



An  
Bord  
Pleanála

## Inspector's Report ABP-308671-20

### Development

Three-year temporary permission for the provision and connection to existing services of 4 pre-constructed self-contained units for short term residential accommodation.

Demolition of the remainder of the former warehouse currently on site, the reopening of a former access from Sharman Crawford Street, landscaping, bin storage, bicycle parking, and all associated and ancillary site development works and services.

### Location

Sharman Crawford Street, Cork.

### Planning Authority

Cork City Council

### Planning Authority Reg. Ref.

20/39498

### Applicant(s)

Absolute Property Management Ltd

### Type of Application

Temporary permission

### Planning Authority Decision

Refusal

<b>Type of Appeal</b>	First Party -v- Decision
<b>Appellant(s)</b>	Absolute Property Management Ltd
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	18 <sup>th</sup> February 2021
<b>Inspector</b>	Hugh D. Morrison

## Contents

1.0	Site Location and Description.....	4
2.0	Proposed Development .....	4
3.0	Planning Authority Decision .....	5
3.1.	Decision .....	5
3.2.	Planning Authority Reports .....	5
4.0	Planning History.....	6
5.0	Policy and Context.....	6
5.1.	Development Plan.....	6
5.2.	Natural Heritage Designations .....	7
5.3.	EIA Screening .....	<b>Error! Bookmark not defined.</b>
6.0	The Appeal .....	8
6.1.	Grounds of Appeal .....	8
6.2.	Applicant Response .....	<b>Error! Bookmark not defined.</b>
6.3.	Planning Authority Response .....	10
6.4.	Observations .....	10
6.5.	Further Responses.....	10
7.0	Assessment .....	10
8.0	Recommendation.....	16
9.0	Reasons and Considerations.....	16
10.0	Conditions .....	<b>Error! Bookmark not defined.</b>

## **1.0 Site Location and Description**

- 1.1. The site is located on the western side of Sharman Crawford Street, which runs between Wandesford Quay, in the north, and Bishop Street, in the south, in the south-western portion of Cork city centre. This site lies in the northern portion of this Street, in a position opposite a traditional terrace of two storey dwelling houses, while the central and southern portions comprise the historic buildings of St. Marie of the Isle Convent and the Crawford School of Art and Design. Further to the south, on Bishop Street, lies St. Fin Barre's Cathedral.
- 1.2. The site itself is of regular shape and it extends over an area of 0.07 hectares. The majority of this site has been cleared and it is presently vacant, although towards its northern end there are a cluster of stacked portacabins that are being stored, along with some incidental items. The remainder of the site accommodates in its northern end the shell of a former warehouse: This shell has a width of one bay, and it is three storeys high.
- 1.3. The site is accessed via a pair of gates in its south-eastern corner directly off Sharman Crawford Street. Another closed gate lies to the north within the eastern boundary wall to this Street. The site is bound to the north by Crawford Hall, a modern part three/part four-storey building in mixed educational and residential use, and to the west by a multi-story car park. The site is also bound to the west and to the south by a wall beyond which lies St. Aloysious Secondary School.

## **2.0 Proposed Development**

- 2.1. The proposal would entail the following elements:
  - The demolition of the former warehouse on the site,
  - The reopening of a former access from Sharman Crawford Street,
  - The provision and connection to existing services of 4 pre-constructed, self-contained, one-bed/two-person units (159.64 sqm) for short term accommodation for a temporary three-year period. This units would be sited in the northern and main western portions of the site and they would be accessed by means of external ramps and landings,

- The self-contained units would be served by bin storage and bicycle storage areas, and
- The site would be the subject of hard, e.g. surfaces and seating, and soft landscaping, e.g. trees, hedging, shrubs and ground cover planting.

### 3.0 Planning Authority Decision

#### 3.1. Decision

Permission was refused for the following reasons:

- 1. Having regard to the provisions of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines, the internal arrangement and space of the proposed accommodation, it is considered that the proposed development represents sub-standard accommodation with inadequate unit and room sizes, no private amenity space provision and poor layout and would provide a living environment of low amenity value. The foregoing would be contrary to the proper planning and sustainable development of the area.*
- 2. Having regard to the location of the site in a designated Architectural Conservation Area where it is policy to preserve and enhance the designated Architectural Conservation Areas of the city, it is considered that the proposed design would have a negative visual impact, would detract from the architectural character of the area and would set an undesirable precedent in this area. The proposed development would be contrary to Objectives 9.29 and 9.32 of the City Development Plan and would therefore be contrary to the proper planning and sustainable development of the area.*

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Reports

See decision.

##### 3.2.2. Other Technical Reports

- Irish Water: No objection: Standard and site-specific notes.
- Cork City Council:
  - Environment: No objection, subject to conditions.

- Engineering: No objection, subject to a condition that the existing crossover of the public footpath be reinstated.
- Drainage: No objection, subject to conditions, which include ones that require the implementation of proposed flood risk mitigation and review of flood risk, in the event that an extension in the temporary permission is sought.
- Contribution: No objection, subject to condition.

## 4.0 Planning History

- 08/33164: Demolition of warehouse and construction of 80-space short stay car park (as an extension to the adjoining car park) and ground floor retail use: Permitted.
- 18/38037: Construction of 100-space car park as an extension to the adjoining one: Refused at appeal ABP-303020-18 for the following reasons:
  - Proposal be for a development type that would materially contravene the Development Plan's inner-city residential neighbourhood zoning of the site.
  - Proposal would increase the provision of car parking in the city centre and as such it would materially contravene Objective 5.1 of the Development Plan, which seeks to encourage a shift to sustainable modes of transport.
  - Proposal would, due to its design and appearance, be visually discordant with the distinctive architectural character of the nearby South Parish ACA and protected structures.
- Pre-application consultation occurred on 4<sup>th</sup> June 2020.

## 5.0 Policy and Context

### 5.1. Development Plan

Under the Cork City Development Plan 2015 – 2021, the site is shown as lying within an area zoned ZO3, wherein the objective is “To reinforce the residential character of

inner city residential neighbourhoods, while supporting the provision and retention of local services, and civic and institutional functions.” It is also shown as lying just outside:

- Sub-Area A, the Cathedral Quarter, of the South Parish Architectural Conservation Area (ACA),
- The Zone of Archaeological Potential, and
- The South Parish Cultural Precinct.

With respect to Sub Area A of the ACA, the CDP recognises that there are vacant sites within this Sub-Area, and it states that there is scope for development to increase amenity and to reinforce the existing character of the area.

Elsewhere, to the south of the site, on Sharman Crawford Street lie two protected structures, St. Marie’s of the Isle Convent and the Crawford College of Art and Design, and, further to the south, on Bishop Street lies the protected structure, St. Fin Barre’s Cathedral.

With respect to the South Parish Cultural Precinct, Paragraph 13.24 of the CDP, the Planning Authority undertakes to retain and enhance the residential function of each area and to consider small scale live/work units and developments which enhance the area’s cultural, artistic, and tourism potential.

Objective 13.21 of the CDP addresses city centre design quality and context. It states the following:

- a. To ensure that new development is of the highest quality and respects, safeguards and enhances the special character of the city centre.*
- b. To create new and distinctive places which enhance the special character of the city.*
- c. Development proposals in the city centre should demonstrate that they contribute towards a high quality, sustainable living, or working environment. They should respect the height, mass, and scale of surrounding buildings, should not compromise protected views and prospects and should draw upon positive characteristics of the surrounding environment to create a sense of place, security, and vitality.*

## **5.2. Natural Heritage Designations**

- Cork Harbour SPA (004030)

- Great Island Channel (001028)

## **6.0 The Appeal**

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

The applicant begins by describing the site and the proposal and by summarising the relevant planning policies. It then sets out the following grounds of appeal:

There is no appropriate application of design standards and the proposal would provide a very reasonable standard of short-term accommodation.

- The case planner acknowledges that there is no specific policy in the CDP with respect to purpose-built short-term letting units. Nevertheless, she mistakenly proceeds to apply the Sustainable Urban Housing: Design Standards for New Apartments. These Guidelines are cited by the applicant, but only insofar as to say that the proposed units would afford temporary accommodation over a floorspace of 38.41 sqm, whereas they allow permanent accommodation over a floorspace of 37 sqm for studio apartments.
- The case planner raises no objection to the principle of residential use on the site. She, however, applies the aforementioned Guidelines to the proposal, on the basis that the units would be one-bed apartments. These units would not be apartments and so the application of these Guidelines to them is misplaced.
- The case planner considers that the raising of the proposed units 1m above ground level would be a “rudimentary” way of dealing with flood risk. However, given that they would be temporary, the approach adopted would facilitate their subsequent reversibility.
- The case planner critiques the proposal for not providing private open space for each unit, i.e. a minimum of 3 sqm, which even at that it can be waved in city centre locations. However, as these units would provide temporary accommodation only, such open space would be inappropriate. (The Board previously conditioned such temporality in these circumstances, under ABP-



303793-19). Instead 165 sqm of communal open space would be provided to a high standard. Public open space within walking distance of the site is also identified.

- The case planner's assessment suffers from not having engaged with Governmental guidance, e.g. on build to rent and shared accommodation, which recognises the place of short-stay units. The current proposal should be considered to "on its merits" as outlined above. In this respect, it would not establish an adverse precedent for a site on which there is no residential content at present.
- The case planner does not object to the principle of short-stay accommodation on the site, only the amenity that would be afforded by the current proposal. Again, in the light of the above considerations, this would not be an issue.
- Bicycle parking would be provided and so cycling would be facilitated, too.
- The proposal would be a low visibility one and so its visual impact would be minimal. Higher density options for the site would be correspondingly more visible.
- The proposal is for 3 years only to prevent the site remaining vacant. It would not preclude the preparation of a long-term development strategy for the site's permanent redevelopment.
- The proposal would be analogous to glamping-pods and apart-hotels. They would be occupied on a short-stay basis and so the Board is invited to attach a condition limiting the duration of occupancy to typically 1 month.

The site is outside the designated South Parish ACA and the proposal would have no impact upon the character and appearance of this ACA.

- The case planner was mistaken in "reading" the site as being within the ACA, when it is outside this Area. The second reason for refusal mistakenly refers to Objectives 9.29 and 9.32, which pertain to ACAs.
- The proposal would improve the visual impact of the site, as it would entail the demolition of the remainder of the former warehouse and the removal of

graffiti. This proposal, itself, would be larger hid behind the roadside wall to the site.

- The proposed use of the site would be compatible with existing uses nearby.

## **6.2. Planning Authority Response**

None

## **6.3. Observations**

None

## **6.4. Further Responses**

None

## **7.0 Assessment**

7.1. I have reviewed the proposal in the light of national planning guidelines, the Cork City Development Plan 2015 – 2021 (CDP), relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use and development standards,
- (ii) Conservation and aesthetics,
- (iii) Traffic, access, and parking,
- (iv) Water, and
- (v) Appropriate Assessment.

### **(i) Land use and development standards**

7.2. Under the CDP, the site is zoned ZO3, wherein the Objective is “To reinforce the residential character of the inner city residential neighbourhoods”.

7.3. The proposal is for the provision of 4 pre-constructed, self-contained, one-bed/two-person units (159.64 sqm) for short term accommodation, i.e. no more than a month. These units are envisaged as meeting the accommodation needs of, typically, short

stay key workers. Permission is sought by the applicant for a temporary three-year period only for the units, to prevent the site from remaining vacant. Their presence would not preclude the bringing forward of a permanent development proposal for the site.

- 7.4. The Planning Authority takes the view that the proposed units would be dwelling units and so they should be assessed as such under the Sustainable Urban Housing: Design Standards for New Apartments Guidelines. The applicant disagrees and it draws attention, in this respect, to the short-stay basis upon which the units would be occupied, which would be analogous to that of glamping-pods and apart-hotels. Accordingly, the amenity afforded by these units should be assessed “on its merits” rather than in the light of the aforementioned Guidelines.
- 7.5. I consider that the short-term lettings of the proposed units for no more than a month by typically visiting key workers would not entail their temporary occupants becoming residents. In these circumstances, I do not consider that the proposal would constitute a residential use of the site, but rather a commercial one. As such, the application of residential standards to these units would be mis-placed.
- 7.6. I consider that, on the basis that occupancy of no more than a month would be conditioned, the proposal would be analogous to the provision of holiday accommodation and so a corresponding standard of amenity would be appropriate.
- 7.7. Each of the units would be self-contained and each would provide one-bed/two-person accommodation over a floorspace of 38.41 sqm. The front door to each unit would contain a small window, while habitable room windows to the open plan kitchen/dining/living room and bedroom would be sited in the rear elevation. Front elevations would be adjacent to a communal landscaped area, which would include seating, while rear elevations would overlook three/four and five storey buildings to the north and west at distances of 2.5m and 2m, respectively. The former building would present as a blank elevation, which has been the subject of weather-proof sheeting, while the latter building is a partially open-sided multi-storey car park. Accordingly, I am concerned that the lighting to and outlook from the units would be limited and restricted and that they would be adversely affected by noise from the adjacent multi-storey car park. Given that envisaged occupants would include key workers who may work shifts, the juxtaposition of the units to this car park would be

problematic. In this respect, while no information has been submitted concerning the noise insulation properties of the proposed units, I do not anticipate that this would be significant, and, in any event, it would be lost when windows are opened for the purposes of ventilation. Accordingly, I am concerned that the proposed units would afford an inadequate standard of amenity to future occupiers.

- 7.8. Turning to the Zoning Objective, I am concerned that the transient nature of the site's use would fall short of reinforcing the residential character of the host inner city residential neighbourhood. I understand "reinforce" to mean that the use itself should make a positive contribution to the residential character of the neighbourhood, something which short-term occupancies would struggle to do.
- 7.9. I conclude that the proposal would fail to establish a satisfactory standard of amenity for future occupiers and it would contravene the Zoning Objective for the site.

#### **(ii) Conservation and aesthetics**

- 7.10. The site lies on the western side of Sharman Crawford Street, where its eastern boundary abuts Sub-Area A, the Cathedral Quarter, of the South Parish ACA. Further to the south of the site, the ACA encompasses both sides of the Street. Accordingly, the site is not in but beside this ACA, and so it affects the setting of the same. Additionally, this site affects the setting of two nearby protected structures within the ACA, i.e. St. Marie's of the Isle Convent, to the south-east, and the Crawford College of Art and Design, to the south-west.
- 7.11. Under Section 13.8 of the Architectural Heritage Protection Guidelines advice is set out on "Other development affecting the setting of a protected structure or an ACA". Essentially, such development should be assessed as if it was being located within the attendant grounds of a protected structure and so the advice set out under Section 13.7 of the Guidelines is relevant. In this respect, Item (i) is of interest: It states, "Where the new works would not be directly visible from the protected structure, would they be visible from the approaches to the structure or from other important sites or features within the setting? If so, would this be acceptable?"
- 7.12. The proposal would comprise the siting of 4 pre-constructed units on the site, which would be raised up off the ground by steel pillars and which would be accessed by means of ramps and landings. These units would be of rectangular form and they would be finished in plastisol-coated galvanised steel sheets. They would thus be of

utilitarian design and appearance. Under the proposal, the existing 3.2m high boundary walls to the east and to the south would be retained. Within the eastern boundary wall an existing closed-up gateway would be re-opened, and gates of solid form inserted, and the existing gateway would be closed and non-perforated fencing would be erected in place of its gates and, presumably, the accompanying railings.

- 7.13. The applicant emphasises that, as a result of the boundary treatments to the site, its proposal would be barely visible from within Sharman Crawford Street and, by extension, the ground floors of adjacent buildings. By contrast, the Planning Authority's second reason for refusal signals its concern over the negative visual impact of the proposal.
- 7.14. I note that, while the proposal would entail the welcome completion of the demolition of the former warehouse on the site, no proposals have been made to attend to the blank three-storey elevation of Crawford House, which is the subject of weather-proof sheeting. Once the proposed demolition occurs, this elevation would be more clearly visible, and it would be unsightly. I note, too, that, whereas the profiles of the proposed units would be largely hid by the eastern boundary wall, views would be available through the gates when opened.
- 7.15. Objective 13.21(a) of the CDP seeks "To ensure that new development is of the highest quality and respects, safeguards and enhances the special character of the city centre." The site lies not only within the city centre, but beside an ACA and adjacent to protected structures. Furthermore, it is on Sharman Crawford Street, which provides an important route for pedestrians to not only the aforementioned protected structures, but to St. Fin Barre's Cathedral, which is a protected structure that the NIAH deems to be of international importance. The site lies within either the setting or the approach to these protected structures. At present, the visual impact of the site upon these settings is a negative one and under the proposal it would continue to be a negative one. As such, this proposal would represent a missed opportunity to make a positive contribution to the character of the area.
- 7.16. While the applicant states that the proposal would be for 3 years only and that its presence would not prevent future permanent proposals for the site from being brought forward, I am unable to see why the realisation of Objective 13.21(a) on the site should effectively be "put on hold" for these years.

7.17. I conclude that the proposal would be of utilitarian design and appearance and so it would fail to comply with Objective 13.21(a) of the CDP. This proposal would not remedy the unsightliness of the site and its present failure to make a positive contribution to the character of the residential neighbourhood and the setting of the adjoining ACA and its protected structures.

**(iii) Traffic, access, and parking**

7.18. Traffic may be generated by the proposal during its operational phase.

7.19. Under the proposal, no off-street car parking is proposed. Given the site's city centre location, good public transport options exist, and workplaces, shops, and services are conveniently situated with respect to it. The absence of on-street parking can therefore be acceded to. Disc controlled on-street parking is available on the opposite side of Sharman Crawford Street from the site and pay parking is available in the adjoining multi-storey car park, which is accessed off Wandesford Quay.

7.20. The proposal would entail the closure of the existing access to the site and the re-opening of a former access for pedestrian and cyclist use. The sightlines available from this access would be better than those available from the existing one. On-site, 4 bicycle stands would be provided in a position adjacent to the access proposed for reuse.

7.21. The proposal would raise no issues with respect to traffic, access, and parking.

**(iv) Water**

7.22. The proposal would be served by proposed connections to the public water mains and the public foul and surface water sewerage systems. Neither Irish Water nor the City Council Drainage raise any objection to these proposed connections.

7.23. Under the OPW's flood maps, the site is shown as being the subject of moderate fluvial and coastal flood risks emanating from the proximity of the South Channel of the River Lee beside Wandesford Quay. Consequently, this site lies within Zone B, as defined under the Planning System and Flood Risk Management Guidelines (PSFRM). As the proposal is for short-term accommodation, it would be a highly vulnerable development under these Guidelines. Given these factors, this proposal needs to be the subject of the Justification Test, as set out in Box 5.1 of them.

7.24. The applicant has submitted a Flood Risk Assessment (FRA), which includes the relevant Justification Test. I will draw upon this FRA in undertaking my own Justification Test.

- Step 1: The site is zoned for the proposed use. In the light of my discuss of land use under the first heading of my assessment, I consider that the short term accommodation use, insofar as it would be a commercial use rather than a residential one, would fail to accord with the Zoning Objective of the site, which is to reinforce the residential character of the residential neighbourhood.
- Step 2: The submitted FRA demonstrates the following:
  - (i) No increase in flood risk would ensue: The proposal would entail the installation on the site of pre-constructed units, which would be supported on steel pillars and which would be served by ramps and landings. Proposed ground levels would be similar to existing ones. Consequently, this proposal would have a negligible impact upon the existing flood water storage capacity of the site.
  - (ii) Flood risk mitigation measures: The fluvial flood risk affecting the site is between 1% or 1 in 100 year and 0.1% or 1 in 1000 year. Corresponding flood data indicates that levels of 3.26m OD and 3.79m OD would occur on the site under such flood events. The coastal flood risk affecting the site is between 0.5% or 1 in 200 year and 0.1% or 1 in 1000 year. Corresponding flood data indicates that levels of 3.27m OD and 3.58m OD would occur on the site under such flood events.

The applicant proposes that the finished floor level of the units would be 3.60m OD. City Council Drainage did not object to this on the basis that any permission would be for 3 years only and any renewal would afford the opportunity to revisit the question of flood risk. Implicit in this position is the assumption that there won't be a fluvial flood event approaching that of a 1 in 1000 year one. Given that an extra 0.2m in the finished floor level of the units would safeguard against such an unlikely scenario, I consider that, if the Board is minded to grant, then it should be conditioned.

(iii) Residual risks: On the basis that an extra 0.2m is added to the finished floor level of the units, I consider that residual risks would be satisfactorily addressed.

(iv) Wider planning objectives: I discuss these under the second heading of my assessment, where I conclude that the proposal poses conservation and aesthetic issues.

7.25. I conclude that the proposal would, subject to an increase in the finished floor levels of the units, pass the Justification Test on flood risk grounds, but not on land use, conservation, and aesthetic grounds.

#### **(v) Appropriate Assessment**

7.26. The site does not lie in or near to a European site. It is an urban one, which under the proposal, would be fully serviced. Accordingly, no Appropriate Assessment issues would arise.

7.27. Having regard to the nature, scale, duration, and location of the proposal and proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposal would not 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. That permission be refused.

### **9.0 Reasons and Considerations**

1. Having regard to the Z03 Zoning Objective for the site in the Cork City Development Plan 2015 – 2021, the proposal for short-term letting accommodation would not constitute a residential use of the site and it would not fulfil the Zoning Objective “To reinforce the residential character of the residential neighbourhood”. Furthermore, due to the proximity of the siting of the proposed units to a three-storey building to the north and to a multi-storey car park to the west, they would afford a sub-standard level of amenity to occupiers, in terms of natural light, outlook, and noise levels. The proposal would thus not accord with the proper planning and sustainable development of the area.



2. Having regard to Objective 13.21(a) of the Cork City Development Plan 2015 – 2021 and the location of the site in Cork city centre and in a position wherein it affects both the setting of Sub-Area A, Cathedral Quarter, of the South Parish Architectural Conservation Area and the settings of the protected structures St. Marie’s of the Isle Convent and the Crawford College of Art and Design, the Board considers that the proposal would, due to its failure to remedy the unsightliness of the exposed southern elevation of Crawford House and its specification of units of utilitarian design and appearance, detract from the settings of the Architectural Conservation Area and the protected structures and, conversely, it would fail to make a positive contribution to the character of the surrounding historic area. As such, it would contravene Objective 13.21(a), which seeks “To ensure that new development is of the highest quality and respects, safeguards and enhances the special character of the city centre”. The proposal would thus not accord with the proper planning and sustainable development of the area.

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Hugh D. Morrison  
Planning Inspector

7<sup>th</sup> April 2021