission |
| Planning Authority Decision | Refuse |
| Type of Appeal | First Party |
| Appellant(s) | Esperanza Limited |
| Date of Site Inspection | 24 th March 2020 |
| Inspector | Kevin Moore |

1.0 Site Location and Description

1.1. No. 12 Parnell Place consists of a vacant two-storey, commercial unit amidst a large mixed use block in Cork City Centre which is located a short distance to the south of Cork's Bus Station and Merchant's Quay Shopping Centre. It forms part of a terrace that is flanked by a mixed use four storey block of retail and residential units to the north and a terraced three-storey unit with retail use at ground floor level and residential use in the upper floors to the south. The building has frontage onto Parnell Place to the west.

2.0 Proposed Development

2.1. The proposed development would comprise the change of use of an existing retail premises to a two-storey, one bedroom dwelling. It would also include the revision of the street elevation and ancillary site works. The revision to the street elevation would consist of fenestration changes at ground floor level. The gross floor area of the unit is 38.80 square metres. At ground floor level, the development would provide an entrance lobby, stairs to the first floor, a kitchen/living/dining area, and a utility area and w.c./shower room located off the living area. A bedroom would be provided at first floor level. There is no proposed private amenity space or parking.

3.0 Planning Authority Decision

3.1. Decision

On 16th December 2019, Cork City Council decided to refuse permission for the proposed development for two reasons relating to overdevelopment of the site and the provision of a living environment of low amenity value and the proposal being contrary to provisions of the Cork City Development Plan.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted reports received, development plan provisions, and ministerial guidance. It was considered that the proposal was in accordance with the zoning

objective for the site in principle and that it was unlikely to have any material negative impact on the amenity of adjoining properties. Comparisons were made between the proposed internal provisions within the unit and the guidance set out in *Quality Housing for Sustainable Communities 2007*, as well as private amenity space comparisons. It was considered that the proposal was substandard in terms of floor space provision and design and that it would have a detrimental impact on the residential amenity of future occupants. It was acknowledged that the proposal lacks any adequate storage spaces for everyday living and the lack of any private open space was further noted. A refusal of permission for one reason relating to overdevelopment and the provision of a living environment of low amenity value was recommended.

The Acting Senior Planner concurred with the recommendation but amended the recommended refusal reason and added a second reason relating to the proposal being contrary to Development Plan provisions.

3.2.2. Other Technical Reports

The Roads Design Technician had no objection to a grant of permission and recommended the attachment of a schedule of conditions.

The Environment Engineer had no objection to a grant of permission and recommended the attachment of a schedule of conditions.

The Drainage Engineer had no objection to a grant of permission and recommended the attachment of a schedule of conditions.

3.3. **Prescribed Bodies**

Irish Water had no objection to the proposal.

4.0 **Planning History**

I have no record of any planning application or appeal relating to the site.

5.0 Policy Context

5.1. Cork City Development Plan 2015-2021

Zoning

The site is zoned ZO 1 City Centre Retail Area with the objective “To provide for the protection, upgrading and expansion of retailing, in particular high order comparison retailing, as well as a range of other supporting uses in the City Centre retail area.”

City Centre

13.33 Within the Commercial Core Area (CCA) new residential developments will not normally be encouraged at ground floor level but will be encouraged on the upper floors of new developments. Residential development will be supported in the City Centre Retail Area provided it does not threaten the retail/commercial vibrancy of the City Centre and is located on above ground floor levels. In addition, the City Council will promote the use of vacant upper floor space in existing buildings in the City Centre for residential purposes, particularly where it preserves the architectural heritage of protected buildings or buildings considered to be important to defining the character of the City Centre. This policy will increase the number of residential units / population in these areas, provide greater levels of activity and better support local services, as well as physical improvements to buildings and a reduction in dereliction.

Objective 13.11 City Centre Living

It is the objective of Cork City Council to:

- a. Encourage residential development throughout the city centre providing: it does not prejudice the functioning of the City Centre as place for mainly commercial activity; it is designed to a high quality, ensures a sustainable mix of housing type and tenure as outlined in Chapters 6 and 15 and contributes to the development of sustainable urban communities;
- b. Encourage a greater mix of housing types and tenure within the City Centre;

- c. Support the refurbishment of existing residential development in the City Centre, particularly in the ICRN and seek to identify measures to incentivise this;
- d. Encourage the development of residential units on upper floors of existing and new buildings in the CCA and CCRA subject to other City Centre policies and objectives.

5.2. **Appropriate Assessment**

It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any designated European Site and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

5.3. **EIA Screening**

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment. No EIAR is required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of the appeal relating to the reasons for refusal may be synthesised as follows:

Introduction

- In justification of the proposal, the following is noted:
 - The character of the area is a mix of commercial and residential uses.
 - The property has been vacant for an extended period of time and new retail uses are not viable given the location, size and orientation of the property.

- National planning policies support the proposal.
- Residential uses are supported by the zoning objective.
- There have been no objections to the proposal.
- There are no built or natural heritage impacts.
- Given the proposal is a change of use in a sustainable city centre location, a marginal failure (2.4sqm) to specifically meet the target floor space standard does not warrant a refusal of permission.

Reason No. 1

- It is acknowledged the proposal does not achieve the minimum standards for one bed apartments set out in the *Sustainable Urban Housing: Design Standards for New Apartments 2018 Guidelines* and it is noted it exceeds the floor space standard for studio apartments. The standards are cited as being ‘targets’ and the Guidelines allow for a relaxation in standards subject to a proposal’s overall design quality.
- Revised plans are submitted to the Board for consideration, increasing the internal floor area to 42.6sqm by making internal modifications. An enclosed internal area has been provided for bin storage (with an external vent) and extra storage space has been provided.
- The proposal is a change of use refurbishment proposal rather than a new build proposal. The proposal is confined by the parameters of the existing building. The introduction of a separated lobby and stairwell is necessary to comply with building and fire regulations and has the effect of reducing the overall floor area of the living/dining/kitchen space.
- Precedence has been established in a large proportion of similar proposals in similar locations within the inner urban and city centre areas of Cork City. P.A. Refs. 19/38303, 18/38187, 18/37924, 16/36716, and 16/36835 were noted.
- With regard to private amenity space, the overwhelming majority of residential refurbishment proposals in inner urban and city centre areas have not met the standards set out for private amenity space as a result of dense urban character in historic areas and the nature of the building stock. It is submitted

that all of the various policy documents allow for flexibility in the consideration of proposals. The appeal submission includes examples of where the planning authority has applied such flexibility.

- City centre parks such as Shalom Park, Bishop Lucey Park and Kennedy Park are a short distance from the site. The lack of dedicated private amenity space is not significant, given the site's inner urban location, the property's current vacancy, and the pressing need for new residential uses in sustainable locations.
- Regarding parking, it is noted that the site is in an inner city location and it is adjacent to the bus station and numerous bus routes. There is no need for parking.

Reason No. 2

- The proposal does not materially contravene Objective 13.11 because this objective does not explicitly prohibit ground floor residential uses.
- The four policy provisions outlined in the reason for refusal each support residential development in the city centre and none restrict ground floor residential uses.
- Reference is made to a number of examples of ground floor residential uses being permitted in the commercial core of the city, namely P.A. Refs. 17/37295, 19/38318, 17/37561, 18/37977, 15/36698, 16/36849, 16/37077, and 17/37252.
- The proposal does not threaten the vibrancy of the city centre, having regard to the site's location, the character of uses in the vicinity, and the small restricted nature of the property involved.

6.2. Planning Authority Response

The planning authority stated it had no further comments to make.

7.0 Assessment

7.1. Introduction

I consider that the principal planning issues relating to the proposed development are the standard of development to meet residential needs and the proposal in the context of development plan provisions.

7.2. The Development Standard

The Board will note that the appellant accepts that the proposal does not achieve the minimum standards for one bed apartments set out in the *Sustainable Urban Housing: Design Standards for New Apartments 2018 Guidelines*. It appears that, as a consequence, the appellant has submitted a revised proposal with a slightly increased floor area for the Board's consideration.

It is relevant to acknowledge that the proposal provides no private amenity space to serve the needs of the potential occupants of the proposed development. There is no external private space at ground level, no balcony at first floor level, and the development would front directly onto the adjoining public footpath. I also acknowledge that there is no provision for storage at ground floor level to meet needs for storage of basic domestic appliances, etc. Further to this, it is pertinent to note that, in order to achieve increased floor area, the revised proposal effectively eliminates a utility area to serve the needs of the potential occupants. Further to this, it is proposed to provide a bin store internally. There is reference in the submitted revised drawing to a mechanical vent being provided, although there is no understanding of where it is being vented to. I would seriously question the viability and functionality of the bin storage provision and would note its likely nuisance abutting the living/dining/kitchen area in such a confined space. In addition to these observations, I note the single aspect nature of the development, the orientation of the structure, the fenestration provisions, and the layout of the development due to the physical constraints of the established building. The functioning spaces at ground floor level, being located to the rear of the unit, will result in the residents inhabiting darkened spaces continually due to the inability to provide natural light from elsewhere. It is very clear that the proposed development falls very far short of basic

living accommodation, whether in the form of the original proposal or the revised development.

Turning to apartment standards, it is clear that the proposed development could not constitute sustainable residential accommodation because it does not meet the basic requirements for a residential unit. Whether considering the appellant's referenced *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities* published in March 2018 or the planning authority's referenced *Quality Housing for Sustainable Communities 2007*, it is evident that the basic provisions of internal functioning space, sanitary provisions, storage, and amenity space are lacking. It would be a futile exercise to be comparing and contrasting floor areas and other space provisions in such a context.

Overall, I am satisfied to conclude that proposed development would constitute seriously substandard development for occupants of the proposed residential unit.

7.3. The Proposal in the Context of Development Plan Provisions

The planning authority's decision referred to the proposal being contrary to Section 13.33 and Objective 13.11 of the Cork City Development Plan. The former provisions discourage new residential developments at ground floor level, with residential development being supported in the City Centre Retail Area provided it does not threaten the retail/commercial vibrancy of the City Centre and is located on above ground floor levels. It is clear that the proposal, constituting new residential development in place of retail space, would be contrary to such provisions. With regard to Objective 13.11, this seeks to encourage residential development throughout the city centre providing it does not prejudice the functioning of the city centre as place for mainly commercial activity, it encourages a greater mix of housing types and tenure within the City Centre, it supports the refurbishment of existing residential development, and it encourages the development of residential units on upper floors of existing and new buildings. As the proposal constitutes the replacement of a retail unit with a residential unit in the commercial core of the city centre at ground floor level, introducing a ground floor residential use where residential use is promoted in upper floors and losing a retail use at ground floor

level, it is reasonable to conclude that the proposal contravenes, in a material manner, the objective.

Overall, it is observed that the existing building is located in a prime commercial area in the heart of the city centre. It is evident that it is the policy of the planning authority through its City Plan to avoid a decline in retail uses at ground floor level in its commercial core to protect the vitality and viability of the city centre, while promoting residential development over street level to maintain and enhance the city centre's resident population. This is a sustainable approach to the development of the city centre. The proposed development would contribute to the decline of retail space in a principal commercial core area and could not reasonably be seen to be sustainable.

8.0 Recommendation

8.1. I recommend that permission is refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. Having regard to the restricted internal floor space area, the lack of amenity and external storage provisions, the inadequacy of internal storage provisions, the single aspect nature of the development and the constrained internal layout, it is considered that the proposed development would provide substandard accommodation for the occupants of the proposed residential unit and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is an objective of Cork City Development Plan to encourage residential development throughout the city centre provided it does not prejudice the functioning of the city centre as place for mainly commercial activity and to encourage the development of residential units on upper floors of existing and new buildings in the city centre (Objective 13.11). Furthermore, it is a provision of the Plan to discourage new residential developments at ground floor level in the city centre retail area and to support residential development

in this area provided it does not threaten the retail/commercial vibrancy of the city centre and it is located above ground floor level (Section 13.33). Having regard to the proposed development consisting of the replacement of a retail unit with a residential unit at ground floor level in the city centre retail area and the consequential loss of retail floor space at ground level, it is considered that the proposed development would materially contravene the Development Plan objective and would, thus, be contrary to the proper planning and sustainable development of the area.

Kevin Moore
Senior Planning Inspector

30th March 2020