



An
Bord
Pleanála

Inspector's Report

ABP-315953-23

Development	Change of use from commercial units to 4 no. residential units, and all associated site works
Location	Weir Street & Factory Lane, Gully, Bandon, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	22/6015
Applicant(s)	Peter Applebe
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party v. Grant
Appellant(s)	James Murphy
Observer(s)	None
Date of Site Inspection	19 July 2023
Inspector	Cáit Ryan

1.0 Site Location and Description

- 1.1. The site is located on Weir Street and Factory Lane in Bandon town centre, which is approximately 25km from Cork city. The site is approximately 30m north of South Main Street, and 50m south of McSwiney Quay. The site fronts onto Weir Street to the west, and to a more limited extent to Factory Lane to the east. There are a range of commercial units along Weir Street, some of which are vacant. On the opposite (western) side of Weir Street is the entrance to Howard Court shopping area, to the north of which is a Garda station. A large premises at the corner of South Main Street and Weir Street is currently undergoing substantial refurbishment and redevelopment, indicated on site as St. Michael's Centre, a residential and community project. The southern part of Factory Lane is pedestrian access only, along the subject site boundary. The northern extent of Factory Lane has vehicular access to an apartment scheme's car park and to some commercial properties.
- 1.2. The given site area is 0.042ha, and it is a roughly L-shaped site. The gross floor area of the existing building on site is stated as 406sqm. However, most of the ground floor of the overall premises does not form part of the subject site. The existing building covers the entire site area. The building fronting Weir Street comprises a two-storey, mid-terrace, vacant commercial premises with a number of separate shopfronts and entrances, extending to almost 26m along this street. The building is sub-divided at ground floor level, as viewed from Weir Street. The site is bounded at this location by a charity shop to the north, and by a Country Markets unit to the south, which is indicated to have very limited opening hours.
- 1.3. The two-storey, gable-fronted part of the building facing Factory Lane contains a shopfront, which appears to have been last used as a solicitor's premises, and a blank façade at first floor level. This part of the site is bounded by a number of large warehouse/storage type buildings, accessed from Factory Lane.

2.0 Proposed Development

- 2.1. Permission is sought for:
 - (a) change of use of first floor commercial units facing Weir Street and Factory Lane to 4 no. residential units.

- (b) Provision of ground floor access to residential units on Weir Street
- (c) Additional access and refuse storage on Factory Lane
- (d) Alteration to elevations with addition of 2 new first floor windows facing Weir Street, 4 new east facing skylights and 2 new first floor windows to Factory Lane and all associated site and ancillary works.

2.2. The apartments would be accessed from both Weir Street and Factory Lane. The 4 no. apartments comprise 2 no. 1-bedroom apartments, and 2 no. 2-bedroom apartments. The cover letter states that the false ceiling is proposed to be removed to increase to ceiling heights in each apartment.

2.3. A revised ground floor plan, a flood risk assessment, a Preliminary Construction and Environmental Management Plan (CEMP) and an asbestos report were submitted as Further Information.

3.0 Planning Authority Decision

3.1. Decision

The planning authority granted permission subject to 9 no. conditions.

Condition 1: Standard condition requiring development to be carried out in accordance with plans and particulars lodged on 6 September 2022 and (as Further Information) on 16 January 2023.

Condition 2: (a) External finishes of windows and materials on front elevation to be agreed and (b) no satellite dishes to be installed on front elevation.

Condition 6: Requires submission of a Construction and Demolition Waste Management Plan.

Condition 8: Requires chartered engineer to review asbestos report and instruct property owner on action required, and submission of chartered engineer's report to detail all asbestos that was removed from property.

Condition 9: Works to take place in accordance with Construction and Environmental Management Plan (CEMP) to be prepared, which shall have regard to preliminary CEMP.

No condition relating to the payment of a financial contribution is included in the planning authority's decision.

3.2. Planning Authority Reports

3.2.1. Planning Reports (dated 27 October 2022 and 9 February 2023)

The first Area Planner's report

- Noted that Apt. Nos. 1, 2 and 3 have no private amenity space, but are significantly larger than minimum standard.
- Noted internal reports on file, and recommended Further Information (FI) on flood risk assessment, a preliminary Construction and Environmental Management Plan (CEMP), details to manage asbestos or other hazardous material and waste management proposals.

The second Area Planner's report considered that all FI matters had been resolved, noted that proposal was for change of use, with no additional floor space, and recommended a grant of permission subject to conditions.

3.2.2. Other Technical Reports

3.2.3. Area Engineer (dated 27 October 2022 and 3 February 2023)

The first Area Engineer's report seeks Further Information relating to refuse and hazardous material.

The second Area Engineer's report states no objection, subject to conditions.

3.2.4. Environment Section (dated 13 October 2022)

Report states no objection, subject to conditions.

3.3. Prescribed Bodies

3.3.1. Irish Water report has 3 no. observations on the proposed development.

- Where the applicant proposes to connect directly or indirectly to a public water/wastewater network operated by Irish Water, the applicant must sign a connection agreement with Irish Water prior the commencement of the development and adhere to the standards and conditions set out in that agreement.
- In the interest of public health and environmental sustainability, Irish Water infrastructure capacity requirements and proposed connections to the Water and Waste Water Infrastructure will be subject to the constraints of the Irish Water Capital Investment Programme.
- All development shall be carried out in compliance with Irish Water Standards codes and practices.

3.3.2. Inland Fisheries Ireland

- 3.3.3. Report requests that Irish Water signifies there is sufficient capacity in existence so that proposal does not (a) overload either hydraulically or organically existing treatment facilities (b) result in polluting matter entering waters or (c) cause or contribute to non-compliance with existing legislative requirements.

3.4. Observations to Planning Authority

1 no. observation received by the planning authority is on file for the Board's information. The matters raised are similar to those raised in grounds of appeal, summarised in Section 6 below.

The main issues raised in the observation are minimum apartment standards not achieved, inadequate documentation renders planning application invalid, no flood risk assessment submitted, no Construction Management Plan submitted, adverse impact on and devaluation of third party's property, and proposal cannot be implemented.

4.0 Planning History

No recent planning history relating to the site.

5.0 Policy Context

5.1. Cork County Development Plan 2022-2028

Volume 1 – Main Policy Material

The site is zoned Town Centre/Neighbourhood Centres. The Development Plan states (Section 18.3.41) that the focus of town centres is to develop and consolidate with an appropriate mix of commercial, recreational, cultural, leisure and residential uses, and to enhance and develop their urban fabric in accordance with the principles of urban design, conservation and sustainable development.

Objective ZU 18-17: Town Centres/ Neighbourhood Centres includes

a) Promote the development of town centres and neighbourhood centres as the primary locations for retail and other uses that provide goods or services principally to visiting members of the public. The primary retail areas will form the main focus and preferred location for new retail development, appropriate to the scale and function of each centre and in accordance with the Retail Strategy. Residential development will also be encouraged particularly in mixed use developments while the use of upper floors of retail and commercial premises in town centres for residential use will in particular be encouraged.

‘Residential’ is one of the wide range of appropriate uses listed under this zoning objective.

Objective PL 3-2: Encouraging Sustainable and Resilient Place As part of the Council’s commitment to deliver compact growth and resilient places, the Plan supports *inter alia*

a. The use of the upper floors of the existing town centre building stock for appropriate uses, including Living Over The Shop. The separate access to the upper floors should normally be retained.

Chapter 4 relates to Housing. It states (**Section 4.9.11**) that the use of the existing building stock is a key element of urban regeneration, and that the Plan supports the reutilisation of vacant mixed use premises in town centres as solely residential or renewed mixed use premises, and will prioritise the development of regeneration and/or opportunity sites within the heart of towns and villages.

Chapter 9 relates to Town Centres and Retail, and states (**Section 9.4.12**) that residential use in town centres continues to be an essential ingredient in supporting town centre shops and services, achieving passive supervision, activity beyond business hours and maintaining vibrancy. Upper floor residential uses are also a key feature of town centres as they can be located within the core of the town centre, complementing commercial uses at ground level.

Objective TCR 9-2: Vacancy and Regeneration includes

c) Promote the appropriate revitalisation of vacant and derelict properties and to facilitate the adaptation of existing property in town centre areas for retail, residential and other town centre activities. To encourage the merging of buildings to create larger commercial footprints where this is appropriate within context of the town.

d) Promote the use of upper floors of existing buildings for residential and office use, where new development can positively contribute to the commercial vitality of the town centre.

Section 12.12.13 states that the County Council will not normally seek the provision of on-site parking or a monetary contribution in lieu of car parking where the development involves the re-use/refurbishment of an existing occupied or vacant building, any change of use, or where small scale infill developments (including residential) are proposed within the town centre or village centre.

With regard to built heritage, the site is located within South Main Street Conservation Area, an architectural conservation area. The nearest protected structure to the site is Old Mill Building (RPS ID: 1194), which fronts onto McSwiney Quay.

The site is located within Flood Zone A, which applies to an extensive part of Bandon town centre.

Volume 5: West Cork

BD-GO-08: Flood Risk - All proposals for development within the areas identified as being at risk of flooding will need to comply, as appropriate, and with the provisions of the Ministerial Guidelines – ‘The Planning System and Flood Risk Management’.

Sections 1.4.65 and 1.4.66 state that the Bandon Transport and Public Realm Enhancement Plan (TPREP) sets out a clear vision for investment in key town centre spaces and improvements to the movement network in the town, a key feature of which includes street enhancement measures along northern side of South Main Street.

Strategic Flood Risk Assessment (SFRA)

The subject site forms part of the land parcel ID BD-T-01 on Development Plan mapping. The justification test in the Development Plan's Strategic Flood Risk Assessment (SFRA) states (Section 4.8.20) that this area benefits from the OPW flood relief scheme, which is substantially completed (2020), that new development within Flood Zone A and B (defended) will need a flood risk assessment, and that highly vulnerable development should not be located at ground flood level in these areas.

5.2. Sustainable Urban Housing: Design Standards for New Apartments Guidelines (updated December 2022)

These guidelines set out a range of key criteria to be addressed regarding the provision of apartments at both the statutory development plan and development management stages. Criteria includes apartment mix requirements, minimum apartment floor areas, and minimum sizes for storage areas and private open space.

Departures from the Requirements of these Guidelines sets out (Section 6.9) that planning authorities are to practically and flexibly apply the general requirements of these Guidelines in relation to refurbishment schemes, particularly in historic buildings, some urban townscapes and 'over the shop' type or other existing building conversion projects, where property owners must work with existing building fabric and dimensions. This is noting that building standards provide a key reference point and planning authorities must prioritise the objective of more effective usage of existing underutilised accommodation, including empty buildings and vacant upper floors commensurate with these building standards requirements.

The Operation and Management of Apartment Developments outlines (Section 6.10) that certainty is critical regarding the long-term management and maintenance

structures that are put in place for an apartment scheme. It states that it is essential that robust legal and financial arrangements are provided to ensure that an apartment development is properly managed, with effective and appropriately resourced maintenance and operational regimes.

The Guidelines differentiate between apartment schemes to which the Multi-Unit Developments Act, 2011 (MUD Act) applies, which requires the establishment of an Owners Management Company (OMC), and Build-to-Rent (BTR) schemes, where there is a commercial entity owning or operating and maintaining the development, and which may have different arrangements. It states that planning authorities should provide planning conditions for BTR developments to ensure the provision of appropriate management structures.

5.3. The Planning System and Flood Risk Management Guidelines (2009)

The Guidelines state (Section 2.25) that the provision of flood protection measures in appropriate locations, such as in or adjacent to town centres, can significantly reduce flood risk. However, the presence of flood protection structures should be ignored in determining flood zones, as areas protected by flood defences still carry a residual risk of flooding from overtopping or breach of defences and there may be no guarantee that the defences will be maintained in perpetuity.

Section 5.28 relates to assessment of minor proposals in areas of flood risk. It states that applications for minor development, such as small extensions to houses, and most changes of use of existing buildings and or extensions and additions to existing commercial and industrial enterprises, are unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances. Since such applications relate to existing buildings, the sequential approach cannot be used to locate them in lower-risk areas and the Justification Test will not apply. However, a commensurate assessment of the risks of flooding should accompany such applications to demonstrate that they would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities. These proposals should follow best practice in the management of health and safety for users and residents of the proposal.

5.4. National Planning Framework

National Planning Objective 4 is to ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

National Planning Objective 6 is to regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.

5.5. Natural Heritage Designations

- Courtmacsherry Bay Special Protection Area (Site Code 004219) is approximately 10km from the site.
- Courtmacsherry Estuary Special Area of Conservation (Site Code 001230) is approximately 9.2km from the site.
- Bandon Valley West of Bandon pNHA (Site Code 001034) is approximately 1.1km west of the site, and Bandon Valley Above Innishannon pNHA (Site Code 001740) is approximately 2.7km northeast of the site.

5.6. EIA Screening

The proposal is essentially for a change of use of an existing building. It is therefore not a project for the purpose of EIA.

6.0 The Appeal

6.1. Grounds of Appeal

1 no. third party appeal has been received. The appellant has attached a copy of the observation made to the planning authority to the appeal submission.

The grounds of appeal can be summarised as follows:

- Third party was not advised of Further Information (FI) response.
- Request that regard is had to third party's submission previously lodged to planning authority.
- The third party owns contiguous properties to side and rear of site, which are in regular use, and relies on unobstructed use of the public and private realms on Weir St. and Factory Lane.
- Development including at construction stage will conflict with third party's established rights. Request that permission is refused or that conditions imposed protect third party's concerns.
- The FI response is inadequate. Planning authority's assessment of FI is flawed. FI responses to Item 3 (possible presence of hazardous materials/asbestos in building) and Item 4 (waste management) are not adequately interrogated.
- Issues of public health and safety, conflict with other statutory and regulatory requirements including Building Control Act, Building Regulations, Safety, Health and Welfare at Work Act, MUDs Act.
- No management company proposed, which would result in hazard. No analysis by Fire Safety Consultant.
- Conditions imposed are inadequate. No construction working hours stated. Condition 5 relating to noise levels excludes adjoining properties. Preliminary CEMP had no regard to matters such as temporary works, scaffolding and protection of adjoining properties, including public realm.
- The permitted development is contrary to proper and orderly planning and sustainable development of the area.

6.2. Applicant Response

The applicant has responded to the grounds of appeal as follows:

- Concerns raised in grounds of appeal have been addressed in FI submission and in conditions imposed.

- Condition 5 relates to noise level parameters for this type of development. The adjoining property is in warehouse/storage with retail use and is not a noise sensitive location.
- Condition 6 deals with demolition waste and Condition 7 requires public areas in vicinity to be maintained free of dust, mud or debris during construction phase.
- Condition 8 requires chartered engineer to review asbestos report findings, and to submit chartered engineer's report to detail all asbestos removed. Condition is appropriate for managing asbestos in the development.
- Official management company is not required, as apartments will remain in single ownership of applicant. If ownership changes in the future, a management company can be appointed.
- Construction works will be typical of town centre remedial works, requiring scaffolding and construction noise. It is short term, and health and safety guidelines adhered to.
- Government are trying to promote this type of development, to rejuvenate town centres and avoid vacant properties becoming derelict. Affordable long term rental accommodation is needed in the area.

6.3. **Planning Authority Response**

The planning authority has confirmed that it has no further comment.

6.4. **Observations**

None

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, having inspected the site, and having regard to the relevant local and national policies and guidance, I consider that the main issues in this appeal are:

- Management of Scheme

- Operational Waste Management
- Construction and Environmental Management Plan (CEMP) and Waste Management
- Compliance with Other Codes
- Apartment Standards and (New Issue) Discrepancies on Drawings
- Other Issues
- Appropriate Assessment

7.2. Management of Scheme

- 7.2.1. I note that the Apartment Guidelines (DHLGH, 2022) state that it is essential that robust legal and financial arrangements are provided to ensure that an apartment development is properly managed, with effective and appropriately resourced maintenance and operational regimes.
- 7.2.2. With regard to management of the proposed development, the applicant states that as the apartments will be under the single ownership of the applicant, a management company is not required. Subject to the development remaining in single ownership, such that apartments are not sold individually, and whether in the ownership of the applicant or otherwise, I consider that an owners' management company would not be required in this case.

7.3. Operational Waste Management

- 7.3.1. The Further Information (FI) response states that County Clean Recycling have confirmed that refuse collection from McSwiney Quay or Main Street takes place each Wednesday morning, alternating between landfill and recycling every other week. The applicant proposes that a maximum of 5 bins at any one time will be placed at McSwiney Quay/Factory Lane junction, and that the staff of the adjacent commercial unit on Weir St., stated to be in the applicant's ownership and the applicant's primary business, will manage this. The FI revised ground floor plan shows an enlarged refuse storage area to accommodate 9 no. bins, accessed directly from Factory Lane.
- 7.3.2. I consider that the proposal for bins to be placed for collection in the vicinity of the site to be acceptable. With regard to waste management to be specifically managed

by staff of an adjacent commercial unit which is owned by the applicant, I do not consider that this is relevant to the current proposal, insofar as waste management proposals are not contingent on the applicant's ownership or otherwise of an adjoining commercial unit/business. The main issue is that as the proposed development is intended to be retained in single ownership, that waste management arrangements are carried out by/on behalf of the applicant/owner. However, I consider that the information provided is insufficient with regard to management of waste, particularly with regard to recyclable materials within the proposed development. It is considered that this matter can be adequately addressed by way of condition.

7.4. Construction and Environmental Management Plan (CEMP) and Waste Management

- 7.4.1. The Preliminary Construction Environmental Management Plan (CEMP), submitted as Further Information, is primarily concerned with waste management and noise levels. Proposals relating to waste collection locations, site management, waste streams, re-use/recycling/landfill, transport of waste/licensed facilities, and record keeping are outlined. Licenced skips are to be positioned daily during the demolition phase on Weir St. It is also stated that an area is to be laid out on the site for the sorting and separation of materials, and skips are to be provided initially for wood, metal, brick/rubble and canteen waste. With regard to hazardous waste, off-site removal will be organised on a regular basis, and appropriate storage will minimise on-site exposure to on-site personnel and the public. These wastes will be recovered wherever possible and failing this, disposed of appropriately. The map included in the Preliminary CEMP shows the approximate location of the subject site only.
- 7.4.2. With regard to noise levels, the proposed works are stated to relate to internal alteration, and new windows and rooflights. A sample noise condition is included. The works are stated to be light building works, and heavy engineering works are not envisaged. The main trades will be carpenters, electricians, plumbers, roofers, etc.
- 7.4.3. The Preliminary CEMP does not include details of proposed working hours, alternative arrangements for pedestrians in the case of closure of any footpaths, provision of scaffolding (if required) or drawings showing approximate locations for skips. I note the nature of the proposed conversion works shown on the proposed

ground and first floor plans, albeit in the absence of survey plans, and the locations of proposed new windows and rooflights. Notwithstanding the relatively limited nature of the works associated with the proposed change of use, and having regard to the town centre location and site configuration, including in particular the lack of any external area within the subject site and the site's pedestrian-only frontage onto Factory Lane, I consider that a more detailed site specific Construction Management Plan (CMP) would be required in this instance. It is considered that this matter can be adequately addressed by way of condition, to be submitted for the written agreement of the planning authority prior to commencement of development.

- 7.4.4. I note that the Preliminary CEMP outlines briefly how hazardous waste will be managed, and that the separate report titled Survey, Sampling and Assessment for Asbestos Containing Materials, submitted as Further Information, states that asbestos containing materials have been identified in textured coating to specified ceilings at ground floor level, and in slates at roof level, at the Weir Street part of the site. The planning authority's decision includes a condition (no.8) requiring a chartered engineer to review the findings of the submitted asbestos report, to instruct the property owner on what action is required, and to submit a report to the planning authority which shall detail all asbestos that was removed from the property.
- 7.4.5. Having regard to the plans and particulars on file, and noting also the absence of external space associated with the subject site, I consider it reasonable that the CMP to be submitted by way of condition includes details of off-site disposal of construction/demolition waste. However, I highlight to the Board that asbestos is a notifiable substance and is therefore the subject of a separate legal code.
- 7.4.6. With regard to noise levels during the construction phase, I note that commercial uses are the predominant land uses in the vicinity of the subject site. While residential use appears to be very limited in the immediate area, I consider that details of appropriate mitigation measures for noise and monitoring of such levels can be adequately addressed by way of condition in the CMP.

7.5. **Compliance with Other Codes**

The issue of compliance with Building Regulations, fire safety, and health and safety will be evaluated under separate legal codes and thus need not concern the Board for the purposes of this appeal.

7.6. Apartment Standards and (New Issue) Discrepancies on Drawings

- 7.6.1. The Apartment Guidelines (DHLGH, 2022) state that planning authorities are to practically and flexibly apply the general requirements of these Guidelines in relation to refurbishment schemes, particularly in historic buildings, and 'over the shop' type or other existing building conversion projects, where property owners must work with existing building fabric and dimensions. Notwithstanding this, the proposed 4 no. apartments exceed the minimum floor areas set out in Appendix 1 of the Guidelines.
- 7.6.2. With regard to private amenity space, open space is proposed to serve Apt. 4 only. While the proposed development does not meet the minimum private amenity space requirements set out in Appendix 1 of the Guidelines, having regard however to the nature of the proposed development, its location in Bandon town centre, and the content of the Guidelines in relation to building conversion projects, I consider that the non-provision of private amenity space in three of the four proposed apartments would be acceptable in this case. Discrepancies on drawings relating to the detailing of the proposed terrace to Apt. 4 are outlined elsewhere in this section of the report.
- 7.6.3. With regard to storage space, Apt. 1, Apt. 3 and Apt. 4 meet the minimum sizes stated in Appendix 1. The shortfall in storage area for Apt. 2 is very limited, at 0.5sqm. However, given the 80sqm floor area of this 2-bedroom (3-person) apartment, the nature of the proposed development, and the content of the Guidelines relating to refurbishment and conversion projects, the provision of storage areas as proposed would be acceptable in this instance. Having regard therefore to the nature of the proposed change of use, associated works and the town centre location of the proposed development, the proposed apartments would generally be in compliance with the criteria set out in the Apartment Guidelines.
- 7.6.4. There is a discrepancy on the drawings relating to the proposal to provide an external terrace to Apt. 4. The proposed first floor plan shows a terrace which primarily bounds the yard of an adjoining property to the south, and which has more limited frontage (1.59m) to Factory Lane. Section drawing (Section C-C) indicates that this terrace is uncovered. In contrast, the proposed roof plan and site plan drawings show that the southern roof profile of this part of the premises extends to the southern site boundary. The proposed east (Factory Lane) elevation shows the

provision of new private amenity terrace. New glazed doors are proposed to access the terrace on the south elevation, as shown on Section B-B.

- 7.6.5. An existing wall, adjoining a yard to south, is shown on proposed first floor plan to be located directly outside the red line boundary of the site. While this existing wall is shown on plan to be retained, in contrast Section C-C shows the southern wall as approximately 1.1m in height, and to be positioned within the red line boundary of the site.
- 7.6.6. There is no survey drawing of the first floor plan on file. I note that the description of development as per the public notices includes alteration to elevations with addition of 2 new first floor windows to Factory Lane. However, no alterations involving partial removal of the roof profile nor alterations to the southern elevation of the premises at first floor level are stated in the public notices. Having regard to the first floor and roof plans on file, and to the description of development as per the public notices, it would therefore appear that the provision of a terrace at first floor level would not include partial removal of the existing roof, nor the removal and re-positioning of the southern elevation of the premises. The retention of the existing roof profile and southern wall of the premises (at the Factory Lane part of the site) would result in the terrace being covered and substantially enclosed.
- 7.6.7. Based on the lodged drawings, it is therefore unclear as to how an open terrace to serve Apt. 4, as shown on Section C-C, would be provided. As this largely enclosed terrace is inconsistent with the detail shown on Section C-C, I consider that in the event that the Board is minded to grant permission for the proposed development, that a condition would be required, in the interests of clarity, stipulating that no alterations to the southern roof plane of the building at this location are permitted, pursuant to this permission.
- 7.6.8. Having regard to the matters outlined with regard to discrepancies on the drawings, it is also considered relevant to assess the quality of the private open space proposed to serve this 2-bedroom (3 person) apartment, comprising 66sqm. I consider that this terrace would be of very limited amenity value, due to its covered and largely enclosed nature. As the new glazed doors shown on southern elevation (Section B-B) would access onto this covered terrace area, daylight to the open plan kitchen/living/dining area from these glazed doors would be very limited. This open

plan area would also be served by existing rooflights. However, I would have concerns that this internal space would not result in a satisfactory level of residential amenities for future occupiers of the apartment, having regard to the availability of daylight primarily from the rooflights. Notwithstanding the nature of this conversion project, I consider that the internal layout at first floor level should be modified to omit the single bedroom and adjoining store, and to incorporate this space into the open plan kitchen/living/dining area, in order to improve daylight to this space. Subject to this modification of the internal layout at first floor level by way of condition, and having regard to the town centre location and the nature of proposed development, I consider that the provision of the covered and substantially enclosed terrace may be permitted in this instance. The recommended condition would result in Apt. 4 becoming a large one-bedroom (2 person) unit, and the overall storage area being reduced by 1.2sqm (from 5.3sqm to 4.1sqm). The reduced quantum of storage space to serve a modified, large-one bedroom apartment would exceed the minimum 3sqm required for a one-bedroom unit in Appendix 1, and it is considered that this would be acceptable. However, the matter raised regarding the detailing of the external terrace is a new issue and the Board may wish to seek the views of the parties.

7.6.9. In terms of details of other discrepancies on drawings, the following is noted:

- With regard to overall site width on the Factory Lane frontage of the site, there would appear to be a very marginal discrepancy between the dimensions shown on proposed roof plan and proposed first floor plan. The red line boundary of the subject site is shown to extend to annotated 7.42m on proposed roof plan, in contrast to the slightly larger dimension of 7.74m annotated on proposed first floor plan.
- There are discrepancies between the proposed first floor plan and proposed east (Factory Lane) elevation, albeit mostly in the absence of annotated dimensions. While the terrace is annotated on plan to be 1.59m wide where it fronts onto Factory Lane, on elevation the terrace is estimated to be less than 1m wide. The proposed northern window to serve the double bedroom in Apt. 4 is estimated on plan to be 1.5m from the northern site boundary, in contrast to approximately 2m on elevation.

- In terms of a minor detail, the proposed first floor plan shows a roughly rectangular area of approximately 3sqm next to the communal seating area, near the northern stair core. While it is of relatively limited area, no purpose/use of this space is indicated.

Having regard to the matters outlined above, I consider that in the event that the Board is minded to grant permission for the proposed development, that a condition be attached, requiring the submission of annotated existing and proposed drawings (to include plans, elevations and sections), for the written agreement of the planning authority prior to commencement of development, in order to provide clarity regarding the discrepancies outlined.

7.7. Other Issues

7.7.1. Flood Risk

The site is located within Flood Zone A, where the probability of flooding from rivers and the sea is highest (greater than 1% or 1 in 100 for river flooding). A Flood Risk Assessment (FRA) was submitted as Further Information. In accordance with the Planning System and Flood Risk Management Guidelines the proposal would classify as a highly vulnerable development, and noting its location within Flood Zone A, would be subject to a justification test. In that context and the matters to be considered as set out in Box 5.1 of the Guidelines I note the following:

- 1. The subject lands have been zoned or otherwise designated for the particular use or form of development in an operative development plan, which has been adopted or varied taking account of these Guidelines.***

The lands are zoned 'Town Centre/Neighbourhood Centres' in the current Development Plan. The subject site is located in the town centre.

- 2. The proposal has been subject to an appropriate flood risk assessment that demonstrates:***

- (i) The development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk;***

The proposed development comprises a change of use and works to convert the first floor level from commercial to residential use. Works at ground floor level relate to alterations to internal layout to provide access to the first floor apartments, and

associated changes to elevations. No extensions are proposed. The FRA states that no additional footprint is proposed, and that there will be no reduction in flood storage. On this basis I consider it reasonable to conclude that the proposed development would not result in flood risk elsewhere.

- (ii) The development proposal includes measures to minimise flood risk to people, property, the economy and the environment as far as reasonably possible;***
- (iii) The development proposed includes measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of existing flood protection measures or the design, implementation and funding of any future flood risk management measures and provisions for emergency services access; and***

The FRA includes mitigation measures (Section 6) comprising proprietary demountable flood barriers, the sealing of ducting and conduits into the building, use of non-return valves on sewers exiting the building and slot-in flood barriers. I consider that the proposed mitigation measures would ensure that residual risks can be managed to an acceptable level.

- (iv) The development proposed addresses the above in a manner that is also compatible with the achievement of wider planning objectives in relation to development of good urban design and vibrant and active streetscapes.***

The FRA notes that the proposed development is a change of use of an existing building within a town centre. I note that the proposed development would introduce residential use at first floor level, with access from Weir Street and Factory Lane, and changes to elevations, thereby introducing further animation of these streetscapes. As such, the proposed development would be compatible with the achievement of wider planning objectives. I note also the content of the Development Plan (SFRA; Section 4.8.20) states that highly vulnerable development should not be located at ground floor level in this area. While the proposed development would introduce new residential units at this location which are accessed from ground floor level, I

consider that the provision of 4 no. apartments at first floor level in this context is acceptable.

Having regard to the land use zoning of the subject site, nature, scale and location of the proposed development, and the submitted FRA, I consider that sufficient detail has been provided to support the view that the proposed development would not impact on the existing flood regime in the area nor impact on existing flood risk elsewhere, and I have no objection to the proposed development on this basis.

7.7.2. Planning Authority's Decision - Condition 2

Condition 2(a) of the planning authority's decision requires details of external finishes of windows on the front (Weir Street) elevation to be submitted for agreement.

Having regard to the location of the subject site within an Architectural Conservation Area, I consider that the attachment of a similar condition would be reasonable. I do not consider that the inclusion of Condition 2(b), which states that no satellite dishes should be installed on the Weir Street elevation, is required in this instance.

7.8. **Appropriate Assessment**

- 7.8.1. Having regard to the nature and scale of the proposed development, which comprises change of use from commercial use to 4 no. apartments, the alterations to internal layouts and elevations, the nature of the receiving environment, and the absence of a direct hydrological link to any European sites, it is considered that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans and projects, on a European site.

8.0 **Recommendation**

- 8.1. I recommend that permission be granted subject to conditions.

9.0 **Reasons and Considerations**

Having regard to the nature and scale of the proposed development, the town centre location of the subject site, and the policies and objectives of the Cork County Development Plan 2022-2028, it is considered that subject to compliance with the conditions set out below, the development would be acceptable in terms of construction and waste management impacts. The proposed development would,

therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by Further Information submitted on 16 January 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to commencement of development, the following shall be submitted to and agreed in writing by the planning authority:</p> <ul style="list-style-type: none">(a) Existing ground and first floor plans;(b) Revised sections and elevations, which shall clearly show the existing southern roof slope to extend over the proposed terrace serving Apartment 4 at first floor level, which shall be consistent with the detail shown on Proposed Roof Plan;(c) The single bedroom and adjoining store in Apartment 4 shall be omitted in the proposed development, and this space shall be incorporated into the kitchen/living/dining area. Revised drawings to be submitted may include an alternative location for a separate store to Apartment 4.(d) Revised proposed east (Factory Lane) elevation, whereby the extent of the proposed covered terrace and position of windows

	<p>(serving Apartment 4) shall be consistent with the details shown on proposed first floor plan.</p> <p>(e) The use/function of the rectangular-shaped area adjacent to the communal seating area and northern stair core at first floor level shall be indicated on a revised proposed first floor plan.</p> <p>Reason: In the interest of clarity and residential amenities.</p>
3.	<p>Prior to commencement of development, details of the external finishes of the proposed windows on the west (Weir Street) elevation of the proposed development shall be submitted to and agreed in writing with the planning authority.</p> <p>Reason: In the interests of visual amenity.</p>
4.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall include details of intended construction practice for the development, including:</p> <ul style="list-style-type: none"> (a) Location of the site and materials compound(s), including area(s) identified for the storage of construction refuse; (b) Details of site security fencing and hoardings; (c) Details of the timing and routing of construction traffic to and from the site and associated directional signage; (d) Measures to obviate queuing of construction traffic on the adjoining road network; (e) Measures to prevent the spillage or deposit of clay, rubble, or other debris on the public road network; (f) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of works;

	<p>(g) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>(h) Details of any proposed scaffolding;</p> <p>(i) Off-site disposal of construction/demolition waste;</p> <p>(j) Means to ensure that surface water run-off is controlled such that no silt or other pollutant enters local surface water sewers or drains.</p> <p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 08:00 to 19:00 Mondays to Fridays inclusive, between 08:00 to 14:00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
6.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreements(s) with Uisce Éireann.</p> <p>Reason: In the interest of public health.</p>
7.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p>

	Reason: In the interests of public health.
8.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operations of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
9.	<p>No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the visual amenities of the area.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Cáit Ryan
Senior Planning Inspector

26 September 2023